



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

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## **Issue Histories Poland: Series of Timelines of Policy Debates**

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## **DEVELOPMENT OF GENDER EQUALITY POLICIES**

In 1994 Poland formally applied for membership of the European Union, and in 1998 formal accession negotiations started. In 2004 Poland became a member of the European Union. Gender equality is one of the priorities of the European Union. However, the process of accession to the European Union did not have significant impact on the quality and scope of Polish equality policy. The major change was amendment of the Labor Code, which added a chapter on gender equality. Recently, work on an Act on Equal Treatment has started. EU funds (PHARE, DAPHNE, EQUAL) were used to develop particular programs to promote gender equality.

The Polish government regularly submitted reports to United Nations agendas: CEDAW and Human Rights Committee. Women's organizations also regularly submitted shadow reports. However, recommendations and concluding observations of UN bodies were not included into governmental policies and did not influence the scope and quality of equality policy.

Intersectionality is not a visible aspect of equality policy. Programs preventing discrimination on grounds of disability and assisting disabled people in the labor market are developed independently. Prevention of discrimination on grounds of race, ethnic origin and religion is also developed independently. Plenipotentiary for Equal Status of Women and Men dealt with issues of gender based discrimination and discrimination on ground of sexual orientation. More attention was paid to rural women and women over 50 (especially in terms of access to the labor market).

### **Policies and Legislation:**

#### **Constitution**

Before 1989 various versions of the Constitution guaranteed equal chances for women and men in political and family life and employment and they were explicitly stated. The Constitution established in March 1921 stated that all citizens are equal before law and guaranteed women's suffrage. Constitution from 1935 develops this statement. Art. 7 states that origin, religion, gender and nationality cannot limit a citizen's rights. It also repeated that all citizens older than 24 years, irrespective of their sex, could vote in election and take part in public and political life. Constitution established on 22.07.1952 also emphasizes the issue of gender equality. Art 67 guarantees equal rights to all citizens, and gender is mentioned as one of the factors that cannot limit those rights. Art. 78 states: "Woman in People's Republic of Poland has rights equal to man in all spheres of public, political, economic, social and cultural rights". Art. 78 introduced a statement on women's equal right to work and equal payment for work of the same value.

Work on a new Constitution started after the collapse of the communist system. Projects of the new constitutions were usually gender-blind. Parliamentary Group of Women insisted on emphasizing gender equality in the Constitution and commenced numerous actions, often with the support of women's organizations. Women's organizations, with the most active Centrum Praw Kobiet (Center of Women's Rights) took part in the debate,

emphasizing the lack of a gender-equality perspective. Federation for Women and Family Planning [Federacja na rzecz Kobiet i Planowania Rodziny] took active part in the debate and published a constitutional leaflet, stressing the importance of equality statements in the Constitution. The Federation also proposed a statement on reproductive rights to be introduced to the Constitution. Representatives of Association "Neutrum" took part in Constitution Committee and were present during discussion in parliamentary working groups.

In effect, the new constitution adopted on 02.04.1997 included guarantees of equality and prohibited discrimination on the basis of gender.

Article 32 states: "1. Everyone shall be equal before the law. Everyone has the right to be treated equally by the public authorities. 2. No one can be discriminated against in political, social or economic life on any grounds."

Article 33 states: "1. Women and men in the Republic of Poland have equal rights in the family, political, social and economic life". "2. Women and men have equal rights, in particular, to education, employment and promotion, to equal remuneration for work of equal value, social security and to hold office, perform public functions and receive public honors and decorations."

### **The Labor Code**

Constitution from 1952 mentions that women and men have the same rights to employment and have right to equal payment for equal work. For many years it has been the only document protecting women's position in the labor market.

Labor Code modified in February 1996 states that "Employees have equal rights by virtue of equally fulfilling the same duties: it concerns in particular the equal treatment of men and women in the sphere of work. Any discrimination in labor relations, especially on account of sex, age, disability, race, nationality, convictions, particularly political or religious, and union membership – is forbidden". Labor code forbids discrimination of employees on the grounds of sex. Information about sex and age of employees cannot be included in job advertisements.

Important changes in the labor law were introduced in order to adjust it to the European Union regulations. *Amendment of the Labor Code and certain other laws*, which entered into force in January 2002, added a new chapter of the Labor Code entitled "*Equal treatment of women and men*". The chapter defines direct and indirect discrimination, creates procedures to bring a case in a labor court against a discriminatory decision, shifts burden of proof to the employer, and repeats the principle of equal pay for equal work.

The list of jobs forbidden to women has been modified and as a result its obligatory character was lifted in some cases. According to Labor Code, women's work should be protected, so women are not allowed to work in conditions harmful to their health. Pregnant women are under special protection. Labor Code also regulates maternity and child-rearing leaves.

### **The National Action Plan for Women**

Together with experts and NGOs, the Government Plenipotentiary elaborated *The National Action Plan for Women – the 1st stage of implementation up till 2000*, adopted by the government in April 1997. The program was based on recommendations of the Beijing

Platform for Action. Tasks were assigned to individual ministries and a timetable of implementation was proposed. The main idea was to promote women's rights as human rights and defend gender equality in all spheres of life. National Action Plan for Women proposed institutional mechanisms for women's advancement: gender equality mechanisms in national law, popularization of ideas of gender equality, equal treatment of parents and a fight against gender based stereotypes. It supported cooperation with NGOs and proposed to increase competences of Government Plenipotentiary for Women and Family. The National Action Plan for Women was the first well-planned and complex program aimed at improving situation of women in all spheres of life.

In 2003, a new stage of *The National Action Plan for Women 2003–2005* was created. The National Action Plan for Women repeats structure of the Beijing Platform for Action, so each chapter is devoted to a different sphere of life and defines strategic goals and policy actions. The Council of Ministers adopted the Plan in August 2003. The Plan addressed different spheres of women's activities. It proposed an open formula of public dialogue: collaboration with scientific institutions, NGOs, local government, trade unions and the media. It included idea of gender mainstreaming and proposed implementation of gender equality by monitoring government policies at all levels. The principle is protection of women's rights as human rights, by implementation of instruments of human rights protection and regulations on equal opportunities for men and women.

#### **Law on Equal Status of Women and Men (1996-2007)**

The project of "Law on equal status of women and men" was discussed several times in Sejm and Senat, but it has never become a law. The Law on equal status was an attempt to integrate gender equality legislation and to make it easier to fight gender based discrimination. Professor Eleonora Zielińska and professor Małgorzata Fuszara, on request of the Parliamentary Group of Women, created the first draft of the law. The draft law made any form of gender based discrimination (direct or indirect) illegal. Attention was paid to equality on the labor market: right to employment, promotion, equal payment and no sexual-harassment in the workplace. The draft also defined sexual harassment and proposed mechanisms of elimination of such behavior. Discrimination due to pregnancy, breastfeeding or childcare was forbidden. The law postulated equal access of women and men to social insurance, health care and legal protection. It proposed a 40% quota in all positions elected or appointed by public authorities. The law prohibited advertisements and media materials presenting women or men in offensive or stereotypical way. It proposed revision of textbooks to avoid stereotypical gender images in education. Project law proposed to establish an Office of Plenipotentiary for Equal Status, supported by local Plenipotentiaries and Commission for Equal Status, responsible for monitoring law implementation.

The Parliamentary Group of Women proposed the project to Sejm in autumn 1996. The project was not debated, but it was opinioned. After several changes it was proposed again in February 1997. In June 1997 the project was submitted for a first reading in Sejm and was sent to further work in the Commissions. Parliamentary elections in 1997 interrupted works on the project.

In April 1998 women's NGO OŚKa organized a conference "Governmental policy towards women" attended by approximately 150 representatives of women's organizations.

The conference formulated recommendations for government equality policy. It was proposed to re-establish the office of Plenipotentiary for Women, to continue realization of the program counteracting violence against women, to create a program protecting women's health and reproductive rights and to accept a law on equal status of women and men. The recommendations were sent to PM and to Marshals of Sejm and Senat. In April 1998, the Centre of Women's Rights (Centrum Praw Kobiet) organized a meeting in Warsaw of NGOs representatives. The main issue was to develop a strategy to increase social support for law on the equal status of women and men and increase social awareness of gender based discrimination. The Centre proposed to prepare a new project and to start collecting signatures (100 000) necessary to propose the law to Parliament as a citizen's project.

In April 1998, a law project was proposed to the Marshal of Parliament. At the same time, the Parliamentary Group of Women asked NGOs to support the law project by sending letters to the Marshal and Prime Minister.

The project was criticized by government (right wing coalition of Akcja Wyborcza Solidarność [Solidarity Election Action] and Unia Wolności [Union of Freedom]). The most controversial issue was the quota solution. It was argued that the quota solution discriminates men and that temporary mechanisms of positive discrimination are against the legislation of the European Union. The idea of monitoring school textbooks from the perspective of gender roles was also controversial and accused of being an attempt to introduce censorship. The project law was also accused of attempting to destroy natural sexual difference between women and men, and in consequence being dangerous to the traditional family model. Government proposed to undertake works on improving legal anti-discrimination mechanisms, especially in the labor market, according to Council of Europe recommendations (Council of Europe, 97/80).

Despite the negative opinion of the government (and Plenipotentiary for Family), the law was debated in Sejm on 04.03.1999. It was rejected in the first reading.

In April 1999, the Second Conference "Government Policy Towards Woman" was organized by women's NGOs. More than 90 representatives of NGOs attended the conference (Demokratyczna Unia Kobiet, Stowarzyszenie Kobiet na rzecz Środowiska Wiejskiego, "Kobiety Też", Liga Kobiet Polskich, Światowa Fundacja na rzecz Pomocy Samotnej Matce, NIKE, CPK, Stowarzyszenie Kobiet Katolickich, OLA, Stowarzyszenie Przyjaciół Rodziny, Ogólnopolskie Pogotowie dla Ofiar Przemocy w Rodzinie, Centrum Promocji Kobiet, Amnesty International). Representatives of the NGOs decided to propose a civil project on the law on equal status of women and men. They started to collect necessary signatures (100 000). NGOs formulated recommendations for governmental equality policy, paying special attention to issues such as: the gender equality aspect of negotiations with EU, influence of social security reform on the economic situation of women, law on equal status of women and men and violence against women. Letters containing the recommendations were sent to the negotiator with the EU Jan Kułakowski and the Plenipotentiary for Social Reform.

In November 1999, the Sejm rejected the proposal to establish a parliamentary Committee on Equal Status for Women and Men. The Committee would have been responsible for the protection of gender equality, especially in the fields of the labor market,

social security system reform and for monitoring Polish legislation from the EU perspective on gender equality.

In summer 1999, the biggest newspaper "Gazeta Wyborcza" published a series of articles by prominent scholars, policy makers and leaders of women's NGOs on gender based discrimination in Poland. Articles clarified the main controversies of Law on equal status for women and men. They commented on various spheres of gender inequality in Poland.

In 2001, women's NGOs organized a campaign aimed at introducing quota for women into Election Ordinance. The campaign explained the importance of increasing the number of women in decision- making processes and clarified the main controversies of the quota solution. Women's NGOs organized several meetings and seminars and sent letters to decision- makers and politicians. Women's Association for Gender Equality- Pekin 1995 and Women's Election Coalition [Przedwyborcza Koalicja Kobiet] provided support for women's candidates during the elections campaign.

In July 2002, another project of 'Law on equal status for women and men' was proposed to Senat by a group of senators supported by the Parliamentary Group of Women. The law defined direct and indirect discrimination. It included sexual harassment as a form of discrimination and obliged employers to assure a sexual-harassment- free workplace. The project proposed several solutions aimed at introducing gender equality in all spheres of life: quota for women in all appointed and chosen public bodies; prohibiting any form of discrimination on labor market; law assured mechanisms for equality implementation; and proposed Office for Equal Status for Women and Men.

The project was discussed in Legislative Commission (Komisja Ustawodawstwa i Praworządności) and Commission of Social Policy and Health (Komisja Polityki Społecznej i Zdrowia). The Commissions, after the first reading of the project on 22.10.2002 and 29.10.2002 introduced changes and presented opinion on the project's correspondence with EU legislation. The second reading of the Law on equal status for women and men took place on 29.11.2002 and after vivid debate the project was sent to discussion in the Commissions. The third reading took place on 19.12.2002. Senat decided to accept the project and to propose the Law on equal status of women and men to Sejm.

In summer 2002, debate on gender equality and equality policy took place in the second biggest newspaper "Rzeczpospolita". Intellectuals and opinion- makers discussed controversies of gender equality law and expressed opinions on the situation of women in Poland.

The Law on equal status for women and men was debated in Sejm on 12.06.2003 and was sent to further works in Commission of Justice and Human Rights (Komisja Sprawiedliwości i Praw Człowieka) and Legislative Commission (Komisja Ustawodawcza). On 24.09.2004, the Commissions proposed to reject the law, but Sejm opposed the Commissions' proposal. The law was sent back to be discussed in the Commissions and several changes were introduced. The law was proposed again to Sejm on 17.06.2005. In the voting Sejm rejected the Law on equal status for women and men.

### **Act on Equal Treatment**

In 2007, the Department for Women, Family and counteracting Discrimination (Departament ds. Kobiet, Rodziny i Przeciwdziałania Dyskryminacji) prepared a project of an Act on Equal Treatment (Ustawa o równym traktowaniu). The Act was prepared to fulfill European Parliament's requirement that all Member States should implement equality legislation before 15.08.2008. Polish legislation at the moment does not fulfill requirements of the European Parliament. The Act on Equal Treatment defines direct and indirect discrimination, harassment and sexual harassment and provides means of legal action for discriminated persons. The Act on Equal Treatment prevents discrimination, especially on grounds of race, ethnic origin, nationality, gender, religion, political opinions, disability, age or sexual orientation, and wealth. The Act forbids discrimination in the labor market, health care and social security, in education and access to goods and accommodation and assures equal treatment of men and women in access to goods and services. The Act proposal is consulted on with several organizations, mainly trade unions and employers' organizations (Forum Związków Zawodowych; NSZZ „Solidarność”; NSZZ „Solidarność 80”; Ogólnopolskie Porozumienie Związków Zawodowych; Konfederacja Pracodawców Polskich; Konfederacja Pracodawców Prywatnych; Komisja Trójstronna do Spraw Społeczno-Gospodarczych; Związek Rzemiosła Polskiego; Business Centre Club; Helsińska Fundacja Praw Człowieka; Polskie Towarzystwo Prawa Antydyskryminacyjnego). Women's NGOs were not invited to consultations on the project.

### **Institutional mechanisms for advancing gender equality**

#### **Constitutional Tribunal**

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

In 1987, the Constitutional Tribunal decided that 50% quotas for women and men at medical academies are against the Constitution.

On 24 September 1991, it decided on the issue of retirement age of women, as 5 years earlier that retirement age of men. Tribunal decided that biological differences are an important factor and fully justify differences in retirement age. However, the earlier retirement age of women must be treated as a right, not as a duty. Tribunal argued that constitutional guarantees of gender equality are also applicable in employment and they imply equal opportunities in work.

On 23 February 1993, the Tribunal decided on an act on social security of farmers. The law did not include a spouse of an insured farmer as a person entitled to compensation. According to the Tribunal, such an act was against the Constitution.

In another act, the Tribunal decided that depriving the right to unemployment benefits for people who hold a common household with a spouse whose salary is more than double average salary is discriminative in nature. It was argued that unemployment is higher among women and incomes usually higher among men, so the law has negative impact on the situation of women.

At the end of 1998, a rule of equal treatment of women and men in social insurance systems was introduced. According to the jurisdiction of the Constitutional Court, despite the different retirement age of women (60 years) and men (65 years), an employer cannot dismiss a woman who has reached retirement age if she wants to continue work, but must employ her on the same basis as a man.

### **The Commissioner for Civil Rights Protection (Ombudsman)**

At the end of 80's the Office of Ombudsman was created. The Ombudsman has extended constitutional and legal competences. Many cases investigated by the Ombudsman related to gender based discrimination. Interventions changed many legal provisions discriminating against women (mostly concerning conditions of work, retirement age and social security services). Cases investigated by the Ombudsman include various forms of discrimination on the labor market: access to work and occupation; right to equal payment; right to sharing childcare leave by both parents; different retirement age of women and men; and associated problems.

The Ombudsman organized several conferences and meetings, and some of them included issues of gender equality. In March 2000, the Ombudsman organized a conference on gender equality in employment. During the conference, various cases of gender-based discrimination were analyzed. It was emphasized that gender equality is one of the fundamentals of the legal system of the European Union.

### **Parliamentary Group of Women**

**The Parliamentary Group of Women** was founded in 1992 to monitor and support the 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 of women and men to the Constitution. It was active during preparation of the National Action Plan for Women, in implementing relevant institutional solutions and preparing protests against discriminatory practices. Since 1996, the Group has worked on the Law on Equal Status of Women and Men.

The Parliamentary Group of Women closely cooperated with women's organizations in the Forum of Cooperation between NGOs and the Parliamentary Group of Women. Meetings were regularly organized (every 2-3 months). In 1998-2001, the main issues of the meetings were: works on the Law on Equal Status of Women and Men; gender equality in Polish negotiations with 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 labor market; the problems of rural women; women in electoral ordinance; and the quota solution.

In April 1998, the Forum of Cooperation of NGOs with Parliamentary Group of Women made a statement in which they expressed concern about government policy towards women. They criticized policy that defines women only from the perspective of the domestic sphere, strengthening rigorous anti- abortion law, lack of both sexual education and affordable contraception and the termination of the program counteracting violence against women.

In 1998, women's NGOs and the Parliamentary Group of Women sent a letter to PM Jerzy Buzek protesting against the government's policy towards women. They criticized the decision of appointing the Plenipotentiary on Family to the position of negotiator of gender equality related issues in the European Union accession process. The letter criticized conservative policy towards women, the strong influence of the Catholic Church and the Plenipotentiary's ignorance with regard to gender equality.

In April 2001, the Forum of Cooperation of NGOs and the Parliamentary Group of Women organized a conference on women's participation in public and social life in Poland. They formulated recommendations in several fields: the legal system (introducing gender equality solutions based on EU recommendations and the Beijing "Platform for Action"), protection of women's reproductive rights, introduction of a quota system in the Electoral Ordinance, and introduction of a gender equality perspective into the programs of political parties.

In June 2001, a meeting of the Parliamentary Group of Women and Forum of Cooperation of NGOs was devoted to women in the election campaign. Participants formulated a letter to the media and political parties, emphasizing the importance of women's presence to decision- making processes. They stated that democracy without women is not democracy.

After elections in 2001, the Parliamentary Group of Women continued its activities. The Group worked on another version of the Law on Equal Status of Women and Men, attempted to change a law on family planning and protection of the fetus and worked (with support of NGOs) on the law protecting victims of domestic violence. The Group, together with women's NGOs, organized conferences and meetings devoted to issues of gender equality.

### **Government Plenipotentiary for Equal Status of Women and Men**

Before 1995

The Office responsible for promoting women's rights has been operated under different names and with a different scope of competences since 1986. After the United Nations conference in Nairobi, in 1986 an Office of Plenipotentiary for Women's Issues was created in the Ministry of Labor. The Plenipotentiary, in function of vice- Secretary of State, was responsible for implementation of the recommendations of the Nairobi Conference. The Office prepared a timetable to improve the professional and social situation of women in Poland.

In 1991, the Council of Ministers established the Office of Plenipotentiary for Women and Family as a part of the Chancellery of Prime Minister. Plenipotentiary Anna Popowicz prepared a program of actions to improve the situation of women, children and families. She

protested against legal limitations in access to abortion, contraception and other means of family planning. After the Plenipotentiary's letter to the PM in which she stressed the importance of women's reproductive rights and access to safe abortion, she was dismissed.

Prime Minister Hanna Suchocka, elected in 1992, did not appoint new Plenipotentiary.

In 1994, after constant petitions of the Parliamentary Group of Women and women's NGOs, an Office of Plenipotentiary for Women and Family was created. Barbara Bilda, also a Minister of Construction and the only woman in the government, was appointed to the position. According to women's NGOs, it proved that the situation of women and gender equality have marginal importance for the government.

### **1995-2007**

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

In 1995 Plenipotentiary, supported by women's NGOs, prepared a governmental report on the situation of women in Poland for the United Nations Fourth World Conference on Women (Beijing 1995). The report covered issues such as education, health care, situation on the labor market, access to politics and violence against women. Two alternative reports were created: one by the Life Protection Movement and another by women's organizations. The Governmental report was criticized by catholic organizations. They criticized the idea of shelters for victims of domestic violence, preferences for lesbians (never mentioned in the report) and the lack of representation of ideas of the Christian majority of women.

In May 1996, a 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; highlighting important social problems that should be solved by proper legislation; and undertaking common actions aimed at promoting equality between women and men.

Together with experts and NGOs, the Government Plenipotentiary elaborated *The National Action Plan for Women – the 1st stage of implementation up till 2000*, adopted by the government in April 1997. The program was based on recommendations of the Beijing Platform for Action.

In 1997 Plenipotentiary, in cooperation with UNDP, develop a program against domestic violence and violence against women: 'Against violence – for equal opportunities' ["Stop przemocy- wyrównać szanse"]. The program consisted of a system of assistance to victims of domestic violence: regional centers prepared to provide social, legal, medical and psychological help and mechanisms of financial assistance.

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

In 1998, Government Plenipotentiary for Women and Family presented program of pro-family policy to the Parliamentary Committee on Family (22 January and 4 February). Several organizations took part in the Committee meeting: Katolickie Stowarzyszenie Civitas Christiana (Catholic Association Civitas Christiana), Instytut Studiów nad Rodziną (Institute of Family Studies), Forum Kobiet Polskich (Forum of Polish Women), Liga Kobiet (Women's League), Katolickie Stowarzyszenie Lekarzy (Association of Catholic Doctors), Akademia Teologii Katolickiej (Catholic Theology Academy), Duszpasterstwo Rodziny, Instytut Edukacji Obywatelskiej (Institute of Civic Education) and Employers' Association. The program proposed, among other solutions, to replace divorce by separation and to offer a salary to women non- working professionally in order to take care of children.

Women's organizations signed several protests against governmental policy. In 1998 a letter protesting against appointing Plenipotentiary for Family Affairs as a negotiator with EU responsible for gender equality, signed by the Parliamentary Group of Women and NGO's, was sent to Prime Minister Jerzy Buzek. Another statement, in April 1998, criticized governmental policy towards women- its pro- family and anti- equality character (Send by Ośka). Another letter, send to the PM Jerzy Buzek in July 1998, criticized Plenipotentiary's response and his ignorance of gender equality.

In July 1998, a letter to Francoise Gaudenzi, EU negotiator with the Polish government, insisted on special attention to the implementation of equality policy. The letter by the Federation on Women and Family Planning was signed by several organizations: (Centrum Praw Kobiet (Women's Rights Centre), Centrum Promocji Kobiet, Demokratyczna Unia Kobiet (Democratic Union of Women), Fundacja EFKA, Koalicja Karat, Pro- Femina, PSF Centrum Kobiet, Association of Catholic Women and YWCA- Polska, Towarzystwo Interwencji Kryzysowej, La Strada). In September 1998, Francoise Gaudenzi's response emphasized the importance of equality policy for the EU and countries responsibility for the application of an equality perspective in their actions.

In June 1999, the Parliamentary Group of Women and NGOs sent another letter to the PM, criticizing Plenipotentiary's pro Family approach to gender equality. The latter was sent

after the Plenipotentiary (again) did not appear at a meeting of the Forum of Cooperation of NGOs with Parliamentary Group of Women. Similar letters were sent several times.

In 1998, the Office of Plenipotentiary of Family presented a "Report on the situation of Polish families". According to the authors, families with children are the majority of families, and single parents and non-registered partnerships are marginal. The report proposed to replace divorce by separation in order to protect marriage. The authors criticized women's professional activity, seeing it as a main factor in demographic crisis. According to the authors, the sexual harassment of children does not have place in Polish families, and is usually perpetrated by foreigners, especially Germans. Media were criticized for promoting an anti-family ideology, by showing homosexuals, informing about contraception and women's reproductive rights. Information campaigns organized by NGOs (La Strada's anti-trafficking campaign and Blue Line ["Niebieska Linia"] campaign against domestic violence) were criticized for destroying the good image of family and Polish men and for discouraging women from marriage. In July 1998, the Polish government accepted the Report.

In July 1999, the Polish government prepared a report for the United Nations Human Rights Committee on the implementation of the Civil and Political Rights Pact, presented during the 66<sup>th</sup> session of the UN Human Rights Committee in Geneva. An alternative report was prepared by the Federation for Women and Family Planning. The NGO's report stresses the violation women's reproductive rights, discrimination on the labor market and in the social security system. In its concluding observations, the UN Human Rights Committee expressed concern on women's discrimination in Polish society and legal system: strict anti-abortion law, low access to contraception and sexual education; discrimination against women in the labor market, and especially in the pension system differentiating retirement age; the high rate of violence against women contrasted with a lack of institutional support and very few shelters; and rejection of a proposal for provision in the Constitution for discrimination on the grounds of sexual orientation.

In August 1999, Plenipotentiary of Family Kazimierz Kapera decided to leave, after his racist statement in a radio interview. Maria Smereczyńska took the position, but this change in the position did not change the direction and quality of the government's policy on women.

In 1999, answering the Questionnaire on the implementation of the Beijing Platform of Action, the Polish government presented its achievement in applying the Beijing Platform for Action. It was claimed that government carries out activities to improve women's situation as part of its pro-family policy. No major cases of gender-based inequalities were noted. On contrary, it was claimed that gender equality is guaranteed in all spheres of life. Government presented programs protecting motherhood were discussed, but the effects of strict abortion law were not mentioned. In the shadow report, women's NGOs pointed out the lack of an equality perspective in the Polish government and criticized the governmental report.

After elections in 1997 affected change of governmental policy towards women, women's NGOs became active on an international level, preparing shadow reports to reports created by the Polish government. NGOs also sent numerous letters to politicians, the PM, Ministries etc, requesting implementation of gender equality policy. However, the letters caused almost no policy changes.

In 1998, the Federation on Women and Family Planning prepared a shadow report for the UN Committee for Economic, Social and Cultural Rights. Concluding observations and

recommendations for the Polish government of the Committee were based on the NGO's report. The Committee expressed its concern about the strong influence of the Catholic Church on social policy; strict anti-abortion law, lack of access to safe abortion, contraception and sexual education; high rate of domestic violence and lack of institutionalized help for the victims (shelters, assistance centers); discrimination on the labor market and lower salaries for women. The Committee recommended promotion of accessible means of family planning and sexual education for children; introduction of legislation against sexual harassment; full protection of rights of women and men at the labor market, and especially for protection of the right for equal payment for equal work.

In April 2000, NGO OŚKa organized a third conference "Government policy towards women", attended by approximately 100 representatives of NGOs, government, and politicians and experts. During the conference, legal aspects of accession to EU were discussed and governmental policy towards women was analyzed. Participants discussed ways of increasing women's presence in politics and the issue of health care and sexual education. After the conference, several recommendations for the government were proposed.

In June 2000, representatives of the Polish government took part in the Special Session of the UN General Assembly in New York and presented progress in implementation of the Platform of Action. After the conference, women's NGOs sent a protest letter to the Minister of Foreign Affairs. In the letter it was argued that Polish government's position was contradictory to standards of human rights and to EU laws implemented in the accession process. NGOs requested explanation on the Polish position. Another protest letter was sent to the PM Jerzy Buzek, after a conference "Five years after Pekin- new tasks for the governments" (organized in Warsaw by Women's Association on Gender Equality- Pekin) in 1995.

In May 2001, women's NGOs organized a Fourth conference "Policy of future government towards women". Before this, the elections' programs of all political parties were analysed from the perspective of gender equality. Again, NGOs prepared postulates concerning policy towards women.

A left-wing coalition won elections in 2001. After the long insistence of women's NGO's, on 20.10.2001 an office of Governmental Plenipotentiary for Equal Status of Women and Men was created. The Plenipotentiary, in function of Secretary of State, was located in Ministry of Labor and Social Policy. According to many critical voices, such location limited the competences to the issues of discrimination on the labor market, while the scope of gender-based discrimination is much bigger. Plenipotentiary was responsible for family issues and promotion of gender equality, and its tasks included cooperation with NGOs.

In November 2001, after several protests by NGOs (Polskie Stowarzyszenie Edukacji Prawnej, Przedwyborcza Koalicja Kobiet, Federacja na Rzecz Kobiet i Planowania Rodziny, EWKA, Centrum Praw Kobiet) and the Parliamentary Group of Women, the competences and status of the Plenipotentiary were changed. 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 competencies of the Plenipotentiary to counteracting discrimination based on race, ethnic origin, religion, age and sexual orientation. The decision was based on the European Union

requirement that government should create an office dealing with various forms of discrimination. However, gender based discrimination was the main field of activity of the Plenipotentiary. Plenipotentiary started preparations to establish a central office (ministry) dealing with those issues within governmental administration. Plenipotentiary focused on women's position at the labor market, violence against women and implementation of the National Action Plan, elimination gender stereotypes; introduction of sexual education into school curricula; and promotion of the partner- model of family.

The competences of the Plenipotentiary are limited to monitoring, educating, promoting and giving opinions. The Plenipotentiary does not have any power to make decisions, but can influence policy- making by submitting, with the consent of the President of the Council of Ministers, drafts of governmental documents related to gender equality. Plenipotentiary submits to appropriate bodies proposals for how to modify legal acts and institutional mechanisms in order to respect gender equality, and issues opinions on legal acts and drafts of other policy documents. Plenipotentiary, in cooperation with the Ministry of Foreign Affairs, works on issues related to gender discrimination in foreign countries, participates in international programs and prepares reports on the realization of international conventions. Plenipotentiary's duties include initiation on educational actions and media campaigns promoting gender equality and cooperation with NGOs.

The Government Plenipotentiary for Equal Status of Women and Men was in charge of all forms of discrimination, but assistance in individual cases of discrimination is not within the scope of the duties. In 2003, there was an attempt to establish a special Anti-Discriminatory Office with competences to assist individual cases of discrimination, but the draft has not been accepted during interdepartmental consultations.

After 2003, several provinces' Plenipotentiaries for Equal Status of Women and Men were established on a regional level. In May 2004, Plenipotentiaries for Equal Status of Women and Men had been nominated in 13 out of 16 vojevodships.

During the meeting with women's organizations in January 2001, the Plenipotentiary for Equal Status of Women and Men established a Consultative-Programming Council, an advisory body comprised of academic experts and NGO representatives. Meetings of the council were held regularly, once a month, and enabled efficient exchange of opinions between the Plenipotentiary and NGOs.

In December 2002, the Committee on Economic, Social and Cultural Rights presented its concluding information and recommendations for the Polish government. The Committee reiterated its previous recommendation to ensure the implementation of the legal provisions and administrative regulations guaranteeing equal rights for women and men, and equal opportunity for promotion in employment. The Committee encouraged the adoption of the draft legislation on the equal status of men and women. The Committee reiterated its previous recommendation that sexual harassment should be prohibited by law. The Committee recommended: adoption of the same age of retirement for men and women; strengthening programs for combating domestic violence and ensuring accessibility of crisis centers; and stressed that family planning services should be provided by the public health-care system; that contraceptives should be available at affordable prices; and that sexual and reproductive health education should be included in the national school curricula.

In 2003, a new stage of *The National Action Plan for Women 2003–2005* was developed. The Council of Ministers adopted the National Plan on August 19, 2003. In May 2003, the Plenipotentiary for Equal Status of Women and Men organized a campaign “Win Europe!” informing women on rights guaranteed by EU legislation. The campaign was organized in several towns. Plenipotentiary supported women’s organizations leading their own EU information campaigns in their local surrounding.

In August 2003, the Plenipotentiary started implementation of a project “Enhancement of policies on equal treatment of women and men” (Phare 2002). The aim of the project was to create a national system of monitoring implementation of gender equality policy. The project included examination of national needs in the area of research, information and statistics dealing with gender equality. It offered trainings for local administration, police and NGOs.

In 2003, a group of parliamentarians attempted to dismiss the Plenipotentiary for Equal Status of Women and Men or transform its office into Plenipotentiary for Family. It was argued that ‘equal status’ is an absurd project, directed against nature and human dignity. The proposal criticized the project “Let’s be seen” (defending rights of same- sex couples by showing their photos in the public sphere) supported by Plenipotentiary. Another attempt to close the office took place in 2004. Plenipotentiary was accused of promoting dangerous feminist ideas in policy-making.

In March 2004, Plenipotentiary presented to the Parliament information on the situation of women in Poland. Plenipotentiary summarized actions taken by the government and stressed the necessity of actions on behalf of women’s reproductive rights and campaigns aimed at increasing women’s political participation.

On 12 August 2004, Magdalena Środa was appointed to the position of Plenipotentiary for Equal Status of Women and Men, after Izabela Jaruga- Nowacka become vice Prime Minister.

In December 2004, Polish government prepared answers to the questionnaire of the UN Women’s Rights Committee on implementation of the Platform of Action. According to the Plenipotentiary the biggest failure of Polish equality policy was restrictive anti- abortion law.

At the same time, there was an attempt to lower the importance of Plenipotentiary by moving it to the Ministry of Social Policy. After protests of women’s organizations, political groups (Parliamentary Group of Women) and international support, the decision was canceled.

In December 2004, right- wing parties made an attempt to dismiss the Plenipotentiary Magdalena Środa, after her statement at a conference in Stockholm that “Catholicism does not support directly, but also does not object violence against women. There is indirect relationship through culture, strongly based on religion.” Again, after protests of women’s NGOs and international support, Plenipotentiary was not dismissed.

After elections in 2005, the Office of Plenipotentiary for Equal Status for Women and Men was closed down. However, due to national and international protests it was re-established as a part of the Ministry of Labor and Social Policy, with Plenipotentiary in function of under- secretary of state. The name of the office was changed into Plenipotentiary for Women and Family. Plenipotentiary is responsible for prevention of discrimination (on

various basis, except ethnic origin) in all spheres of life. Plenipotentiary coordinates the works of the Department of Women, Family and Counteracting Discrimination and Departments of Family Benefits. In 2006, the Plenipotentiary requested to establish in the local governments Plenipotentiaries of Voyevodas for Women and Family Affairs and Counteracting Discrimination. In most of the regions, such an office (under various names and scope of competences) was created.

In 2005, women's feminist organizations prepared an alternative report for the UN Women's Rights Committee. The report was coordinated by two organizations (NEWW-Polska and eFKa) and consulted with several other organizations such as: Center of Women's Rights, Federation for Women and Family Planning, OSKA, Kobiety Też, League of Polish Women [Liga Kobiet Polskich Szczecin], Election Coalition of Women [Przedwyborca Koalicja Kobiet], Democratic Union of Women [Demokratyczna Unia Kobiet], Stowarzyszenie Kobiet Aktywnych i Twórczych, and Association of Crisis Intervention [Towarzystwo Interwencji Kryzysowej]. According to the NGOs report, the Polish government does not realize the Platform for Action, and issues of women's reproductive rights, economic situation, and violence against women are especially neglected.

In January 2006, the Strategic Meeting of Women's Organizations took place in Warsaw. In the letter sent to the Prime Minister, the organizations stressed the role of NGOs in building democracy. They demanded the government prioritize the issue of gender equality and make more effort in the efficient development of equality policy.

In July 2006, women's NGOs: Federation for Women and Family Planning, "Pro Femina", Association of Gender Equality Pekin-1995 [Stowarzyszenie Kobiet na rzecz Równego Statusu Płci - Pekin 1995], Karat Coalition and Feminoteka protested after PM Jarosław Kaczyński exposé concerning women's rights. According to the NGOs, the government explicitly support women's discrimination (especially discrimination on the labor market), support an unrealistic model of a traditional family, and are against same-sex relationships. Statements in the exposé were compared with the statements of international documents signed by Poland.

In 2007, the government submitted a report on the realization of the Convention against Discrimination of Women before the UN CEDAW Committee (January 2007). Plenipotentiary- Joanna Kluzik-Rostkowska- presented the legal, economic and social situation of women in Poland. Information concentrated on issues such as: gender based discrimination, unemployment, violence against women and the UN Report. A shadow report was submitted by women's organizations: Federation for Women and Family Planning, Pro Femina Association, The PSF Women's Center Foundation, Women's Rights Center, La Strada Foundation). The NGOs' report presents all kinds of discrimination of women in private and public life in Poland, and especially the lack of efficient policy in counteracting violence against women, trafficking, professional life and reproductive rights. According to NGOs, especially threatening was the attempt to introduce full prohibition of abortion. In February 2007, the government presented in Senat information on the situation of women in Poland.

In February 2007, the UN Committee supported opinions on the situation of women submitted by women's NGOs and created several recommendations for the Polish government. The Committee expressed its concern about the situation of women after

elections in 2005 and direction of the government's equality policy. Committee noted the small number of women in decision-making processes, their difficult situation on the labor market, and violence against women, including the lack of legal mechanisms to isolate perpetrators. The Committee recommended to establish more shelters for women and to monitor access to abortion, because in many cases access, even in the scope allowed by the law, is limited.

In 2007, Plenipotentiary for Women and Family presented the "Program of government family policy". The program was consulted with numerous organizations: employers' organizations, organisations associated with the Catholic Church, and pro-life organisations (Klub Inteligencji Katolickiej Sekcja Rodzin, Polska Konfederacja Pracodawców Prywatnych Lewiatan, Amerykańska Izba Handlowa w Polsce, Związek Dużych Rodzin "Trzy Plus" Forum Kobiet Polskich, Fundacje: "Głos dla Życia", Academia Iuris, Ad Futurum, Cyryla i Metodego, Kobiety dla Kobiet, Pomoc Rodzinie, Pro, Świętego Mikołaja, Komitet Upowszechniania Karmienia Piersią przy Instytucie Matki i Dziecka, MaterCare Polska, Polska Federacja Ruchów Obrony Życia, Polski Związek Kobiet Katolickich, Stowarzyszenia: Absolwentów Instytutu Studiów nad Rodziną UKSW, Edukacja i Media, Kulturalne Frona, Kultury Chrześcijańskiej im Ks. Piotra Skargi, "Kuźnia Milanowska", Liga Małżeństwo Małżeństwu, Przymierze Rodzin). No women's feminist organizations was asked for opinions. The project proposes solutions that make easier the reconciliation of professional work and childcare for women; and supports for families in difficult situations.

The Office of the Plenipotentiary deals mostly with gender based- discrimination, including (in period 2001-2005) discrimination on grounds of sexual orientation. Discrimination on grounds of disability, race, ethnic origin or religion are divided between other Ministries and programs. There are several quite well developed programs of social inclusion for disabled people, but they do not pay special attention to gender. Usually various fields of discrimination are treated separately and they do not overlap. Poland is still a rather monolithic country in terms of race, ethnic origin and religion. It is possible that there are no strong pressure groups demanding implementation of intersectionality into policy programs. Discrimination on the grounds of gender is the most common discrimination.

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- Government Information on social and material situation of Polish families, demographic situation, promotion of life in Poland and situation of children and youth: [Informacja Rządu o sytuacji społecznej i materialnej polskich rodzin, sytuacji

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[http://orka.sejm.gov.pl/Druki5ka.nsf/0/4E4F02197E6D3C91C12571EF004C56A5/\\$file/968.pdf](http://orka.sejm.gov.pl/Druki5ka.nsf/0/4E4F02197E6D3C91C12571EF004C56A5/$file/968.pdf)

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## NON- EMPLOYMENT

### Introduction of relative relevance and presence of subissues

Women's non- employment has not been, and still is not, an issue of social and employment policy in Poland. It is not considered a problem. On the contrary, right- wing social policy programs accept women's non- employment and consider it to be a crucial part of female destiny and traditional family. The attempts to support women's non- employment were an element of pro- family policies (1997-2001) and are supported by the present government. According to Eleonora Zielińska, there "is no specific comprehensive policy related to the promotion of women's participation in the labor market that would aim to reconcile family and professional life."<sup>1</sup> Some efforts are made to decrease women's unemployment that is much higher than men's. There is no specific governmental policy aimed to reduce gender pay gap and despite amendments of the Labor Code, no further efforts were made to eliminate it. There is no policy aimed at eliminating obstacles faced by women trying to reach higher positions in business or administration. There are almost no policies supporting men in sharing housework and childcare responsibilities.

Reforms of the labor market are not usually consulted upon with social partners. There is no attempt to create cooperation between the state, trade unions, and employers' associations. Occasionally there is cooperation between state and trade unions or state and employers' associations.<sup>2</sup> There are no studies explicitly dealing with the issue of non-employment. There are many studies analyzing unemployment as one of the effects of economic and political transformations after 1989.

Social theorists distinguish several stages of reforms of the labor market.<sup>3</sup> In the period 1989-1993, reforms accompanied the political and economic transition. Economic transition and reduction of employment in state- owned companies resulted in high unemployment. Social policy attempted to protect the unemployed from effects of economic transition and offered unemployment benefits for all people who registered as unemployed. At this stage, the most important civil actor was trade union "Solidarność" ("Solidarity"). 'Solidarity' supported economic and political transition of the state, but demanded social security programs protecting citizens (unemployment allowance, social allowance).

The years 1993- 1997 were a period of economic growth and stabilization after the shock of transformation. In 1996 the Labor Code was reformed for the first time, in order to match European Union standards.

Between 1998-2001 there were reforms attempting to de-centralize social security and make it more market-like. In 1999 the government started four big social reforms: social security reform, health care reform, reform of education and public administration. The most

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<sup>1</sup> Eleonora Zielińska, Equal opportunities for women and men. Monitoring law and practice in Poland. OSI, 2005, p. 34

<sup>2</sup> Marek Rymśa, W poszukiwaniu równowagi między elastycznością rynku pracy i bezpieczeństwem socjalnym. Polska w drodze do flexicurity? In: Rymśa, Marek, ed, Elastyczny rynek pracy i bezpieczeństwo socjalne. Flexicurity po polsku? ISP, Warszawa 2005

<sup>3</sup> Marek Rymśa, W poszukiwaniu równowagi między elastycznością rynku pracy i bezpieczeństwem socjalnym. Polska w drodze do flexicurity? In: Rymśa, Marek, ed, Elastyczny rynek pracy i bezpieczeństwo socjalne. Flexicurity po polsku? ISP, Warszawa 2005

important for QUING research is social security reform, because it changed method of calculating and granting pensions. After the reform, the pension depends on length of employment and earnings, so a longer period of employment assures a higher pension. This way of calculating pension entitlement has numerous consequences for women.

Reforms commenced by the accession process and adjusting Polish law to EU laws were introduced between 2002-2005. They were based on the concept of active social policy and active employment policy, and several laws encouraging employment were introduced. Again, the Labor Code was modified, and regulations concerning gender equality were introduced.

**The most important issues for the QUING research in the following subissues are:**

#### Reconciliation of work and family life

After 1989, state policy toward childcare facilities changed. Many of them were closed due to economic difficulties. Moreover, a program of pro- family policy (1997-2001) supported women's non- employment.

Maternal/ parental leave is another important issue. It includes changes of lengths of the leave and the attempt to make it more accessible also to fathers.

#### Care Work and Informal work

The idea of a 'salary' for housewives has been a part of government's pro- family policy (1997) and was also raised by the Plenipotentiary for Equal Status of Women and Men, Magdalena Środa. In addition, NGOs organized campaigns to turn public attention to women's unpaid work at home. They demanded some kind of financial benefits (allowances, pensions or social insurance) for housewives. Women's organizations do not have a common opinion on the issue.

#### Equal Pay/ gender pay gap

The most important issue is reform of the social security system and changes in the pension system in 1999. Changes in the system, based now on an individual's capital, together with a lower retirement age for women, result in lower pensions for women. This structural inequality was frequently emphasized by women's NGOs and international organizations. Up until now, there is no change in the pension system.

The issue of equal pay and the gender pay gap, except for some statements in the Labor Code and the Constitution, is not a visible aspect of Polish government policy.

#### Tax-Benefit Policies

The taxation system allows married couples to tax their incomes together. A similar rule applies to single parents raising children. Various forms of allowances are based on income criteria. There were attempts to introduce tax criteria privileging families with many children, but these were not introduced due to a budget shortage.

### Access to the labor market

Changes in the Labor Code (described in the Gender Equality section) introduced the requirement of gender equality on the labor market and prohibited discrimination. The necessity of adjusting Polish law to EU law terminated the existence of the 'Register of works forbidden for women'.

## **Actors**

### Reconciliation of work and family life

Plenipotentiary for Family (1997-2001), Plenipotentiary for Equal Status of Women and Men (2001-2005), Plenipotentiary for Women and Family (2005- ) were responsible for family policy, including reconciliation of work and family life.

Women's NGOs: Women's Association, Federation for Women and Family Planning, Feminoteka, Centre of Women's Rights (Centrum Praw Kobiet), Karat Coalition, Feminoteka, OŚKa. For years, women's organizations have lobbied for policies in relation to the reconciliation of work and family life and for obligatory parental leave for fathers. They also organized protest actions against prolonging maternal leave (2006), stressing its effects on women's situation on the labor market.

Employers' organizations, especially the Polish Confederation of Private Employers 'Lewiatan' (Polska Konfederacja Pracodawców Prywatnych "Lewiatan"), were active during parliamentary works on extending maternal leave.

Media, especially 'Gazeta Wyborcza', in 2006 launched a debate on the influence of extending maternal leave on women's situation on the labor market. It also attempted to promote parental leave, shared by both parents.

An expert's recommendation stressed that the stable position of women on the labor market and the possibility of sharing childcare leave between parents have significant consequences for women's reproductive choices.

In the framework of the European Initiative EQUAL, several programs aimed at reconciling work and family were created.

### Care Work and Informal work

Foundation "Take care of the world" and Civil Affairs Institute organized campaigns on the appreciation of housework.

### Equal Pay/ gender pay gap

In the debate on the pension system and gender gap, several institutional actors were involved: Ombudsman, the Constitutional Tribunal. The United Nations Human Rights Committee (1999) recommended the elimination of difference in the retirement age for women and men in the pension system.

Several women's NGOs were involved in the debate: Federation for Women and Family Planning, Women's Association for Gender Equality- Pekin 1995, OŚKa, Centre of Women's Rights and others.

"Wysokie Obcasy"- a supplement to "Gazeta Wyborcza", published series of articles informing of the consequences of pension system reform.

### Tax-Benefit Policies

Mostly governmental actors.

### Access to the labor market

Women's NGOs (mentioned above).

The most significant actor was the European Union. The necessity of adjusting Polish law to EU requirements made significant changes in the Labor Code.

## **Timeline**

### **Reconciliation of work and family life**

#### Before 1995

Family policy has long tradition in Poland. In 1924, maternal leave and childbirth allowance were introduced. After 1945 various mechanisms of family policy, especially those aimed at reconciling work and childcare, were developed. Networks of childcare facilities were developed and financially supported by the state. Moreover, maternal allowances, maternal leave and childcare leave were easily available. In general (except particular periods), the state promoted women's work and attempted to support it by developing childcare services or part-time work for mothers<sup>4</sup>. Before 1989, flexible and part-time work was a solution often applied in case of women bringing up small children. The solution helped to reconcile work and childcare, to take care of children and support the household budget at the same time.

After 1989, the labor market became more demanding and less friendly for women with children. The dilemma of choosing between career and domestic life was much more common than possibilities of reconciling work and career. However, recently a need for part-time employees and flexible working is more visible. Legal regulations have also been changed in order to support this kind of employment.

During the transformation process after 1989 there was no family policy supporting families in the new economic and political situation. Family policy was rather declarative, with political discourse proclaiming the important role of the family and 'respecting the right of family to bring up and educate children'.<sup>5</sup> State policy limited institutional support for the family and left it alone with the task of educating and bringing up children. This attitude was especially visible in the state's lack of support for childcare facilities, kindergartens, and other institutions such as culture and sport centers. Institutions providing help in childcare were either closed down or commercialized, so in practice many families did not have access to these facilities.

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<sup>4</sup> Bożena Balcerzak-Paradowska, *Polityka rodzinna. Między dwoma modelami*. IPIPS, Warszawa 1999

<sup>5</sup> Bożena Balcerzak-Paradowska, *Polityka rodzinna. Między dwoma modelami*. IPIPS, Warszawa 1999, p. 42

Act on local self- government (1990) [Ustawa o samorządzie terytorialnym] makes local authorities responsible for financing and organizing education: primary schools, kindergartens and other childcare facilities, including institutions for disabled children. Act on system of education (1991) [Ustawa o systemie oświaty] includes pre- school education (kindergartens) into the frame of the education system. At the same time, responsibility for kindergartens and financing of childcare facilities was shifted to local governments (gminas) and very often the financial burden was too heavy meaning that childcare institutions were often closed down.

After 1989 there was no attempt to create family policy. The International Year of Family (1994) was an occasion to start discussion on problems of family. At the end of the 90's two programs of family policy were proposed: one by left government, and the other by right- center government. In both documents, family was approached from the perspective of the investment in the younger generation and 'human capital'.

#### After 1995

There were no major changes in government policy towards reconciling work and care. After 1995, the decrease of childcare facilities reached a plateau. At the same time, a change in the structure of families using childcare facilities was noticed, consisting mainly middle-class families while less affluent families are in minority. There was an attempt to change this tendency by allowing local social assistance centers to offer allowances to cover costs of childcare facilities. However, there is no data on the efficiency of this solution.<sup>6</sup>

#### 1995

In 1995, under labor law and social insurance provisions, a woman was entitled to 16 weeks paid maternity leave after delivery of her first child, to 18 weeks for another child, and 26 weeks in the case of a twin pregnancy. Also, a foster mother can apply for a maternity leave. During the leave period, a woman is paid maternity benefit- 100% of her salary. Maternity leave has an obligatory character and a woman cannot return to work before the obligatory period of time. Mothers have the right of up to three years unpaid child- rising leave. Child- rising leave was also available to fathers, but not to both parents at the same time.

'Law on disbursements of social insurance, sickness and maternity benefits', amended in March 1995, gives both parents identical rights in care for a sick child under age of 14 (before only mothers or single fathers has such right). The 1995 'Act changing the rules of granting allowances from Social Security Fund in case of illness or maternity' changes the level of nursing allowances. It also grants possibility for a father to go on a leave to take care of a sick child. However, the father is not granted the allowance paid for the mother taking care of a sick child.

#### Primary documents:

- Act changing the rules and conditions of granting family allowances and nursing allowances (March 1995), published in Dziennik Ustaw, 4/17

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<sup>6</sup> Bożena Balcerzak- Paradowska, Polityka rodzinna. Między dwoma modelami. IPIPS, Warszawa 1999, p. 46

- Act changing the rules and conditions of granting allowances funded from the Social Security Fund in case of illness or maternity, 02.1995, published in Dziennik Ustaw, 16/77

1996

In 1996 'Ordinance of the Council of Ministers on childcare leaves and benefits' grants childcare rights and childcare leaves also to fathers. In 1996 'Ordinance of the Council of Ministers on new rules of granting childcare benefit in case of child's illness' grants a right to the father to share childcare leave with the mother of the child (proportions depend on agreement between parents), and also grants fathers a right to an allowance.

Primary documents:

- Ordinance of the Council of Ministers on new rules of granting the child-care benefit, published in Dziennik Ustaw, 60/277

1997

In June 1997 the left-wing government presented a program of family policy. The program promoted a model of family with two working parents. Policy instruments attempted to make reconciliation of work and family easier. The program proposed development of childcare facilities, culture centers and youth centers. The program stressed necessity of making childcare facilities for children under 6 years old more common and accessible. The necessity of creating new places, especially in the rural areas, and institutions for children under 3 years old, was emphasized. The Program paid attention to children from disadvantaged families and proposed the creation of various forms of care and support outside school. Moreover, the program proposed financial aid (allowances) and changes in social security laws supporting family. Family policy mechanisms paid special attention to families in difficult economic and social conditions, including single-parent families. Policy instruments were designed to provide help especially to these selected groups.

Primary documents:

- Program of family policy, 1997, (approx. 50p)
- Parliamentary debate on the report on situation of Polish families, 1997, (approx. 60p), e-text
- Parliamentary debate- Government information on implementation of family policy [Informacja rządu o realizacji uchwały Sejmu z dnia 30 sierpnia 1996 r. w sprawie polityki państwa na rzecz rodzin.], 21.02.1997, (approx. 70p), e-text

1998

In 1998, after the elections, the government of Jerzy Buzek created a program of "Government pro-family policy". It was declared that the new program is based on the previous one, but in fact was strongly inspired by "The Vatican Charter of Family". Actions proposed by the new document were aimed at 'strengthening the family', and increasing the birth-rate, so special attention was paid to families with numerous children. The document promoted traditional model of family, with male bread-winner and a woman bringing up children and taking care of the household. The program noticed the importance of pre-

school education and the necessity of developing a network of childcare facilities, accessible also for children with poor and disadvantaged families. The Program stressed that home is the natural place of a child's development, but due to the necessity of professional work for both parents it is necessary to develop a structure of institutional childcare. However, the program promoted women's non-employment and proposed allowances for women who decide to give up professional work in order to take care of home and children. According to the authors of the program, tax reductions for families with numerous children should be the main tool of family policy. The program noted the necessity of improving the health care of mother and child, starting from pre-conception period. It proposed special benefits for women staying at home with children. The years of childcare would be included in their retirement benefits and social security for the period paid by state. To cover the expenses of the policy, the government proposed to reduce funds given to the kindergartens.

The program of pro-family policy, as most of the actions on behalf of women, was criticized by women's NGO's. According to women's NGO's (research by Women's Association in autumn 1998), governmental policy did not include gender equality perspective. Also, the National Action Plan for Women was not taken into consideration in governmental policy.

Primary documents:

- Program of pro-family policy, (Program polityki prorodzinnej), 1998, (92p), e-text [http://orka.sejm.gov.pl/RejestrD.nsf/wgdruku/1522/\\$file/1522.pdf](http://orka.sejm.gov.pl/RejestrD.nsf/wgdruku/1522/$file/1522.pdf)

Secondary documents:

- Kłos Bożena, Szymańczak Jolanta, Family policy- selected issues. Expertise, [Polityka rodzinna: wybrane zagadnienia], Kancelaria Sejmu, Biuro Studiów i Ekspertyz, nr 584, 1998 (9p), <http://biurose.sejm.gov.pl/teksty/i-584.htm>

1999

In November 1999 Parliament extended duration of maternity leave to 26 weeks after delivery of the first child, and to 39 weeks in the case of multiple pregnancy. Law envisioned transition period for 2000, with maternity leave of 20 and 30 weeks long. Sejm rejected Senat's proposal, that the mother could go to work before the termination of the maternal leave period.

Primary documents:

- Parliamentary debate on the changes in the Labor code- committees reports, [Sprawozdanie Komisji Finansów Publicznych, Komisji Polityki Społecznej oraz Komisji Rodziny o poselskim projekcie ustawy o zmianie ustawy z dnia 26 czerwca 1974 r. Kodeks pracy (druki nr 271 i 627).], 05.11.1998, (approx. 60p), e-text
- Parliamentary debate on the changes in the Labor code- committees reports,, [Sprawozdanie Komisji Finansów Publicznych, Komisji Polityki Społecznej oraz Komisji Rodziny o stanowisku Senatu w sprawie ustawy o zmianie ustawy Kodeks pracy (druki nr 1468 i 1484)], 18.11.1999, (approx. 70p), e-text

Secondary documents:

- Federation for Women and Family Planning, Langer maternal leave [Dłuższe urlopy macierzyńskie], Biuletyn 1 (14) 1999/2000, <http://www.federa.org.pl/mamprawo.php?page=bulletin&catid2=347&lang=1&catid=167>

2000

Right wing government continued implementation of pro- family policy. Another version of the program (similar to the one presented in 1998) was prepared and debated in the Parliament.

Primary documents:

- Program of pro- family Policy, [„Polityka prorodzinna państwa”], 17.03.2000, (approx. 50p), e-text
- Parliamentary debate on Program of pro- family policy [“Polityka prorodzinna państwa” (druk nr 1522) wraz ze stanowiskiem Komisji Rodziny (druk nr 1635)], 17.03.2000, (approx. 60p), e- text

Secondary documents:

- Kłos Bożena, Szymańczak Jolanta, Notes to government program of pro-family policy, [Uwagi do programu Polityka Prorodzinna Państwa], Druk Sejmowy nr 1522, Kancelaria Sejmu, Biuro Studiów i Ekspertyz, 2000, (7p) <http://biurose.sejm.gov.pl/teksty/i-716.htm>

2001

In May 2001 regulations of the Labor Code relating to childcare were changed. After 16 weeks of maternity leave, a mother could return to work and the remaining part of the leave (2 weeks) was granted to father. The title of Chapter 8 Labor Code was changed from “Protection of women’s work” to “Protection of the work of women and men rearing a child.” Changes in Family Code in 2001 also granted an equal right to maternal leave to foster mothers.

Until the end of 2001 childcare leave was granted only to one of the parents (mother or father), but not both at the same time. The Labor Code effective from January 2002 decides that 3 months childcare leave can be taken by one of the parents, or both parents at the same time.

After elections in 2001, the new Parliament, on request of the left- wing government, decided to reintroduce previous length of maternity leave- 16 weeks after the first birth, 18 weeks after another and 26 weeks after a multiple birth. In December 2001, a new amendment of the Labor Code was accepted.

Primary documents:

- Parliamentary debate on social insurance in case of illness and motherhood, [Sprawozdanie Komisji Polityki Społecznej oraz Komisji Rodziny o poselskim projekcie ustawy o zmianie ustawy o świadczeniach pieniężnych z ubezpieczenia w razie choroby i macierzyństwa (druki nr 2896 i 2991)], 20.06.2001, e-text

- Draft of the law on change of the law on rules and conditions of granting allowances case of illness or maternity, [Projekt ustawy o zmianie ustawy o świadczeniach pieniężnych z ubezpieczenia w razie choroby i macierzyństwa (druki nr 2896 i 2991)], 2001, e-text

2002

In 2002 the EU initiative EQUAL was conducted by the Ministry of Economy, Labor and Social Policy, with the participation of NGOs, social partners and the Government Representatives for Equal Status of Women and Men. One of the priorities of the program stressing equal opportunities for women and men were chances on labor market. The program was developed under the frame: "Reconciling family and professional life, as well as the re-integration of men and women who have left the labor market, by developing more flexible and effective forms of employment, work organization and support services".

2004

The Labor Code, adjusted to EU requirement in 2004, introduces several kinds of part time forms of employment and limited- time employment. An Act on temporal employment, introduced in 2004 (Ustawa z 9 lipca 2003 o zatrudnianiu pracowników tymczasowych) offers employees more comfortable conditions of temporal employment. This form of employment is convenient for people entering labor market: young, unemployed and women after childcare leave.<sup>7</sup> Regulations on part- time and flexible work time are not explicitly gendered. There is no visible emphasis on reconciling work and family life. Experts notice that part- time and flexible employment often disadvantage employee and are not beneficent and supportive for women<sup>8</sup>. Such jobs are not so often a choice- with additional salary supporting the household, or as a way of reconciling work and childcare. They are often the only employment available for women, badly paid and with no social security.

Primary documents:

- Act on temporal employment, [Ustawa z 9 lipca 2003 o zatrudnianiu pracowników tymczasowych], (approx. 5p)
- Labor Code, 2004 amendment

2006

After elections in 2005, the new government decided to extend maternal leave. Proposed length of the maternal leave was 18 weeks after the first child, 20 weeks after each following child, and 28 weeks in cases of twin pregnancy. The project proposed also a three year period of protection for young mothers. During this time, it would be impossible for employers to dismiss a woman after her return from the maternal leave. The changes were justified by protection of motherhood and stress was put on role of motherhood in the self-realization of a woman. It was also argued that mothers would free up work places. In

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<sup>7</sup> Magdalena Sewastinowicz, Przewidywane kierunki zmian nietypowych form zatrudnienia w Polsce, in: Elastyczny rynek pracy i bezpieczeństwo socjalne. Flexicurity po polsku? Ed. Marek Rymsza, ISP, Warszawa 2005

<sup>8</sup> Grażyna Firlit- Fesnak, Wpływ elastycznych form zatrudnienia na sytuację kobiet na rynku pracy, in: Elastyczny rynek pracy i bezpieczeństwo socjalne. Flexicurity po polsku? Ed. Marek Rymsza, ISP, Warszawa 2005

consequence, unemployment would decrease and birth rate would increase. The left-wing party (SLD) proposed an alternative project, including prohibition of dismissing a woman after her return from the maternal leave, and protection of her work during 18 months of her stay on childcare leave. Such solutions would be applied also to fathers.

The Government proposal provoked numerous protests from women's NGOs. According to Foundation Feminoteka and employers' organization (Polska Konfederacja Pracodawców Prywatnych "Lewiatan") the proposed changes would make the situation of women on the labor market more difficult. Feminoteka proposed obligatory leaves for fathers, and promotion of equal share of parental responsibilities. Feminoteka prepared a protest letter to the government, signed by more than 150 institutions and citizens, against the proposed changes.

In April 2006 Parliamentary commissions: Commission of Labor (Komisja Pracy) and Codification Commission (Komisji Kodyfikacyjna) discussed the governmental project of changes in length of maternal leave. During the discussions representatives of women's NGOs were present: Kinga Lohmann (Koalicja Karat), Urszula Nowakowska (Centrum Praw Kobiet) and Joanna Piotrowska (Feminoteka). They proposed several ideas: to replace the notion of 'maternal leave' by 'parental leave'; the two additional weeks proposed by the government should be obligatory for father of the child, and in case of single mothers, could be used by someone in family. Despite the protests, the new length of the maternity leave has been accepted by the Parliament.

Primary documents:

- Parliamentary and Senat debates on changes in Labor code concerning maternal leave, expert opinions and documents, 08.2006- 12.2006
  - Parliamentary debates on the prolongation of maternal leave, 2006 (approx. 300 p)
  - Opinions of NGOs on the proposal of prolongation of the maternal leave - Foundation Feminoteka-, 2006, [http://www.feminoteka.pl/viewpage.php?page\\_id=8](http://www.feminoteka.pl/viewpage.php?page_id=8)
  - Opinions of NGOs on the proposal of prolongation of the maternal leave- Fundacja MaMa, [http://www.feminoteka.pl/readarticle.php?article\\_id=115](http://www.feminoteka.pl/readarticle.php?article_id=115)
  - Opinions of NGOs on the proposal of prolongation of the maternal leave- Fundacja Rodzić po Ludzku, [http://www.feminoteka.pl/readarticle.php?article\\_id=114](http://www.feminoteka.pl/readarticle.php?article_id=114)
  - Statement of the Committee of Protection of Repressed Employees on prolongation of the maternal leave, (Oświadczenie KPioRP w sprawie projektów wydłużania urlopów macierzyńskich, Komitet Pomocy i Ochrony Represjonowanych Pracowników – sekcja ds. praw kobiet), (4p), <http://www.feminoteka.pl/news.php?readmore=907>
  - Letter to Polish government on changes of the maternal leave, signed by numerous organizations, (Polska Konfederacja Pracodawców Prywatnych Lewiatan, Fundacja Rodzić po Ludzku, Fundacja Mama, Fundacja Centrum Promocji Kobiet, Fundacja Feminoteka, Koalicja Karat, Stowarzyszenie Pomocy Samotnym Matkom "Pozwól żyć" w Warszawie, Magdalena Środa, Wiktor Osiatyński, Ewa Lisowska, Ewa Woydyłło-Osiatyńska,) <http://www.feminoteka.pl/news.php?readmore=742>

Secondary documents:

- Debate in Gazeta Wyborcza „Occupation- Mother” (“Zawód - Matka.”), 2006, several articles

- Agnieszka Graff, There is only one mother? [Matka jest tylko jedna?], 2006,

[http://www.feminoteka.pl/readarticle.php?article\\_id=113](http://www.feminoteka.pl/readarticle.php?article_id=113)

- Federation for Women and Family Planning, It is still possible to change the conditions of maternal leave! [Jeszcze można wpłynąć na zasady korzystania z urlopów macierzyńskich!], Mam Prawo 2 (34) 2006, (2p)

<http://www.federa.org.pl/mamprawo.php?page=bulletin&catid2=852&lang=1&catid=838>

2007

In 2007 Plenipotentiary for Women and Family presented a program of pro- family policy. Numerous organizations presented recommendations concerning the program. The possibility of sharing childcare leave between both parents was emphasized as an important aspect of pro- family policy.

Primary documents:

- Program of family policy, 2007

- Senat debate- Government information on project of family policy, [Informacja rządu o projekcie polityki rodzinnej], 12.04.2007, (approx. 61p)

<http://www.senat.gov.pl/k6/dok/sten/032/13.HTM#A00116>

- Critical analysis of project of family policy, [Karolina Jankowska. Krytyczna analiza projektu "Polityki rodzinnej" J. Kluzik-Rostkowskiej],. 2007, (3p)

<http://www.feminoteka.pl/news.php?readmore=1857>

- Recommendations on conditions of reconciling work and family life in context of pro-family policy, [Rekomendacje dotyczące warunków łączenia pracy zawodowej z funkcjami rodzinnymi w kontekście polityki prorodzinnej], Fundacja Rozwoju Demokracji Lokalnej – Centrum Dolnośląskie, 2007, (4p), e-text <http://www.rodzic-pracownik.pl/pliki/104info.doc>

- Kłos Bożena, Szymańczak Jolanta, Government policy towards family, [Polityka państwa wobec rodziny], Informacja BsiE nr 1251, 2006 (16p)

<http://biurose.sejm.gov.pl/info/index.htm>

Ministry of Regional Development [Ministerstwo Rozwoju Regionalnego] presented two programs financed by the Initiative EQUAL, under a program ‘European Funds for Family’. The Program consists of several projects developed by NGOs and other organizations. The main aim of the program is to help women to reconcile work and family life and provide assistance to women returning to work after maternal leave. Also, a media campaign for employers was aimed at promoting the reconciliation of work and family life, and especially at making the labor market more friendly for women with children. Financed by the Initiative EQUAL, the project ‘Parent- Employee’ [Rodzic- Pracownik] analyses the possibilities of flexible work- time, tele- work and distance- work.

Primary documents:

- Analysis of possibilities to implement flexible forms of employment in context of existing legal and technological solutions.[Analiza możliwości wdrożenia elastycznych form zatrudnienia w kontekście istniejących rozwiązań prawnych i technologicznych wraz z rekomendacjami], Fundacja Rozwoju Demokracji Lokalnej, 2007, (18p), e-text, <http://www.fundusze-strukturalne.gov.pl/NR/rdonlyres/4A871E38-1FAF-47B7-9ED1-9B688B70309B/33837/Telepraca3.pdf>

Secondary documents:

- Information on the program, (2p), 2007  
<http://www.fundusze-strukturalne.gov.pl/Wiadomosci/EQUAL/kp-fundusze-unijne-dla-rodziny.htm>

## Care Work and Informal work

2000

In autumn 2000 a campaign “*Done- Paid, Women’s housework and how to reward it*” was organized by a Foundation “Take care of the world” („Zadbać o świat”). Working with conflicted families, members of the Foundation discovered that limits created by the economic situation do not allow women to feel valuable members of the society. Organizers of the Campaign perceived non- paid, ‘natural’ work at home as the origin of majority of problems, such as violence against women, low presence in the public sphere, and the ignorance of politicians towards women’s issues. The Campaign was aimed at reaching the media and making the problem of housework visible. In 2002, with support of Minister Barbara Labuda, a conference in Belvedere (building of the Chancellery of the Prime Minister) was organized. It was argued that legal mechanisms regulating housework should be created: a new tax system, social and retirement benefits for women, and labor regulations. Due to a lack of funding, the Campaign was suspended.

2007

In 2006 the Civil Affairs Institute (Instytut Spraw Obywatelskich), supported by the Ministry of Labor and Social Policy from the EU Social Fund, started *the Campaign for the Appreciation of the Housework*. Organizers of the campaign claimed that the process of women’s emancipation is not accomplished, if women still have to work for free at home, in a way similar to slaves. The Campaign criticizes political ideology that stresses the important role of a ‘woman-mother’ and her housework, while at the same time pays no attention to social situation of these women.

In 2007, the Civil Affairs Institute organized media and promotion action entitled “*Done, Appreciated, Worth a lot*” (Zrobione, Docenione, Wiele warte...). Its main aim was to turn public attention to the unpaid work of women at home. The organizers collected signatures under a petition letter to the Prime Minister and Statistics Office, demanding an evaluation of the value of housework and its influence on the state’s budget. They demanded that housework is included in the budget, to make the value of women’s work visible.

In February 2007, during a conference in Warsaw, a report “Non-paid housework- how to treat it in order to create fundamentals of care society?” was presented. The report suggested that some kind of financial gratification for housewives in the form of a salary, or guaranteed part of their husband’s retirement benefits, should be assured (at this point there is no social support nor retirement programs for housewives.)

Primary documents:

- Report “Non-paid housework- how to treat it in order to create fundamentals of care society?”, the Civil Affairs Institute, Raport Instytut Spraw Obywatelskich, [Nieopłacana praca domowa - jak ją traktować, żeby skutecznie tworzyć podstawy opiekuńczego społeczeństwa?”, w ramach „Kampanii informacyjno-edukacyjnej na rzecz docenienia pracy domowej kobiet”], Łódź 2006, (30p)

<http://www.kasakobiet.oai.pl/index.php?module=Pagesetter&type=file&func=get&tid=5&fid=file&pid=7>

- Situation of housewives- a report. [Sytuacja gospodyń domowych - analiza wyników badań ankietowych], Paulina Gawrońska, Izabela Gostomska, Karolina Goś-Wójcicka, (23p)

<http://www.kasakobiet.oai.pl/index.php?module=Pagesetter&type=file&func=get&tid=5&fid=file&pid=5>

## **Equal Pay/ gender pay gap**

Before 1989

Pensions before 1989 were based on the significant factor of social redistributions. An individual’s salary did not directly influence the pension paid after retirement. The lower retirement age of women (60) than men (65) was seen as a privilege and an appreciation of motherhood.

After 1995

The reform of social security system since January 1999 changed the way of calculating pensions such that the system becomes on an individual’s capital, calculated throughout all the period of insurance. In consequence, individuals’ incomes had direct effect on the pension. The “Law on retirement and disability pensions from the Fund of Social Insurance” changed on November 1998 establishes a retirement age for women at 60 years old, and men at 65 years. The difference in retirement ages for women and men, combined with the pension scheme, means that women’s pensions will be lower even if they had the same incomes during the period of employment.

Reform in the social security system and the way of calculating pension caused numerous protests by women’s NGOs. Due to the lower retirement age of women (60 years) their pensions would be approximately 30-40% lower than those of men with the same salary. NGOs were sending letters to Ombudsman and to the Constitutional Court. During the Second Conference “Government Policy Towards Woman” organized by women’s NGOs in April 1999, a special group working on the influence of social reform on women’s situation was created. The group formed postulates proposed to the Plenipotentiary for Social Reform.

They indicated the economic consequences of the reform and stressed that the law is against women's human rights, especially the right to work.

In the report for the United Nations Human Rights Committee (1999), Federation for Women and Family Planning mentioned social security reform as one of the fields of women's discrimination. The recommendations of the UN Human Rights Committee suggested the elimination of age difference in the pension system. Answering to the Committee questions, a representative of the Polish government stated that women appreciate the different retirement age.

In the letter to Plenipotentiary for Social Reform, the Ombudsman (1999) asked for explanations, before sending the case to the Constitutional Tribunal. In 1999, the Ombudsman appealed to the Constitutional Tribunal against numerous laws discriminating against women by giving a right to the employers to terminate contracts when women are reaching retirement age. Several decisions of Constitutional Tribunal stated that such practices violate the constitutional right of equal treatment.

In June 1999, the Women's Association for Gender Equality- Pekin 1995, consisting of several women's NGOs, discussed how the social security act is discriminatory against women, and recent changes in laws regulating prenatal examinations for women. Organizations decided to collect examples of discriminatory practices in retirement law and labor market, especially in cases of women in pension age. The material was to be sent to the Ombudsman.

From July 1999, "Wysokie Obcasy"- a supplement to "Gazeta Wyborcza", was publishing information on the new pension system and its effect on the economic position of women. In October over 1000 protest letters were sent to Parliament Marshal. The Marshal promised to pass the protest to the Parliamentary Committee working on the pension system reform.

#### Primary documents:

- Act on social security, [Ustawa o świadczeniach emerytalnych], 11.1998
- Parliamentary debates on changing the conditions of social security and pension scheme, 1998, (approx. 300p), e-text,
- Letter of Ombudsman to Plenipotentiary for Social Reform (1999), fragments at: <http://www.federa.org.pl/mamprawo.php?page=bulletin&catid2=272&lang=1&catid=165>
- Letter to Plenipotentiary for Social Reform sent by women's NGOs after the Second Conference "Government Policy Towards Woman", 24-25.04.1999, (4p), reprinted in Kalendarium Ośka, 06.1999, pp. 13-15
- Discrimination of Women in Poland. Independent Report submitted to United Nations Human Rights Committee on the implementation of the Civil and Political Rights Pact, (Dyskryminacja Kobiet w Polsce. Niezależny Raport złożony do Komitetu Praw Człowieka ONZ na temat stanu przestrzegania w Polsce, Międzynarodowego Paktu Praw Obywatelskich i Politycznych), Federacja na rzecz Kobiet i Planowania Rodziny, July 1999, (approx. 20p) e-text, <http://www.federa.org.pl/publikacje/raporty/dyskrym.htm>
- Decision of Constitutional Tribunal on retirement age of women and men ref.K.15/99
- Decision of Constitutional Tribunal on retirement age of women and men - judgment of 28th March 2000, ref.K.27/99

- Decision of Constitutional Tribunal- on retirement age of women and men judgment of 5th December 2000, ref. K.35/99

Secondary documents:

- Federation for Women and Family Planning, New pension system at Ombudsman, [Nowe emerytury u Rzecznika Praw Obywatelskich], Biuletyn 4 (12) 1999, <http://www.federa.org.pl/mamprawo.php?page=bulletin&catid2=272&lang=1&catid=165>

- Federation for Women and Family Planning, Committee of Human Rights on discrimination of women in Poland, [Komitet Praw Człowieka wobec dyskryminacji kobiet w Polsce], Biuletyn 5 (13) 1999, (2p)

<http://www.federa.org.pl/mamprawo.php?page=bulletin&catid2=295&lang=1&catid=166>

- International conference Acting on behalf of equal opportunity of women and men and new pension system [„Działania na rzecz wyrównania szans kobiet i mężczyzn a nowy system emerytalny”], 22-23.11.1999, Warsaw, Organized by Ośrodek Informacji Rady Europy Centrum Europejskiego UW, British Council and Foundation of Friedrich Ebert.

2003

In 2003, work on a scheme introducing an equal retirement age for women and men begins. The proposal envisioned that by the year 2024 the retirement age of women would be raised to 65. The solution would be gradually introduced, so that women could partially or fully retire at the age of 62-65 years old.

### **Tax-Benefit Policies**

Each Parliament debates on various forms of support- financial or institutional- for families. There are at least 3-4 issues (approximately 20-30 debates and 10-15 documents and opinions) for each term of the office of the Parliament. Issues debated include: state support in nourishing children, various forms of financial supplies for children, financial support for families, and the taxation system (benefits for single parents, numerous families, poor families etc). The means of support differ: one time paid allowance, periodic allowances or constant support (financial or material). However, the most important difference between left- wing and right- wing government is in the criteria of entitlement to support. According to left- wing government, support should be based on economic grounds, and should be given to the most needy families, including single- parent families. According to right- wing government, support should be given first to families with many children (as they are primarily responsible for survival of the nation).

The taxation system allows married couples to tax their incomes together. A similar rule applies to single parents raising children (they receive a tax allowance only for one child).

1998

The Program of “Government pro- family policy”, developed since 1998, proposed tax reductions for families with numerous children and allowances for women who decide to give up professional work in order to stay at home with their children. However, the allowance was not introduced due to a budget shortage.

2005

After the elections in 2005, the government proposed a project on family allowances paid after giving birth to a child. The need for allowances was justified by demographic crisis, decrease of birth rate and support of families. The proposal was discussed in Sejm and Senat and finally in 2006 the law was accepted. Family allowance (approx. 250 Euros) is being paid to a family or single mother after giving birth to a child.

Primary documents:

- Draft: Ordinance on changing family allowances, [Druk sejmowy nr 40, 15.11.2005, poselski projekt ustawy – o zmianie ustawy z dnia 28 listopada 2003 r o świadczeniach rodzinnych.], 2006, (10 pg), e-text, <http://www.senat.gov.pl/k6/dok/sejm/003/40.pdf>
- Draft: Ordinance on changing family allowances, [Druk sejmowy nr 138, Projekt ustawy – o zmianie ustawy o świadczeniach rodzinnych], 12.2005, (10p), e-text <http://www.senat.gov.pl/k6/dok/sejm/003/138.pdf>
- Parliamentary debates on changing family allowances, 2005-2006, (approx. 200p), e-text

2006

In 2006, the law on financial support for families purchasing an apartment was discussed. The law proposed the financial support of the state- in the form of the partial payment of mortgage rates. Support would be given to married couples and single parents.

Primary documents:

- Sejm Documents the law on financial support for families purchasing an apartment: Law project and opinions [druki sejmowe nr 393, 630], 2006, e-text
- Senat documents and opinions the law on financial support for families purchasing an apartment: [druki senackie nr 198], e-text

National Program of Supporting Family was proposed in 2006 by a group of parliamentarians. The program demanded consolidated actions supporting the family. The need for long-term family policy was justified by the demographic crisis, and the increase of divorces, unemployment and crimes. The program proposed rather conservative ways of supporting the family, promoting women's non-employment and supporting male bread winners. According to the proposal, the family should be supported on an economic, social and cultural level.

Primary documents:

- Project of the resolution on National Program Supporting Family [Poselski projekt uchwały w sprawie przygotowania i wprowadzenia w życie Narodowego Programu Wspierania Rodziny druk nr 679]. 06.2006, (4p) [http://orka.sejm.gov.pl/Druki5ka.nsf/0/F4DA2C046E6E0F42C1257194002B93FE/\\$file/679.pdf](http://orka.sejm.gov.pl/Druki5ka.nsf/0/F4DA2C046E6E0F42C1257194002B93FE/$file/679.pdf)

2007

The "Charter of Rights of Polish Families" was debated in Sejm on 12.04.2007 and 26.04.2007. The Commission of Family and Women's Rights in its opinion suggested rejection of the project. The charter defined family as registered relationships between woman and men, and as the legitimate realm of procreation. Family, supported by state, could not be equalized with other forms of relationships. The Charter described the reproductive rights of the family, evaluating abortion and sterilization as unacceptable. It suggested that male breadwinners' incomes should be sufficient to keep the family and proposes a 'family income'. The Charter claimed that a mother's work at home should be awarded a salary or other benefits for housework, so that women did not have to work professionally.

Primary documents:

- Law proposal- Charter of Rights of Polish Families, [Poselski projekt uchwały - Karta Praw Polskich Rodzin. 2007-02-20 Druk nr 1477], 2007, e-text, (12p)

[http://orka.sejm.gov.pl/Druki5ka.nsf/0/27889C891ACE19A1C12572970036DDFC/\\$file/1477.pdf](http://orka.sejm.gov.pl/Druki5ka.nsf/0/27889C891ACE19A1C12572970036DDFC/$file/1477.pdf)

### **Access to the labor market**

1996

Before 1996, the Labor Code did not include any statement on equality of women and men on the labor market and in access to it. In the Labor Code amended in 1996, articles 112 and 113 relate to equal chances on the labor market and forbid discrimination on the grounds of sex. Amendment on 01.10.2002 added a new chapter on the equal treatment of women and men, explicitly forbidding any form of gender based discrimination in employment.

Ministerial ordinance in 1996 provided a list of forbidden works, dangerous for women's health. The jobs involved physical effort, exposure to heightened noise levels, vibration, electromagnetic and UV radiation, pressure, chemical substances, work underground and at heights. Most of the norms applied only to pregnant and breast-feeding women. Pregnant women and mothers of children under four-years-old could not take overtime, work night shifts or to be sent, without their consent, to work away from their regular workplace. In the case of women working in difficult conditions, for the time of pregnancy and childcare, an employer was obliged to transfer her to another job without loss of pay, and after the statutory period, guarantee a return to her previous position. However, some job categories, especially those involving strong physical effort and work in underground mines, were forbidden to women in general.

Primary documents:

- List of works prohibited to women and justification, Komitet Społeczno-Polityczny Rady Ministrów Komunikat po KSPRM - 14.08.1996, Wykaz prac wzbronionych kobietom i uzasadnienie, [http://www.kprm.gov.pl/1937\\_3336.htm](http://www.kprm.gov.pl/1937_3336.htm)

- Ministerial directive on list of works prohibited to women, Rozporządzenie Rady Ministrów z dnia 10 września 1996 r. w sprawie wykazu prac wzbronionych kobietom. (Dz. U. Nr .114 poz. 545.)

2002

In 2002, due to European Union requirements, the list of works prohibited to women was changed. The scope of ordinance was narrowed to protect only pregnant women, women who had recently given birth, or were breast-feeding. Discriminatory formula of “works prohibited to women” was changed into formula ‘introducing safe working conditions’. The government decided to change the name of the ordinance to “List of works particularly burdensome to women or harmful to their health”. The ordinance was amended on 30th July 2002, and entered into force on 10th November 2002.

Primary documents:

- Ministerial directive on 30.07.2002 changing directive on list of works prohibited to women , Rozporządzenie Rady Ministrów z dnia 30 lipca 2002 r. zmieniające rozporządzenie w sprawie wykazu prac wzbronionych kobietom. (Dz. U. Nr 127, poz. 1092) <http://www.ciop.pl/8762.html>

2003

In 2003, the government started to develop a National Strategy of Social Integration for Poland [Narodowa Strategia Integracji Społecznej dla Polski]. The Strategy was created to prevent social exclusion. It defines the most vulnerable groups: children outside the schooling system, long- term unemployed, persons leaving prisons, homeless people, illegal immigrants and Roma people. The strategy mentioned non- employed women as slightly vulnerable to social exclusion. Policy solutions did not pay particular attention to gender equality. They propose improvement of education, struggle against social poverty, decrease of long- term unemployment, and a special health- care system for children and pregnant women.

Primary documents:

National Strategy of Social Integration for Poland [Narodowa Strategia Integracji Społecznej dla Polski], 2003, (91p), e-text

2004

In 2004, the Ministry of Social Policy developed the National Action Plan on Social Inclusion for 2004-2006. The plan defined groups especially vulnerable to social exclusion: homeless people, Roma people, women and former prisoners. Among other solutions, the program proposed ways to increase and stabilize the position of women on the labor market. The program also notes the problems of the gender pay- gap, trafficking in women and domestic violence.

Primary documents:

National Action Plan on Social Inclusion, [Krajowy Plan działań na rzecz integracji społecznej na lata 2004-2006], 2004, (72p), e-text

2006

In 2006, a further attempt to reduce limitations for women's employment is made by proposing to terminate the convention of the International Labor Organization, ratified by Poland in 1957. The convention forbids women's work in underground mines. According to the Ministry of Labor and Social Policy (Departament Dialogu i Partnerstwa Społecznego, Ministerstwo Pracy i Polityki Społecznej), such regulation is against gender equality and European Union anti-discrimination regulations.

Primary documents:

- Proposal to terminate Convention 45 of International Labor Organization, [Wniosek o wypowiedzenie Konwencji Międzynarodowej Organizacji Pracy Nr 45 dotyczącej zatrudniania kobiet przy pracach pod ziemią we wszelkiego rodzaju kopalniach], (1p), e-text, Warszawa, dnia grudnia 2006  
<http://www.mps.gov.pl/bip/download/wniosek.pdf>

- Justification of the proposal to terminate Convention 45 of International Labor Organization, [Uzasadnienie wniosku o wypowiedzenie Konwencji Międzynarodowej Organizacji Pracy Nr 45 dotyczącej zatrudniania kobiet przy pracach pod ziemią we wszelkiego rodzaju kopalniach z 1935 r.], (4p), e-text, Warszawa, dnia grudnia 2006  
[http://www.mps.gov.pl/bip/download/Uzasadnienie%20k\\_45.pdf](http://www.mps.gov.pl/bip/download/Uzasadnienie%20k_45.pdf)

2007

In 2007, the Minister of Labor and Social Policy presented a program 'Active Woman' [Program Aktywna Kobieta]. The aim of the program was to assist women more than 50 years old to stay in the labor market. The group is especially vulnerable to unemployment, so needs special assistance. The program is to be organized together with institutions of the labor market and Labor Offices [Urzędy Pracy].

Primary documents:

Program Active Woman' [Program Aktywna Kobieta], Ministry of Labor and Social Policy, 2007

## **INTIMATE CITIZENSHIP**

### **Introduction of relative relevance and presence of subissues**

The Polish Constitution (art. 18) guarantees that marriage, defined as a relationship between woman and man, family, motherhood and parenthood, are under special protection of the Republic of Poland. Rights of the family are regulated by Family Code (Kodeks Rodzinny i Opiekuńczy). It regulates issues of marriage (rights and duties of the spouses), divorce, kinship (relationships between children and parents, adoption, alimony obligations) and care.

#### **Divorce, marriage, separation**

In 1999, the government introduced the institution of separation, as a part of pro-family policy. Separation has similar consequences to divorce, but spouses cannot get married again.

The most important issues were associated with the Alimony Fund and civil actions undertaken after the Fund was closed in 2003.

#### **Same-sex partnerships and homophobia**

The issue of same-sex couples and discrimination on grounds of sexual orientation caused numerous controversies and lively public debate. Since 2001, Equality Parades have been organized in many cities to turn public attention to discrimination on the grounds of sexual orientation. In 2002, the Democratic-Left Alliance (SLD) prepared a project of action on same-sex partnerships, giving same-sex partners rights similar to marriage. Gay and lesbian organizations were more visible in the public sphere and homosexuals' rights debated. At the same time, conservative and homophobic discourse became more and more visible, especially after the elections in 2005.

#### **Reproductive rights, including abortion, reproductive assistance**

In the area of reproductive rights, the most important issue is the problem of abortion, access to contraception and sexual education. In 1992, a Law on family planning and protection of human fetus was established. Numerous efforts were undertaken by women's NGOs and supported by international institutions in order to change the strict law. The issue of abortion was recently discussed, when a group of right-wing politicians made an attempt to change the Constitution and introduce total prohibition of abortion.

### **Description of the actors**

#### **Divorce, separation, marriage**

Within this issue, the most important organizations were those associated with actions aimed at re-establishing the Alimony Fund. There are several organizations established by lone mothers: Committee of Civil Legislative Initiative (Komited Obywatelskiej Inicjatywy Ustawodawczej), Association 'Threaten by closing down the Alimony Fund' („Zagrożeni Likwidacją Funduszu Alimentacyjnego” ), Association for Rights of Responsible Parents

(Stowarzyszenie Na Rzecz Praw Odpowiedzialnych Rodziców), supported by women's NGOs: Centre of Women's Rights (Centrum Praw Kobiet), Feminoteka and others.

Civil partnerships and gay marriage, discrimination on the basis of sexual orientation

The most active NGOs in combating homophobia and struggling for LGBT civil rights are: International Association of Gay and Lesbians for Culture in Poland, Lambda, Campaign against Homophobia (Kampania Przeciwko Homofobii).

They are supported by women's NGOs: Federation for Women and Family Planning, 8th of March Women's Association (Porozumienie Kobiet 8 Marca), Women's Association Konsola (Stowarzyszenie Kobiet Konsola), Efka, Centre of Women's Rights (Centrum Praw Kobiet).

It is important to mention senator Maria Szyszkowska (Democratic- Left Alliance) who prepared a draft law on same- sex partnership and proposed it to the Senat. The Parliamentary Group of Women supported the project.

European Parliament played quite an important role, by supporting Equality Parade and expressing concern about intolerance and homophobia in Poland.

Right wing parties can be also considered important actors in the debate. They often express homophobic statements and support discrimination on the basis of sexual orientation.

Reproductive rights, including abortion, reproductive assistance

The most important organization is Federation for Women and Family Planning, supported by almost all women's NGOs.

The Parliamentary Group of Women was an active actor attempting to reform anti-abortion law.

Recommendation to change strict anti- abortion law frequently appears in the concluding remarks of almost all international reports (UN and others).

## **Timeline**

### **Divorce, separation, marriage**

1998

The Program on pro- family policy, proposed by right- wing government in 1998, proposed certain changes in intimate relations. The document defined family as marriage of woman and man (in consequence, single mothers were not considered to be a family). It proposed strengthening marriage by replacing divorces by the institution of separation. Separation had the same legal consequences as a divorce, except the fact that a person cannot get married again. The separation proposal was put forward by right- wing government under the pressure of Catholic Church, who do not accept divorces. In 1998, the law introducing separation was proposed to the Parliament. According to critiques, the legal change would make the divorce procedure more difficult, and in consequence have a negative influence on women, who most often request the divorce. In November 1998, Polskie Stowarzyszenie Edukacji Prawnej (Polish Association of Legal Education) sent an

open letter to the Ministry of Justice and Marshal of Parliament. The letter claimed that the law is against constitutional guarantees of a religion- neutral state, equal treatment of citizens and rights to heritage, and first of all invades women's rights. In April 1999, all parliamentary committees supported the law introducing the institution of separation. On 16th December 1999 the institution of separation was established.

Primary documents:

- Program of pro- family Policy, (Program polityki prorodzinnej), 1998, (92p), e-text [http://orka.sejm.gov.pl/RejestrD.nsf/wgdruk/1522/\\$file/1522.pdf](http://orka.sejm.gov.pl/RejestrD.nsf/wgdruk/1522/$file/1522.pdf)

- Parliamentary debates on change of divorce procedure and establishing institution of separation, [Pierwsze czytanie rządowego projektu ustawy o zmianie ustaw: Kodeks rodzinny i opiekuńczy, Kodeks postępowania cywilnego, Prawo o aktach stanu cywilnego, ustawy o stosunku państwa do Kościoła katolickiego w Rzeczypospolitej Polskiej oraz niektórych innych ustaw ( druk nr 292).], 08.05.1998- 1999, (altogether approx. 200p), e- text

- Parliamentary debate- report of Committee on change of divorce procedure and establishing institution of separation, [Sprawozdanie Komisji Nadzwyczajnej o rządowym projekcie ustawy o zmianie ustaw: Kodeks rodzinny i opiekuńczy, Kodeks postępowania cywilnego, Prawo o aktach stanu cywilnego, ustawy o stosunku państwa do Kościoła katolickiego w Rzeczypospolitej Polskiej oraz niektórych innych ustaw (druki nr 292 i 485).], (23.07.1998) e- text

- Draft law on changing Civil Code, [Projekt ustawy o zmianie ustaw: Kodeks rodzinny i opiekuńczy, Kodeks postępowania cywilnego, Prawo o aktach stanu cywilnego, ustawy o stosunku państwa do Kościoła katolickiego w Rzeczypospolitej Polskiej oraz niektórych innych ustaw (druki nr 292 i 485)], 1998, e-text

- Open letter by Polish Association of Legal Education to Ministry of Justice and Marshal of Parliament, reprinted in Kalendarium Ośki, 01.1999, pp. 8-11, 29.11.1998, (6p)

Secondary documents:

- Federation for Women and Family Planning, Rodzina w świetle prawa, Biuletyn 2 (15) 2000 (2p)

<http://www.federa.org.pl/mamprawo.php?page=bulletin&catid2=387&lang=1&catid=168>

1999

Issues of citizenship are described in Law on Polish citizenship (1962) and the Convention on the citizenship of married women (ratified on 12 May 1957). Getting married to a foreign person or a change of citizenship by a spouse does not result in an automatic change of citizenship of the other person. Simplified procedures of acquiring Polish citizenship by foreign wives are governed by the 1962 Law on Polish citizenship. Foreign women who got married to Polish citizens and who wished to acquire Polish citizenship declared her wish in front of appropriate state organ within three months of the wedding date. The simplified procedure was applicable only in case of women; men acquired Polish citizenship only on the basis of general procedures. In 1999, the simplified procedure of acquiring Polish citizenship was changed. The word "woman" was replaced by the word "person", making the rights of women and men equal. In 1999, regulations on foreign

spouses acquiring Polish citizenship were changed. A person, irrespective of gender, remaining in wedlock for at least 3 years with a person holding Polish citizenship, acquires Polish citizenship after submitting an appropriate statement to a competent organ.

- law on *Polish citizenship* (Journal of Laws of 2000, No.28, item 353)

Before 1995- 1999

The Polish Constitution amended in April 1997 states that “families in difficult economic and social situation, and especially families with many children and single- parent families, have special rights to assistance from public authorities”. (art. 71, par. 1). There are several mechanisms supporting single parents: tax reductions for children, various kinds of allowances (they usually are based on income criteria and paid to all families fulfilling it, not only to single parents). According to Act Amending the Income Tax Act (06.03.1993 and 16.21.1993), single parents rearing small children can reduce the tax. Since 1997, tax reductions are granted for single parents rearing a child below 25 years old, if the child is going to school or is disabled.

The Alimony Fund was an institution created especially to support single parents- lone mothers or divorced parents taking care of children. It was established in 1975 to assure financial help for children and their parent in difficult financial situations due to lack of financial support from the other parent. The Alimony Fund was financed by payments from the persons responsible for alimony, the state budget and other incomes. The main failure of the Fund was the low rate of incomes received from people legally obliged to pay child support (usually fathers).

The Act on family, nursing and rearing benefits of 7th October 1999 introduced the income criteria for persons applying for alimony benefits. Its main aim was to provide assistance only to persons with the lowest incomes, due to a budget shortage.

2000

In March 2000, The Institute of Public Affairs [Instytut Spraw Publicznych] organized a conference on the state’s policy towards single mothers. In concluding remarks, the experts decided that there is no coherent policy and the only available supports are long and short term allowances from social security. According to the experts (Marek Rymsza), the best instruments would be changes in the labor code and special tax system, which would activate single mothers professionally. During seminars in June, October and November the topic was further developed and in effect a book was published.

Secondary documents:

- Institute of Public Affairs, 2001, Lone motherhood and social policy [Samotne macierzyństwo i polityka społeczna], ed. Marek Rymsza

2002

An unemployed person, without right to unemployed benefits, but being single parent of a child under 15, was guaranteed a periodic allowance from social security. From September 2001, the entitlement to that allowance was extended to persons caring for children up to the

age of 16. From January 2002, the right to the allowance was restricted to single parents of children aged up to 7 years.

An amendment to the law on social security on 17th December 2001 (entered into force on 1st January 2002) creates periodic maternity allowance and single maternity grants. The allowance may be paid to a person taking care of a child (mother, father or a foster family).

Secondary documents:

- Kłós Bożena, Expertise- Aid for single mothers. Notes to draft law on employment, [Pomoc dla samotnych matek. Uwagi do projektu ustawy o zmianie ustawy o zatrudnieniu i przeciwdziałaniu bezrobociu], Kancelaria Sejmu, Biuro Studiów i Ekspertyz, 2002 (6p)

[http://biurose.sejm.gov.pl/teksty\\_pdf\\_01/i-773.pdf](http://biurose.sejm.gov.pl/teksty_pdf_01/i-773.pdf)

2003

In 2003, parliamentarians of the Democratic- Left Alliance proposed a project of social reform, which included closing down the Alimony Fund. The Fund paid alimony allowances to more than 520 000 families, usually single mothers with children. The allowance was granted by the state when it was impossible to force the father to pay. The Government justified the decision by the huge debt of the Alimony Fund and budget shortage.

In November 2003, before last voting in the Parliament on the closing down of the Alimony Fund, several demonstrations took place in front of Sejm. Moreover, more than 60 organizations and associations defending the Alimony Fund were established in the country.<sup>9</sup> Single mothers were sending letters to the parliamentarians, senators, the President, Parliament's Marshal, Ombudsman, Plenipotentiary for Children's Rights, Plenipotentiary for Equal Status of Women and Men and organizing protest actions and information campaigns. Association „Zagrożeni Likwidacją Funduszu Alimentacyjnego” (“Threaten by closing down the Alimony Fund”), Association for Rights of Responsible Parents (Stowarzyszenie Na Rzecz Praw Odpowiedzialnych Rodziców) and others, supported by the Centre of Women's Rights, started to collect signatures, in order to submit a civil project that re-establishes the Alimony Fund on a local level (in Gmina).

Despite those protests, in November 2003 'Act on family, nursing and rearing benefits' and 'Act on the alimony fund' were replaced by the 'Act on family allowances' (valid since May 2004). The idea of the change was to introduce coherent income criteria for all benefits provided by the state. However, in consequence, the Alimony Fund providing allowances for single parents (usually mothers) was closed down. Government claimed that the 'state is not a father' to cover the debts of the persons required to pay alimonies. The decision was also justified by the budget shortage. The Fund was replaced by legal mechanisms to require allowance from the person responsible (usually the father), but they were much more difficult to implement.

Primary documents:

- Parliamentary debates on closing down the Alimony Fund, 2003, (approx. 200p), e-text

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<sup>9</sup> <http://poland.indymedia.org/pl/2004/05/6844.shtml>

Secondary documents:

- Kłos Bożena, Szymańczak Jolanta, Expertise: Alimony Fund, [Fundusz Alimentacyjny], Kancelaria Sejmu, Biuro Studiów i Ekspertyz, 2003 (19p)

<http://biurose.sejm.gov.pl/info/index.htm>

- Newspaper articles: „Poverty. After closing down the Alimony Fund thousands of families are without means to live. [Na skraju ubóstwa. Planowane zlikwidowanie Funduszu Alimentacyjnego pozbawi środków do życia tysiące rodzin.] Dziennik Polski 11.10.2003

- Newspaper articles: „More opponents to closing down the Alimony Fund”, [Przybywa przeciwników likwidacji Funduszu Alimentacyjnego], Gazeta Krakowska, 20.10.2003

- Newspaper articles: Protest in defence of Alimony Fund, [Protest w obronie alimentów. Matki łatają budżet]. Gazeta Wyborcza, 23.11.2003

- Newspaper articles: Protest of single parents, [Manifestacja samotnych rodziców. Małżeństwo dla bogatych], Gazeta Wyborcza, 29.11.2003

2004

Ombudsman in March 2004 (supported by Plenipotentiary for Children's Rights) questioned in a Constitutional Tribunal whether the Act is in accordance with the Constitution. According to Ombudsman, the law is against the Convention on Children's Rights, against the rule of state's assistance and against constitutional equality of all citizens. Plenipotentiary for Children's Rights prepared a draft of the new law that re-establishes local Alimony Funds and creates a register of debtors of the Fund.

In April 2004, single mothers all around Poland organized protests. They protested against closing down the Alimony Fund and demanded at least prolonging its existence to January 2005, hoping that this would provide sufficient time for the Constitutional Tribunal to reject the law.

In 2004, two projects of a new law on the Alimony Fund were submitted to the Parliament: The civil proposal of the law on Alimony Fund and governmental proposal of the law on procedure of dealing with alimony debtors.

After closing down the Alimony Fund, Komited Obywatelskiej Inicjatywy Ustawodawczej (Committee of Civil Legislative Initiative) started to collect signatures (100.000) under civil proposal of the Act on Alimony Fund. In November 2004, the project was submitted to the Parliament for consideration. The project was submitted to the first reading and in December 2004 it was accepted to works in commissions (Komisji Polityki Społecznej i Rodziny oraz Komisji Sprawiedliwości i Praw Człowieka) and further works on the project were delayed. NGOs and Associations sent several letters to the Parliament and other bodies protesting against the slow work on the project.

Primary documents:

- Ombudsman's letter to the Constitutional Tribunal, March 2004

- Protest against closing down the Alimony Fund, [Protest Przeciwko Likwidacji Funduszu Alimentacyjnego], 26.05.2004, (1p)

<http://archives.lists.indymedia.org/imc-pl/2004-May/001831.html>

- Civil proposal of the Act on Alimony Fund [Obywatelski projekt ustawy Fundusz Alimentacyjny, Druk 3392], 2004-11-02, (28p)  
[http://orka.sejm.gov.pl/Druki4ka.nsf/\(\\$vAllByUnid\)/7BD80237041CFC08C1256F410036468D/\\$file/3392.pdf](http://orka.sejm.gov.pl/Druki4ka.nsf/($vAllByUnid)/7BD80237041CFC08C1256F410036468D/$file/3392.pdf)
- Government opinion on the civil proposal of the Act on Alimony Fund, [Stanowisko Rządu do druku nr 3392], 2004-12-09, (12 p)  
[http://orka.sejm.gov.pl/Druki4ka.nsf/0/A905AD479600F455C1256F6900351F18/\\$file/3392-x.pdf](http://orka.sejm.gov.pl/Druki4ka.nsf/0/A905AD479600F455C1256F6900351F18/$file/3392-x.pdf)
- Legal opinion on Civil proposal of the Act on Alimony Fund, [Opinia prawna w sprawie obywatelskiego projektu ustawy – Fundusz Alimentacyjny], 2005-03-30, (12p)  
[http://orka.sejm.gov.pl/rexdomk4.nsf/\(\\$All\)/CEC58E2942E28EFCC1256FC70044CB98/\\$File/1734-05.rtf?OpenElement](http://orka.sejm.gov.pl/rexdomk4.nsf/($All)/CEC58E2942E28EFCC1256FC70044CB98/$File/1734-05.rtf?OpenElement)
- Protest letter by Association for Rights of Responsible Parents and Centre of Women’s Rights against ignoring opinions of the citizens by the Parliament [Ogólnopolski protest w obronie obywatelskiej inicjatywy ustawodawczej. Protest przeciwko lekceważeniu głosów obywateli przez Sejm], 2005-03-14, (2p) [http://samodzielne-matki.free.ngo.pl/docs/list\\_wojew.rtf](http://samodzielne-matki.free.ngo.pl/docs/list_wojew.rtf)
- Committee of Civil Legislative Initiative: Protest letter against constrain of works on civil project of the law on Alimony Fund, [Oświadczenie Wnioskodawców Obywatelskiego Projektu Ustawy Fundusz Alimentacyjny Komitet Inicjatywy Ustawodawczej na rzecz Ustawy Fundusz Alimentacyjny], 26.02.2005 (1p),  
<http://pl.indymedia.org/pl/2005/02/12055.shtml>
- Press release of single mothes, [Oświadczenie prasowe samotnych matek], 24.02.2005, (1p), <http://pl.indymedia.org/pl/2005/02/12053.shtml>

2005

At the same time, work on the governmental project of the Act started. The draft law was submitted in November 2004 and in December the works had started. In March 2005, the final version of the Law was submitted to Senat and some of the Senat’s suggestions were accepted by the Parliament. In May 2005, President accepted the law.

Primary documents:

- Governmental law proposal on Alimony Fund debtors, [Rządowy projekt ustawy o postępowaniu wobec dłużników alimentacyjnych oraz o zmianie niektórych innych ustaw, druk nr 3393], 27-10-2004, (50p)  
[http://orka.sejm.gov.pl/Druki4ka.nsf/wgdruku/3393/\\$file/3393.pdf](http://orka.sejm.gov.pl/Druki4ka.nsf/wgdruku/3393/$file/3393.pdf)
- Legal opinion on controversies of governmental law proposal on Alimony Fund debtors, [Opinia prawna w sprawie postawionych pytań dot. rządowego projektu ustawy o postępowaniu wobec dłużników alimentacyjnych oraz zmianie niektórych innych ustaw], 2004.12.01, (approx. 15p), e-text  
[http://orka.sejm.gov.pl/rexdomk4.nsf/\(\\$All\)/33BE6FE587B2714CC1256F570038A481/\\$File/12626-04.rtf?OpenElement](http://orka.sejm.gov.pl/rexdomk4.nsf/($All)/33BE6FE587B2714CC1256F570038A481/$File/12626-04.rtf?OpenElement)

- Report of Extraordinary Committee on governmental law proposal on Alimony Fund debtors, [Sprawozdanie Komisji Nadzwyczajnej do rozpatrzenia projektów ustaw związanych z rządowym "Programem uporządkowania i ograniczenia wydatków publicznych" o Rządowym projekcie ustawy o postępowaniu wobec dłużników alimentacyjnych oraz o zmianie niektórych innych ustaw], 03.12.2004 (17p)

[http://orka.sejm.gov.pl/Druki4ka.nsf/wgdruku/3531/\\$file/3531.pdf](http://orka.sejm.gov.pl/Druki4ka.nsf/wgdruku/3531/$file/3531.pdf)

- Revised report of Extraordinary Committee on governmental law proposal on Alimony Fund debtors, Poprawione sprawozdanie Komisji Nadzwyczajnej do rozpatrzenia projektów ustaw związanych z rządowym "Programem uporządkowania i ograniczenia wydatków publicznych" o Rządowym projekcie ustawy o postępowaniu wobec dłużników alimentacyjnych oraz o zmianie niektórych innych ustaw, 15.02.2005, (27p)

[http://orka.sejm.gov.pl/Druki4ka.nsf/wgdruku/3739/\\$file/3739.pdf](http://orka.sejm.gov.pl/Druki4ka.nsf/wgdruku/3739/$file/3739.pdf)

- Governmental law proposal on Alimony Fund debtors [Rządowy projekt ustawy o postępowaniu wobec dłużników alimentacyjnych oraz o zmianie niektórych innych ustaw], 19-04-2005, (10p) [http://orka.sejm.gov.pl/Druki4ka.nsf/wgdruku/3845/\\$file/3845.pdf](http://orka.sejm.gov.pl/Druki4ka.nsf/wgdruku/3845/$file/3845.pdf)

- Final version of the Act on Alimony Fund debtors, [Ustawa z dnia 22 kwietnia 2005 r. o postępowaniu wobec dłużników alimentacyjnych oraz zaliczce alimentacyjnej], 22.04.2005, (10p) [http://ks.sejm.gov.pl/proc4/ustawy/3393\\_u.htm](http://ks.sejm.gov.pl/proc4/ustawy/3393_u.htm)

Secondary documents:

- Report on the monitoring of work of institutions responsible for deciding on financial situation of Alimony debtors. [Raport z Monitoringu pracy komorników i innych organów państwowych powołanych do ustalania faktycznej sytuacji majątkowej oraz egzekwowania należnych świadczeń alimentacyjnych], Krakowskie Centrum Praw Kobiet, 2005, (28p)

<http://samodzielne-matki.free.ngo.pl/pobierz.html>

2006

In December 2006, Senat proposed to Parliament the draft 'Act on alimony debtors and alimony installments'. The law proposed several changes to the procedure of demanding alimonies from fathers. In 2006, the project of the new law on the Alimony Fund was discussed in the Parliament. At the moment, there is a media debate on the Alimony Fund and situation of single mothers under the law.

Primary documents:

- Senat debate on the Civil proposal of the Act on Alimony Fund, [Debata o zmianie ustawy o postępowaniu wobec dłużników alimentacyjnych oraz zaliczce alimentacyjnej], 13.12.2006, (approx. 60p), e-text

- Parliamentary project of the Act on Alimony Fund [Poselski projekt ustawy o funduszu alimentacyjnym], 15.12.2006, (52p)

<http://orka.sejm.gov.pl/Druki5ka.nsf/wgdruku/1393>

- Senat Senat project on Alimony Fund debtors, 2006, e-text

- Opinion on the Parliamentary project of the Act on Alimony Fund and notes to Senat project on Alimony Fund debtors, [Opinia merytoryczna do poselskiego projektu ustawy o

funduszu alimentacyjnym, Uwagi do senackiego projektu ustawy o zmianie ustawy o postępowaniu wobec dłużników alimentacyjnych (druk nr 1396)], 2007.03.15, (25p)

[http://orka.sejm.gov.pl/rexdomk5.nsf/\(\\$All\)/9DB3A70FD6C9EE2BC12572920059814D/\\$File/i595\\_07.rtf?OpenElement](http://orka.sejm.gov.pl/rexdomk5.nsf/($All)/9DB3A70FD6C9EE2BC12572920059814D/$File/i595_07.rtf?OpenElement)

- Legal opinion on the Parliamentary project of the Act on Alimony Found [Opinia prawna w sprawie poselskiego projektu ustawy o funduszu alimentacyjnym (druk nr 1393) oraz senackiego projektu ustawy o postępowaniu wobec dłużników alimentacyjnych oraz zaliczce alimentacyjnej (druk nr 1396) 2007.03.12 (8p)

[http://orka.sejm.gov.pl/rexdomk5.nsf/\(\\$All\)/955F8428CFC097F5C125729200592446/\\$File/i594-07.rtf?OpenElement](http://orka.sejm.gov.pl/rexdomk5.nsf/($All)/955F8428CFC097F5C125729200592446/$File/i594-07.rtf?OpenElement)

2007

In 2007, a series of articles on the Alimony Fund and single mothers' protests were published in the media (with the most important Gazeta Wyborcza). Articles described development of protest and the role of feminist organizations in supporting women. One of the articles discussed the role of civil society in the protest and claimed that feminists were unsupportive and more interested in lesbians' rights than the needs of real women.

Secondary documents:

- Newspaper article: „Feminist contra single mothers”, [Feministki kontra samotne matki,], Gazeta Wyborcza, 11.06.2007, (6p)

<http://www.gazetawyborcza.pl/1,76842,4203464.html>

## **Civil partnerships and gay marriage, discrimination on the basis of sexual orientation**

1994

In 1994 Lambda- Warsaw presented the first report on the situation of homosexual people in Poland.

Primary documents:

- Report on Discrimination on the basis of Sexual Orientation in Poland in 1994, 1994, (9p), e-text, [http://warszawa.lambda.org.pl/dokumenty/Raport\\_dyskryminacja\\_1994\\_e.pdf](http://warszawa.lambda.org.pl/dokumenty/Raport_dyskryminacja_1994_e.pdf)

2001

Since 2001 Equality Parades have been organized in Warsaw to turn public attention on the situation of homosexuals in Poland. In May 2001, the International Association of Gay and Lesbians for Culture in Poland organized an Equality March. Representatives of Federation for Women and Family Planning and Association for Prevention HIV/AIDS TADA were also present. During the event organizers emphasized that the rights of sexual minorities are regularly ignored.

In 2001 Lambda presented a report on discrimination against homosexuals in Poland, a part of the research done by ILGA-Europe. Lambda also created recommendations for the Polish government including: creation of legal mechanisms preventing discrimination of

homosexual people in private life and in work, creation of legislation enabling registration of relationships, common taxation and sharing property.

Primary documents:

- Lambda- Warsaw, Report on discrimination on grounds of sexual orientation in Poland, 2000, (37p), e-text

[http://warszawa.lambda.org.pl/dokumenty/Raport\\_dyskryminacja\\_2000\\_e.pdf](http://warszawa.lambda.org.pl/dokumenty/Raport_dyskryminacja_2000_e.pdf)

- Lambda- Warsaw, Report 2001. On discrimination and intolerance due to sexual orientation in Poland, 2001, (33p), e-text

[http://warszawa.lambda.org.pl/dokumenty/Raport\\_dyskryminacja\\_2001\\_eng.pdf](http://warszawa.lambda.org.pl/dokumenty/Raport_dyskryminacja_2001_eng.pdf)

2001

In the letter send to Gazeta Wyborcza in June 2001, Lambda criticized discussion on homosexual rights in Poland in Gazeta Wyborcza, and especially the silencing homosexual people in the debate. In September, Kampania Przeciwko Homofobii (Campaign against Homophobia) sent another letter to Gazeta Wyborcza, publishing a statement of bishop Tadeusz Pieronek, who compared homosexuality to disease and suggested isolation of homosexuals.

Primary documents:

- Letter to Gazeta Wyborcza, Kampania Przeciwko Homofobii, 22.09.2001, (2p), reprinted in Kalendarium Ośki 11.2001, pp. 18-19

2002

In February 2002, the Democratic- Left Alliance (SLD) prepared a project of and act legalizing cohabitation. In the project the sex of partners was not mentioned, so it included also same- sex partnerships. The need for the law was justified by EU anti- discrimination policy, which forbids also discrimination on ground of sexual orientation.

Debates on the project were accompanied by debate on same sex relationships in the main Polish newspaper Gazeta Wyborcza. Discussion included issues of the morality of homosexual relationships, the adoption of children (not mentioned in the draft law) and civil rights of homosexuals in Poland.

Secondary documents:

- Debate in 'Gazeta Wyborcza' on same- sex relationship and civil rights of homosexuals in Poland, 2002, (approx. 10 articles).

In May 2002, the second Equality Parade was organized in Warsaw. The Parade protested against discrimination on grounds of sexual orientation and homophobia. Lambda- Warsaw published another annual report on discrimination against homosexual people in Poland.

Primary documents:

- Lambda- Warsaw, Report on discrimination and intolerance on grounds of sexual orientation in Poland in 2002, [Raport o dyskryminacji i nietolerancji ze względu na orientację seksualną w Polsce w 2002r], 2002, (52p), e-text, [http://warszawa.lambda.org.pl/dokumenty/Raport\\_dyskryminacja\\_2002\\_pl.pdf](http://warszawa.lambda.org.pl/dokumenty/Raport_dyskryminacja_2002_pl.pdf)

In August 2002, various NGOs sent protest letters to “Gazeta Wyborcza” criticizing articles that expressed strong intolerance for homosexuals. The letters also criticized cases of discrimination against homosexual people in public life.

Primary documents:

- Letter to Gazeta Wyborcza, Kampania Przeciw Homofobii, 22.09.2001, (2p), reprinted in Kalendarium Ośki 11.2001, pp. 18-19
- Letter to Gazeta Wyborcza, Lambda- Warszawa, 08.2002, (1p) reprinted in Kalendarium Ośki 09.2002, p.14
- Letter to Gazeta Wyborcza, Anna Lipowska- Teutsch, Member of Polish Psychological Association, 08.2002, (2p) reprinted in Kalendarium Ośki 09.2002, pp.15-16
- Letter to Gazeta Wyborcza, Foundation OŚKa, 09.08.2002, (2p) reprinted in Kalendarium Ośki 09.2002, pp.16-17

2003

In March 2003, Plenipotentiary for Equal Status of Women and Men organized a conference “Human rights and counteracting discrimination on grounds of sexual orientation” in the Chancellery of Prime Minister. In the seminar, representatives of the Ministry of Interior Affairs and Administration, Ministry of Education, politicians and NGOs participated. During the seminar, legal regulations and social tolerance for homosexuality were discussed. Participants created several recommendations for policy changes. Seminar materials were published.

Secondary documents:

- Materials of the conference “Human rights and counteracting discrimination grounded on sexual orientation” organized in March 2003 by Plenipotentiary for Equal Status of Women and Men.

In May 2003, Lambda- Warszawa organized a pre- accession campaign for lesbians and gays. The aim was to inform about the various rights for homosexual people guaranteed in the EU legal system. The campaign, supported by Plenipotentiary for Equal Status of Women and Men, was organized in several cities.

In March 2003 a draft law on partnership, proposed by professor Maria Szyszkowska, was discussed in the parliamentary club Democratic- Left Alliance. At the same time, LGBT organizations (International Association of Gay and Lesbians for Culture in Poland and Lambda-Warszawa) organized an action of collecting signatures supporting the project. In September, the project was discussed in the parliamentary club Democratic- Left Alliance

and was accepted for further legislative works. The International Association of Gay and Lesbians for Culture in Poland attended the discussion.

Primary documents:

- Report of the Commissioner for Human Rights , Mr Alvaro Gil-Robles, on His Visit to Poland, 18 – 22 November 2002, for the Committee Of Ministers and the Parliamentary Assembly, 2003, (20p), e-text

[http://warszawa.lambda.org.pl/dokumenty/raport\\_prawa\\_czlowieka\\_2003.pdf](http://warszawa.lambda.org.pl/dokumenty/raport_prawa_czlowieka_2003.pdf)

Secondary documents:

- Federation for Women and Family Planning, Registered Partnerships in Senat,[Związki partnerskie w Senacie], Mam Prawo 3 (26) 2003 (1p),

<http://www.federa.org.pl/mamprawo.php?page=bulletin&catid2=418&lang=1&catid=179>

- Support for proposal of law on registered partnership, [Poparcie dla projektu ustawy o legalizacji związków partnerskich], 2003, (1p),

<http://www.thepetitionsite.com/takeaction/644273639>

In November 2003, Kampania Przeciw Homofobii (Campaign Against Homophobia) inaugurated a campaign “I am gay, I am lesbian”. During the meeting at Warsaw University, attended by Maria Szyszkowska and representatives of Plenipotentiary for Equal Status and Campaign Against Homophobia, the draft law on partnership was discussed. According to Szyszkowska, the law would guarantee equal rights for homosexuals. Another discussion on the project with politicians and NGOs (Lambda, Kampania Przeciwko Homofobii and IGLCN) took place in November. According to participants, the Act has a symbolic meaning and would be a huge step towards real freedom and democracy.

In December 2003, the first court process against homophobia took place. The Campaign Against Homophobia sued members of the political party League of Polish Families, for their statement that homosexual people are sick and should not work in schools as teachers. The statement was made during discussions on changing the “Charter for Teachers” (Karta Nauczyciela).

2004

In September 2004 in Senat, the draft law on registered partnerships was discussed. The project proposed to make other forms of partnerships equal to marriage, including same-sex relationships. According to the project, registered partners had right to inheritance, family insurance, common taxation and other legal benefits. Partners were obliged to support each other, also financially, and by sharing property. However, partners in the registered partnership would not be allowed to adopt a child.

Primary documents:

- Senat debate on registered partnerships, [69. posiedzenie Senatu RP drugie czytanie projektu ustawy o rejestrowanych związkach partnerskich], 30.09.2004, (approx. 60p), e- text

- Senat debate on registered partnerships- second reading of the Act (69. posiedzenie Senatu RP, drugie czytanie projektu ustawy o rejestrowanych związkach partnerskich], 14.10.2004, (approx. 60p), e- text
- Senat debate on registered partnerships- third reading of the Act [73. posiedzenie Senatu RP, trzecie czytanie projektu ustawy o rejestrowanych związkach partnerskich], 11.2004, (approx. 60p), e- text
- Draft of the Act on registered partnerships, (approx. 15 p), e-text

In May 2004, several NGOs sent an open letter to public authorities indicating the problem of intolerance, hate and violence against women's NGOs and LGBT organizations in Polish public life. The latter was signed by many NGOs (among others, the Federation for Women and Family Planning, Kampania Przeciw Homofobii, Porozumienie Kobiet 8 Marca, Stowarzyszenie Kobiet Konsola, NEWW-Polska, LAMBDA, Amnesty International, Efka, Centrum Praw Kobiet Warszawa, YWCA).

Primary documents:

- Open letter to public authorities indicating the problem of intolerance, hate and violence in Polish public life, 10.05.2004, Mam Prawo 2(28) 2004, (2p)  
<http://www.federa.org.pl/mamprawo.php?page=bulletin&catid2=198&lang=1&catid=181>

In 2004, ILGA- Europe published a report on the situation of homosexual people in accessing countries.

Primary documents:

- ILGA- Europe. Meeting the challenge of accession. Surveys on sexual orientation discrimination in countries joining the European Union, 2004, (24p), e-text  
[http://warszawa.lambda.org.pl/dokumenty/ILGA\\_raport\\_akcesja\\_2004\\_e.pdf](http://warszawa.lambda.org.pl/dokumenty/ILGA_raport_akcesja_2004_e.pdf)

2005

In 2005, the President of Warsaw forbade the Equality Parade. The decision was protested against by the organizers of the Parade and the complaint was send to the European Court of Human Rights in Strasbourg. Various NGOs organized protests, and the media commented on the quality of democracy in Poland. In its decision, the European Court of Human Rights in Strasbourg stated that prohibiting the Parade was against the European Convention of Human Rights.

Primary documents:

- European Court of Human Rights, Decision on the acceptance of complaint- Buczkowski against Poland, [Decyzja W Sprawie Dopuszczalności skargi nr 1543/06 złożonej przez Tomasza Bączkowskiego i innych przeciwko Polsce], 2005, e-text (12p),  
[http://www.hfhrpol.waw.pl/index\\_pliki/pdf/decyzja\\_Parada\\_Rownosci.pdf](http://www.hfhrpol.waw.pl/index_pliki/pdf/decyzja_Parada_Rownosci.pdf)
- European Court of Human Rights, Fourth Section, Case of Bączkowski and Others V. Poland, (Application No. 1543/06) Strasbourg, 3 May 2007, (22p),

<http://cmiskp.echr.coe.int//tkp197/viewhbk.asp?action=open&table=F69A27FD8FB86142BF01C1166DEA398649&key=62205&sessionId=10311841&skin=hudoc-en&attachment=true>

- Statement of Helsinki Foundation for Human Rights, concerning freedom of expressing political opinions, 25.11.2005, (1p)  
<http://www.federa.org.pl/mamprawo.php?page=bulletin&catid2=799&lang=1&catid=781>

Secondary documents:

- Federation for Women and Family Planning, Interview with Agnieszka Grzybek, [Demokracja zreanimowana?], Mam Prawo 3 (32) grudzień 2005, (3p)  
<http://www.federa.org.pl/mamprawo.php?page=bulletin&catid2=800&lang=1&catid=781>

In 2005, an Equality Parade was prohibited in Poznań. The decision of the City government was protested against by numerous organizations. After the president of Poznań forbade the March of Freedom in November 2005, many NGOs sent protest letters (Helsinki Foundation for Human Rights). In all of the main cities a protest action "Reanimacja demokracji" (Reanimation of democracy) was organized by, among others, Lambda, Kampania przeciw Homofobii, OŚKa, etc. The action was organized to defend democracy and fundamental citizens' rights, especially freedom of expressing political opinions. A similar situation took place in Krakow, where the president of Krakow did not allow the March of Tolerance. The decision of the President of Poznań started public debate on democracy in Poland (with Gazeta Wyborcza offering strong support), but also turned international attention to the quality of Polish democracy. Organizers sent a complaint to the Court and it decided that the prohibition was not legal.

Primary documents:

- Civil protest against prohibition of Equality Parade in Poznan, (Protest obywatelski w sprawie wydarzeń w Poznaniu 19.11.2005), 2p,  
[http://gejowo.pl/index.php?&pid=2&a\\_gid=7&a\\_id=728](http://gejowo.pl/index.php?&pid=2&a_gid=7&a_id=728)

2006

On 14.06.2006, the European Parliament accepted „Resolution on violence caused by racism and homophobia in Europe” which turned attention to racism, anti-Semitism and homophobia in Poland, and the lack of actions preventing these occurrences by public authorities. In reaction to the resolution, the Polish Parliament expressed its indignation. According to the resolution proposed by Polish parliamentarians in response, there are no such occurrences in Poland.

Primary documents:

- Resolution of the European Parliament on homophobia in Europe, [Rezolucja Parlamentu Europejskiego w sprawie homofobii w Europie], 18.01.2006  
<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P6-TA-2006-0018+0+DOC+XML+V0//PL&language=PL>

- Resolution of the European Parliament on violence caused by racism and homophobia in Europe, [Rezolucja Parlamentu Europejskiego w sprawie nasilenia przemocy powodowanej rasizmem i homofobią w Europie], 15.06.2006, e-text

<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P6-TA-2006-0273+0+DOC+XML+V0//PL&language=PL>

- Parliamentary debate on the European Parliament „Resolution on violence originated by racism and homophobia in Europe”, 06.2006, e-text

- Report of Committee of Foreign Affairs on the project of resolution concerning European Parliament’s resolution on homophobia, (Sprawozdanie Komisji Spraw Zagranicznych o poselskim projekcie uchwały ws. rezolucji Parlamentu Europejskiego z 15 czerwca 2006 dot. "nasilenia przemocy powodowanej rasizmem i homofobią w Europie"), 2006-06-22, E-Text

- Report of Foreign Affairs Committee on the project of resolution on unjust accusations of Poland in the European Parliament resolution on homophobia, [Sprawozdanie Komisji Spraw Zagranicznych o poselskim projekcie uchwały w sprawie krzywdzących Polskę opinii zawartych w Rezolucji Parlamentu Europejskiego "w sprawie nasilenia przemocy powodowanej rasizmem i homofobią w Europie" wraz z autopoprawką], 2006-06-22, E-Text

- Parliamentary project of the resolution concerning European Parliament’s resolution on homophobia, [Poselski projekt uchwały ws. rezolucji Parlamentu Europejskiego z 15 czerwca 2006 dot. "nasilenia przemocy powodowanej rasizmem i homofobią w Europie"], 2006-06-20, E-Text, (2p)

- Change in the parliamentary project of the resolution concerning European Parliament’s resolution on homophobia, [Autopoprawka do poselskiego projektu uchwały w sprawie krzywdzących Polskę opinii zawartych w Rezolucji Parlamentu Europejskiego "w sprawie nasilenia przemocy powodowanej rasizmem i homofobią w Europie"] 2006-06-21, E-Text, (2p)

- Parliamentary project of resolution on unjust accusations of Poland in the European Parliament resolution on homophobia, [Poselski projekt uchwały w sprawie krzywdzących Polskę opinii zawartych w Rezolucji Parlamentu Europejskiego "w sprawie nasilenia przemocy powodowanej rasizmem i homofobią w Europie"]. 2006-06-20, E-Text, (5p)

In 2006, Lambda- Warsaw presented a report on the situation of homosexual persons in Poland.

Primary documents:

- Lambda- Warsaw, Situation of Bisexual and Homosexual Persons in Poland. 2005 and 2006 report., 2006, (84p), e-text

[http://warszawa.lambda.org.pl/dokumenty/raport\\_homofobia\\_2002-2006\\_e.pdf](http://warszawa.lambda.org.pl/dokumenty/raport_homofobia_2002-2006_e.pdf)

2007

In April 2007 Polish NGOs: Campaign against Homophobia [Kampania Przeciw Homofobii], Lambda, Foundation Culture for Tolerance [Fundacja Kultura dla Tolerancji], Porozumienie Lesbijek (LBT), Foundation for Equality [Fundacja Równości], Network West-

East Women, Feminoteka, Federation for Women and Family Planning, Foundation for European Education [Fundacja Edukacji Europejskiej im. Stefana Okrzei] sent a letter to the European Parliament supporting its works on the new resolution against homophobia in Europe. The letter criticized the lack of tolerance for homosexuals in Poland and lack of any actions by government aimed at changing this situation.

Primary documents:

- Letter of the Polish civil society to European Parliament, concerning the resolution on homophobia in Europe, [List polskiego społeczeństwa obywatelskiego w sprawie rezolucji Parlamentu Europejskiego dotyczącej homofobii w Europie], 27.04.2007, (3p)

[http://www.kampania.org.pl/swiat.php?subaction=showfull&id=1177514193&archive=&start\\_from=&ucat=3](http://www.kampania.org.pl/swiat.php?subaction=showfull&id=1177514193&archive=&start_from=&ucat=3)

The “Charter of Rights of Polish Families” was debated in Sejm on 12.04.2007 and 26.04.2007. The Commission of Family and Women’s Rights in its opinion suggested rejection of the project. The charter defined family as registered relationships between women and men, and as the legitimate realm of procreation. Family, supported by the state, could not be equalized with other forms of relationships. The Charter also described the reproductive rights of family, evaluating abortion and sterilization as unacceptable. It stated that incomes should be sufficient to keep the family and proposes a ‘family income’. The Charter claimed that mothers’ work at home should be respected and it proposed a salary or other benefits for housework, so that women do not have to work professionally. In March 2007, Parliament debated on a “Statement on defense of life, family and rights of nations”. The text states that life should be protected from moment of conception and that Parliament is against ‘homosexual propaganda’, considered dangerous for public morality and family.

Primary documents:

- Project of the resolution on National Program Supporting Family [Poselski projekt uchwały w sprawie przygotowania i wprowadzenia w życie Narodowego Programu Wspierania Rodziny], 06.2006 (4p)

[http://orka.sejm.gov.pl/Druki5ka.nsf/0/F4DA2C046E6E0F42C1257194002B93FE/\\$file/679.pdf](http://orka.sejm.gov.pl/Druki5ka.nsf/0/F4DA2C046E6E0F42C1257194002B93FE/$file/679.pdf)

- Law proposal- Charter of Rights of Polish Families, [Poselski projekt uchwały - Karta Praw Polskich Rodzin], 2007-02-20, e-text, (12p)

[http://orka.sejm.gov.pl/Druki5ka.nsf/0/27889C891ACE19A1C12572970036DDFC/\\$file/1477.pdf](http://orka.sejm.gov.pl/Druki5ka.nsf/0/27889C891ACE19A1C12572970036DDFC/$file/1477.pdf)

- Law proposal on defense of life, family and rights of nations, [Poselski projekt uchwały w sprawie obrony życia, rodziny i praw narodów], 2007-03-03, (3p)

[http://orka.sejm.gov.pl/Druki5ka.nsf/0/039953A427351C50C125729E0061790A/\\$file/1506.pdf](http://orka.sejm.gov.pl/Druki5ka.nsf/0/039953A427351C50C125729E0061790A/$file/1506.pdf)

## **Reproductive rights, including abortion, reproductive assistance**

After 1989, public debate on abortion and the protection of 'unborn life' has started. Later, a law on the protection of the fetus was proposed to the Parliament. In 1992, an extraordinary parliamentary committee proposed a law restricting access to abortion and recommending its availability only in cases when a woman's life is in danger. The draft law proposed a two-year prison sentence for the woman and the doctor performing the abortion. At the same time, a Referendum Movement collected more than a million signatures supporting idea of national referendum on abortion. The Proposal of referendum was discussed in the Parliament and rejected. However, in 1992 the "Law on family planning, protection of the human fetus and conditions of permissible abortion," permitted abortion in public hospitals only when the woman's life or health was in danger, the embryo suffered damage or the pregnancy was caused by a criminal act.

1995-1997

In 1994, the new left-wing government started work on the liberalization of abortion law. A draft law permitted abortion for social reasons under the condition of consulting with an authorized person before having the abortion. In 1996, Sejm accepted the new act but it was rejected by Senat. Sejm rejected Senat's veto and the President signed the act in January 1997. In 1996, a group of senators requested the Constitutional Tribunal to examine the law's consistency with the Constitution. The Tribunal declared that the law is not consistent with the Constitution and this decision was accepted by the Parliament in December 1997.

Primary documents:

- Parliamentary debate on the changes in abortion law- first reading of committees projects , [Pierwsze czytanie komisyjnych projektów: 1) ustawy o zmianie ustawy o planowaniu rodziny, ochronie płodu ludzkiego i warunkach dopuszczalności przerywania ciąży (druk nr 893); 2) rezolucji w sprawie realizacji ustawy z 7 stycznia 1993 r. o planowaniu rodziny, ochronie płodu ludzkiego i warunkach dopuszczalności przerywania ciąży (druk nr 896).], 29.03.1995, (approx. 70p), e-text
- Parliamentary debate on the changes in abortion law- first reading of parliamentarian's proposal, [Pierwsze czytanie poselskiego projektu ustawy o zmianie ustawy o planowaniu rodziny, ochronie płodu ludzkiego i warunkach dopuszczalności przerywania ciąży oraz o zmianie Kodeksu karnego (druk nr 1502).], 01.03.1996, (approx. 70p), e-text
- Parliamentary debate on the changes in abortion law- Committees reports, [Sprawozdanie Komisji Polityki Społecznej, Komisji Sprawiedliwości i Praw Człowieka, Komisji Zdrowia oraz Komisji Ustawodawczej o poselskim projekcie ustawy o zmianie ustawy o planowaniu rodziny, ochronie płodu ludzkiego i warunkach dopuszczalności przerywania ciąży oraz o zmianie Kodeksu karnego (druki nr 1502 i 1729). 5. Rządowe sprawozdanie z realizacji w 1994 r. ustawy z dnia 7 stycznia 1993 r. o planowaniu rodziny, ochronie płodu ludzkiego i warunkach dopuszczalności przerywania ciąży (druk nr 1416) wraz ze stanowiskiem komisji (druk nr 1560).], 28.08.1996, (approx. 70p), e-text

- Parliamentary debate on the changes in abortion law- committees reports, [Sprawozdanie Komisji Polityki Społecznej, Komisji Sprawiedliwości i Praw Człowieka, Komisji Zdrowia oraz Komisji Ustawodawczej o poselskim projekcie ustawy o zmianie ustawy o planowaniu rodziny, ochronie płodu ludzkiego i warunkach dopuszczalności przerywania ciąży oraz o zmianie Kodeksu karnego], 30.08.1996, (approx. 70p), e-text

- Parliamentary debate on the changes in abortion law- committees reports, [Sprawozdanie Komisji Polityki Społecznej, Komisji Sprawiedliwości i Praw Człowieka, Komisji Zdrowia oraz Komisji Ustawodawczej o stanowisku Senatu w sprawie ustawy o zmianie ustawy o planowaniu rodziny, ochronie płodu ludzkiego i warunkach dopuszczalności przerywania ciąży oraz o zmianie niektórych innych ustaw (druki nr 1925 i 1938)], 23.10.1996, e-text

- Parliamentary debate- report of Public Finances Committee on project of changing law on family planning and fetus protection, [Sprawozdanie Komisji Finansów Publicznych o pilnym rządowym projekcie ustawy o zmianie ustawy o planowaniu rodziny, ochronie płodu ludzkiego i warunkach dopuszczalności przerywania ciąży (druki nr 53 i 113)], 11.12.1997, e-text

- Parliamentary debate- report of Committee of Justice on Constitutional Tribunal decision [Sprawozdanie Komisji Sprawiedliwości i Praw Człowieka o orzeczeniu Trybunału Konstytucyjnego z dnia 28 maja 1997 r. (sygn. akt K. 26/96) stwierdzającym niezgodność z przepisami konstytucyjnymi niektórych przepisów ustawy o zmianie ustawy o planowaniu rodziny, ochronie płodu ludzkiego i warunkach dopuszczalności przerywania ciąży oraz o zmianie niektórych innych ustaw (druki nr 85 i 109)], 17.12.1997, e-text

- Decision of the Constitutional Tribunal on changing the law on family planning and fetus protection, [Orzeczenie Trybunału Konstytucyjnego z dnia 28 maja 1997 r. (sygn. akt K. 26/96)], 1997, e-text

- Parliamentary debate- report of Public Finances Committee on President's proposal to investigate again act changing the law on family planning and fetus protection, [Sprawozdanie Komisji Finansów Publicznych w sprawie wniosku prezydenta Rzeczypospolitej Polskiej o ponowne rozpatrzenie ustawy o zmianie ustawy o planowaniu rodziny, ochronie płodu ludzkiego i warunkach dopuszczalności przerywania ciąży (druki nr 152 i 153)], 30.12.1997, e-text

1997

The Law on family planning and fetus protection that entered into force in 1992 obliged the government to present a yearly report on the realization of the law. The reports were presented to the Parliament almost every year.

Primary documents:

- Parliamentary debate on Government report on realization of Act on family planning, fetus protection and availability of abortion, [Sprawozdanie Rady Ministrów z realizacji ustawy z dnia 7 stycznia 1993 r. o planowaniu rodziny, ochronie płodu ludzkiego i warunkach dopuszczalności przerywania ciąży za 1995 rok (druk nr 1873) wraz ze stanowiskiem komisji (druk nr 2012) oraz sprawozdanie z realizacji tej ustawy po jej zmianie w dniu 30 sierpnia 1996 r.], 20.02.1997, e-text

- Parliamentary debate on Government report on realization of Act on family planning, fetus protection and availability of abortion, [Sprawozdanie Rady Ministrów z realizacji w roku 1997 ustawy z dnia 7 stycznia 1993 r. o planowaniu rodziny, ochronie płodu ludzkiego i warunkach dopuszczalności przerywania ciąży (druk nr 592) wraz ze stanowiskiem komisji (druk nr 685). Sprawozdanie Komisji Edukacji, Nauki i Młodzieży oraz Komisji i Rodziny o poselskim projekcie ustawy zmieniającej ustawę o planowaniu rodziny, ochronie płodu ludzkiego i warunkach dopuszczalności przerywania ciąży (druki nr 418 i 695).], 03.12.1998, (60p), e-text

1998

The Federation for Women and Family planning prepared and submitted alternative reports to the UN Committee on Economic, Social and Cultural Rights (1998) and to the United Nations Human Rights Committee on Gender Discrimination (1999). Reports included various aspects of the situation of women in Poland, but reproductive rights were carefully examined. In its concluding observations, the Human Rights Committee criticizes the strict anti-abortion law, and difficult access to contraception and sexual education.

Primary documents:

- An independent report submitted to the UN Committee on Economic, Social and Cultural Rights, April 1998, Federation for Women and Family Planning & International Planned Parenthood Federation - European Network, e-text

<http://www.federa.org.pl/?page=article&catid=806&lang=2>

- Poland. Independent Report Submitted to the United Nations Human Rights Committee on Gender Discrimination, 1999, Federation for Women and Family Planning, e-text, <http://www.federa.org.pl/?page=article&catid=809&lang=2>

- United Nations, International Covenant on civil and political rights, Concluding Observations of the Human Rights Committee, sixty-sixth session, Poland, July 1999

<http://www.federa.org.pl/?page=article&catid=810&lang=2>

2000

In April 2000, the Plenipotentiary for Family presented in the Parliament the report on the implementation of Law on Family planning, protection of the human fetus and conditions of permissible abortion. According to official statistics, in 1998 there were 310 legal abortions in Poland. According to the Plenipotentiary, the law functions in positive way. The Federation for Women and Family Planning presented an alternative report.

Primary documents:

- Parliamentary debate on Government report on realization of Act on family planning, fetus protection and availability of abortion, [Sprawozdanie Rady Ministrów z realizacji w roku 1998 ustawy z dnia 7 stycznia 1993 r. o planowaniu rodziny, ochronie płodu ludzkiego i warunkach dopuszczalności przerywania ciąży (druk nr 1310) wraz ze stanowiskiem Komisji Edukacji, Nauki i Młodzieży, Komisji Polityki Społecznej, Komisji Rodziny, Komisji Sprawiedliwości i Praw Człowieka oraz Komisji Zdrowia (druk nr 1365).], 14.04.2000, e-text

- Government report for 2000 concerning the implementation of the Law on Family planning, protection of the human fetus and conditions of permissible abortion, e-text
- The Anti-Abortion Law In Poland, The Functioning, Social Effects, Attitudes And Behaviors, The Report - September 2000, Edited By Wanda Nowicka  
<http://www.federa.org.pl/english/reports/report00/index.htm>

2001

The Government report for 2001 concerning the implementation of the “Law on family planning, protection of the human fetus and conditions of permissible abortion”, pointed to the general unavailability of abortion, even in permissible circumstances, restricted access to prenatal testing and contraceptives, and the absence of sexual education programs in school curricula.

Primary documents:

- Government report for 2001 concerning the implementation of the law on Family planning, protection of the human fetus and conditions of permissible abortion, e-text
- Parliamentary debate on Government report on realization of Act on family planning, fetus protection and availability of abortion, [Sprawozdanie Rady Ministrów z realizacji w roku 1999 ustawy z dnia 7 stycznia 1993 r. o planowaniu rodziny, ochronie płodu ludzkiego i warunkach dopuszczalności przerywania ciąży (druk nr 2136) wraz ze stanowiskiem Komisji Edukacji, Nauki i Młodzieży, Komisji Polityki Społecznej, Komisji Rodziny, Komisji Sprawiedliwości i Praw Człowieka oraz Komisji Zdrowia (druk nr 2228).], 18.01.2001, e-text

In 2001 and 2004, the Federation for Women and Family Planning organized two Tribunals on Polish Anti-Abortion Law. The main aim of the Tribunals was to inform public opinion about violations of women's reproductive rights in Poland. During the Tribunals, women presented their experiences of Polish anti-abortion law: problems with obtaining contraception and medical examination. The women's testimonies were commented upon by well-known Polish personalities, including lawyers and medical doctors. The cases presented during the Tribunals were published in two volumes.

Secondary documents:

- Federation for Women and Family Planning, Women's Hell. Contemporary histories. [Piekło kobiet. Historie Współczesne], Warszawa 2001, e-text  
[http://www.federa.org.pl/publikacje/podrecznik/pieklo\\_kobiet/index.htm](http://www.federa.org.pl/publikacje/podrecznik/pieklo_kobiet/index.htm)
- Federation for Women and Family Planning, Women's Hell Continues, [Piekło kobiet trwa], Warszawa 2001, e-text, 40p <http://www.federa.org.pl/publikacje/pieklo2.pdf>
- Federation for Women and Family Planning, Implementation of anti- abortion law, [Realizacja ustawy antyaborcyjnej- krytyka z lewa i z prawa], (3p), Biuletyn 2 (19) 2001  
<http://www.federa.org.pl/mamprawo.php?page=bulletin&catid2=508&lang=1&catid=172>
- Federation for Women and Family Planning, Tribunal on women's right to abortion, [Trybunał w sprawie Prawa Kobiet do Aborcji], (3p), Biuletyn 3 (20) 2001  
<http://www.federa.org.pl/mamprawo.php?page=bulletin&catid2=837&lang=1&catid=173>

- Federation for Women and Family Planning, Interview with Wanda Nowicka, [Nowe wyzwania, nowe możliwości. Z Wandą Nowicką, dyrektorką Federacji na rzecz Kobiet i Planowania Rodziny], rozmawia Hanna Szczerkowska, (3p), Biuletyn 3 (20) 2001  
<http://www.federa.org.pl/mamprawo.php?page=bulletin&catid2=564&lang=1&catid=173>

In March 2002 „List 100 kobiet” (Letter of 100 Women) signed by the most prominent women in culture, politics, academia and women’s activism, was published. Women protested against the neglect of women’s reproductive rights by the government; against the agreement with the Catholic Church that resulted in terminating works on the liberalization of abortion law, and against the influence of the Catholic Church on public life in Poland.

Primary documents:

- Letter of 100 Women [„List 100 kobiet”], reprinted in Kalendarium Ośki 04.2002, pp. 25-27, March 2002, (3p)

In its concluding observations, The Committee on Economic, Social and Cultural Rights criticized the strict anti- abortion law in Poland.

Primary documents:

- Concluding Observations of the Committee on Economic, Social and Cultural Rights Twenty-ninth session: Poland. 19/12/2002.  
<http://www.federa.org.pl/?page=article&catid=812&lang=2>

2002

In July 2002, the Federation of Women and Family Planning sent a letter to the Parliament, in which they related to the European Parliament resolutions requesting all member states and candidates to make abortion legal and accessible for women. The letter was signed by several NGOs, including: Centrum Praw Kobiet, OŚKa, Pro- Femina and Women’s Association for Gender Equality- Pekin 1995.

Primary documents:

- The European Parliament Resolution on Sexual and Reproductive Health and Rights, Committee on Women's Rights and Equal Opportunities, June 2002  
<http://www.federa.org.pl/?page=article&catid=805&lang=2>

- Open letter to Sejm on European Parliament resolution concerning legalization of abortion, [List otwarty do Sejmu RP na ręce Marszałka Marka Borowskiego w sprawie oświadczenia Komisji Europejskiej Sejmu i rezolucji Parlamentu Europejskiego dotyczących m.in. legalizacji aborcji], 4.07.2002., Biuletyn 2 (23) 2002, (2p)  
<http://www.federa.org.pl/mamprawo.php?page=bulletin&catid2=679&lang=1&catid=176>

- Federation for Women and Family Planning: Letter on President Kwaśniewski statement concerning abortion, [Oświadczenie w sprawie wypowiedzi Pana Prezydenta Aleksandra Kwaśniewskiego dotyczącej ustawy antyaborcyjnej], 20.12.2002, Mam Prawo 1 (24) 2003 (1p)  
<http://www.federa.org.pl/mamprawo.php?page=bulletin&catid2=638&lang=1&catid=177>

Secondary documents:

- Federation for Women and Family Planning, Open letter to PM Leszek Miller against governmental policy of natural family planning, [NIE dla rządowej polityki naturalnego planowania rodziny. List otwarty], signed by several NGOs, (2p) Biuletyn 1 (22) 2002 <http://www.federa.org.pl/mamprawo.php?page=bulletin&catid2=628&lang=1&catid=175>

2003

In 2003, right-wing parties, supported by the Catholic Church, demanded that a provision should be added to the Accession Treaty, stating that Polish legislation concerning the protection of life, marriage and family is more important than EU legislation. The demand caused numerous reactions amongst parliamentarians, gay and lesbian organizations, women's organizations and Catholic organizations. While women's, and gay and lesbian, organizations were concerned about sexual rights and human rights, Catholic organizations were concerned about the possibility of 'child-killing' (abortion) under EU legislation.

Primary documents:

- Protest letter by gay and lesbian organizations on Accession Treaty, [Protest Traktatu Akcesyjnego], 30.01.2003, 2p, [http://gejowo.pl/index.php?&pid=2&a\\_gid=7&a\\_id=398](http://gejowo.pl/index.php?&pid=2&a_gid=7&a_id=398)[http://www.federa.org.pl/aktualnosci/listy/list\\_do\\_prezydenta.htm](http://www.federa.org.pl/aktualnosci/listy/list_do_prezydenta.htm)
- Letter to President Aleksander Kwaśniewski, Catholics for a Free Choice. 14 luty 2003 r. (2p), signed by several organizations.
- Open letter to President Aleksander Kwaśniewski, criticizing his statement that anti-abortion law is not going to be changed due to compromise with the Catholic Church, Przedwyborcza Koalicja Kobiet and several NGOs, January 2004 (4p) <http://www.federa.org.pl/mamprawo.php?page=bulletin&catid2=380&lang=1&catid=180>
- Response on letter to President Kwaśniewski, [Odpowiedź na list do Prezydenta Aleksandra Kwaśniewskiego], 10.12.2004, Mam Prawo 3(29) 2004, (2p), <http://www.federa.org.pl/mamprawo.php?page=bulletin&catid2=806&lang=1&catid=739>
- Federation for Women and Family Planning: Letter to Minister of Health on women's rights to abortion, [List ministra zdrowia Marka Balickiego do wojewodów przypominający o obowiązku realizacji prawa kobiet do legalnego przerywania ciąży], Mam Prawo 1 (24) 2003 <http://www.federa.org.pl/mamprawo.php?page=bulletin&catid2=634&lang=1&catid=177>
- MP Request on anti-abortion statement in Accession Treaty, [Interpelacja nr 4089, w sprawie dołączenia do traktatu akcesyjnego z Unią Europejską klauzuli zapewniającej nadrzędność prawodawstwa polskiego nad regulacjami prawnymi obowiązującymi w Unii Europejskiej], 06.2003, 2p, <http://bip.kprm.gov.pl/bip/interpelacja/?idl=1702>
- Answer to the MP Request on anti-abortion statement in Accession Treaty, [Odpowiedź ministra spraw zagranicznych - z upoważnienia prezesa Rady Ministrów - na interpelację nr 4089 w sprawie dołączenia do Traktatu akcesyjnego z Unią Europejską klauzuli zapewniającej nadrzędność prawodawstwa polskiego nad regulacjami prawnymi obowiązującymi w Unii Europejskiej], 07.2003, (2p) <http://bip.kprm.gov.pl/bip/interpelacja/?idl=1703>

2003

After a visit of Dutch ship 'Langenort', the Foundation "Women on Waves" and a coalition of Polish NGOs "Komitet Ster- Kobiety decydują" decided to turn public attention to women's reproductive rights and the strict anti- abortion law. During a meeting of the Forum of Cooperation of NGOs with the Parliamentary Group of Women, a Committee on reproductive rights formed, to be responsible for preparing a draft of law changing the anti-abortion Act. There were several controversies concerning the shape of the new law and the way of introducing it into the Parliament agenda. It was controversial whether the new act should be proposed as a parliamentarian's project or as a civil project, after collecting 100 000 signatures of support. Politicians proposed more 'soft' law, containing many compromise solutions. Two such projects were created: one proposed by the parliamentarian Joanna Sosnowska and another by senator Zdzisława Janowska. They concentrated on the Constitutional Court verdict in 1997, which decided that abortion for social reasons is against the constitution. According to Sosnowska's projects, the courts should decide whether a woman is allowed to have abortion. Senator Janowska's project defined in detail under what conditions women should be allowed to have abortion.

A third proposal was created by women's NGOs. Women's organizations wanted a law that really responded to women's needs, representing women's perspective and treating women as independent subjects. In July 2003, the Federation for Women and Family Planning prepared the draft of the 'Act on responsible parenthood' concerning reproductive rights and health. There were four main objectives of the project: to guarantee women's rights to safe abortion; to guarantee access to safe and affordable contraception (with stress on the needs of young women and poor women); access to sexual education for youth; and guarantee of pre- natal examinations for all women. It was also proposed to de-penalize sterilization and to replace in legal documents notions of 'child' and 'mother' by 'fetus' and 'pregnant woman'. The law was consulted with women's NGOs and the Parliamentarian Group of Women.

Primary documents:

- Draft of the 'law on responsible parenthood', Federation for Women and Family Planning and Parliamentarian Group of Women, 2004, e-text, (6p)

<http://www.federa.org.pl/english/billonrepsonsible.htm>

Secondary documents:

- Federation for Women and Family Planning, Interview with Wanda Nowicka, [Wywiad z Wandą Nowicką], (3p), Mam Prawo 1 (24) 2003

<http://www.federa.org.pl/mamprawo.php?catid=177&lang=1>

- Aleksandra Solik, What is going on with the abortion? [Co dalej z "tą aborcją?"] , Mam Prawo 3 (26) 2003 (4p)

<http://www.federa.org.pl/mamprawo.php?page=bulletin&catid2=419&lang=1&catid=179>

- Federation for Women and Family Planning, Comments to Law on Reproductive Rights and Health, [Założenia projektu Ustawy o Prawach i Zdrowiu Reprodukcyjnym], (4p), Mam Prawo 3 (26) 2003 (4p)

<http://www.federa.org.pl/mamprawo.php?page=bulletin&catid2=822&lang=1&catid=179>

- Federation for Women and Family Planning, Future story of draft law on responsible parenthood, [Dalsze losy projektu o świadomym rodzicielstwie], Mam Prawo 2(28) 2004, (1p)

<http://www.federa.org.pl/mamprawo.php?page=bulletin&catid2=203&lang=1&catid=181>

- Federation for Women and Family Planning, Political parties on reproductive rights, [Partie, komitety, kandydaci o prawach reprodukcyjnych], Mam Prawo 2(28) 2004, (5p)

2004

In 2004, the “Law on responsible parenthood” was tabled to the Parliament and waited a whole year to be considered. The Human Rights Committee, in its concluding observations of 2004, expressed concern at the unavailability of abortion even in cases when the law allows it. The Committee criticized the lack of information on the scope of illegal abortions and the consequences for women. Despite recommendations of the UN Committee on Human Rights, in 2005 the Parliament decided that the “Law on responsible parenthood” would not be discussed.

In November 2004, the Federation for Women and Family Planning organized the II Tribunal for Rights of Women to Abortion. During the meeting, women denied the right to legal abortion presented their testimonies. The issue of ‘abortion underground’ was also discussed. In the letter sent to organizers, the Plenipotentiary for Equal Status of Women and Men, Izabela Jaruga- Nowacka, stressed that strict anti- abortion law limits women’s reproductive rights.

The Governmental report on the realization of the “Act on family planning, fetus protection and availability of abortion” was presented in 2004. The report discussed the protection of pregnant women, and medical treatment. It concentrated on the protection of motherhood, and abortion and illegal abortion were hardly mentioned. It seems that according to the report, abortion is a marginal problem.

Primary documents:

- Women in Poland. Sexual and Reproductive Health and Rights. Independent Report Submitted To The United Nations Human Rights Committee, September 2004, Federation for Women and Family Planning, e-text,

<http://www.federa.org.pl/?page=article&catid=808&lang=2>

- Office Of The High Commissioner For Human Rights, Concluding observations of the Human Rights Committee : Poland. 82nd session, 05/11/2004

<http://www.federa.org.pl/?page=article&catid=807&lang=2>

- Government report on realization in 2004 of Act on family planning, fetus protection and availability of abortion (Sprawozdanie Rady Ministrów z wykonywania w roku 2004 ustawy z dnia 7 stycznia 1993 roku o planowaniu rodziny, ochronie płodu ludzkiego i warunkach dopuszczalności przerywania ciąży oraz o skutkach jej stosowania), 2005 (79p)

[http://orka.sejm.gov.pl/Druki5ka.nsf/0/43CC746D4BFD61ABC125715B0047E635/\\$file/505.pdf](http://orka.sejm.gov.pl/Druki5ka.nsf/0/43CC746D4BFD61ABC125715B0047E635/$file/505.pdf)

2005

In 2005, Plenipotentiary for Equal Status of Women and Men presented a report on women's reproductive health and anti- abortion law.

Primary documents:

- Report on women's reproductive health and anti- abortion law, [Zdrowie reprodukcyjne kobiet, Realizacja ustawy o planowaniu rodziny, ochronie płodu ludzkiego i warunkach dopuszczalności przerywania ciąży], Office of the Plenipotentiary for Equal Status of Women and Men, Izabela Milczarek, 2005.

On 22<sup>nd</sup> February 2005, after preliminary evaluation of the complaint of Alicja Tysiacy, the European Court of Human Rights in Strasbourg started an investigation into whether or not Poland had violated her human rights. In 2000, Alicja Tysiacy requested an abortion due to health problems (the case allowed by Law on Protection of Fetus). The doctors first denied this request, but later decided that abortion was justified in this case. However, even after having all required documents, it was impossible to find a hospital willing to perform an abortion. In effect, Tysiacy was forced to give birth to a child, with harm to her health. Alicja Tysiacy was supported by the international organization of human rights INTERIGHTS, the Federation for Women and Family Planning and Helsinki Foundation for Human Rights.

Primary documents:

- European Court of Human Rights, Fourth Section, Case Of Tysiacy V. Poland (*Application no. 5410/03*), Strasbourg, 20 March 2007, (42p), E-Text  
<http://cmiskp.echr.coe.int////tkp197/viewhbkkm.asp?action=open&table=F69A27FD8FB86142BF01C1166DEA398649&key=61401&sessionId=10319236&skin=hudoc-en&attachment=true>

2006

In September 2006 a group of right- wing politicians, supported by the Catholic Church, attempt to introduce to the Constitution a provision on the protection of human rights from the moment of conception, and to make abortion fully illegal. Article 38 of the constitution states that *"The Republic of Poland shall ensure the legal protection of the life of every human being"*. The League of Polish Families propose to add the phrase *"from the moment of conception"* at the end of the sentence. It was argued that the introduction of the constitutional protection of unborn life would be a milestone in realizing John Paul II Testament. In October 2006, a special Parliamentary Committee formed to investigate the proposal to change the Constitution. Several opinions by various experts were presented for and against the proposal.

Primary documents:

- Draft law on changing the Constitution, [Projekt ustawy dotyczący zmiany Konstytucji RP poprzez wprowadzenia nowego przepisu o "ochronie życia od momentu poczęcia" (druk 993)]. 05.09.2006 (10p)

<http://www.federa.org.pl/Konstytucja/993.pdf>

- Opinion of Federation for Women and Family Planning on the project changing the Constitution, [Stanowisko Federacji na rzecz Kobiet i Planowania Rodziny w sprawie projektu zmiany Konstytucji RP], 24.10.2006, (2p)

<http://www.federa.org.pl/?page=news&newsid=115&lang=1>

- Request to PM Roman Giertych to terminate works on changing the Constitution, [Apel do Premiera R.Giertycha o wycofanie projektu zmiany Konstytucji], 28.12.2006, (2p)

<http://www.federa.org.pl/?page=news&newsid=135&lang=1>

- The letter of the GUE/NGL Group in EU to the Polish President, Sejm and Senate (16.10.2006), (1p) <http://www.federa.org.pl/english/news/Pologne.pdf>

- Protest letter against changes of the Constitution, Federation for Women and Family Planning, 09.2006 (2p) <http://www.federa.org.pl/podpisy/>

In November 2006, the government presented a report on the realization in 2005 of a “Law on family planning and protection of human fetus....”. According to the government, there were 225 legal abortions in Poland. The report was criticized by women’s NGOs (the Federation for Women and Family Planning).

Primary documents:

- Government report on realization in 2005 the Act on family planning, fetus protection and availability of abortion, [Sprawozdanie Rady Ministrów z wykonania w roku 2005 ustawy z dnia 7 stycznia 1993 r. o planowaniu rodziny, ochronie płodu ludzkiego i warunkach dopuszczalności przerywania ciąży oraz skutkach jej stosowania.] 23.11.2006, (61p)

[http://www.federa.org.pl/biuletyny/biuletyn1\\_2007/SprawozdAborcjaza2005.pdf](http://www.federa.org.pl/biuletyny/biuletyn1_2007/SprawozdAborcjaza2005.pdf)

2007

In 2007, the European Court of Human Rights decided that Poland had violated the right to respect the private and family rights of Alicja Tysiac, by denying her the possibility to have an abortion. According to the Court, there is lack of institutional mechanisms protecting women’s rights to have a legal abortion, even under the conditions allowed by the law. In June 2007, The Polish government decide to appeal the European Court of Human Rights’ decision in the case of Tysiac v. Poland. The government appointed a special intergovernmental committee to investigate the verdict. The committee claims to have found procedural and substantial grounds for an appeal. The Polish Federation for Women and Family Planning and Ms. Tysiac’s other advocates expressed disappointment over the Polish government’s actions, and regret that the government had chosen to continue to battle, rather than focusing on providing support and care.

The Federation for Women and Family Planning collected signatures against changes to the Constitution. Federations also sent letters to all parliamentarians, containing a report on the predicted effects of changes to the constitution. The fifth largest European parliamentary group, Confederal Group of the European United Left – Nordic Green Left (GUE/NGL), in collaboration with the Parliamentary Committee on Women’s Rights and Gender Equality (FEMM), sent the letter to the President, Sejm and Senate of the Republic of Poland expressing concern about the proposal to introduce constitutional protection of the

unborn life. The letter reminded that reproductive rights are a part of human rights. On April 11 2007, several organizations protested in front of the Parliament in defense of women's reproductive rights. The event was organized by the Group 'We decide about ourselves' [Grupa „Same o Sobie! S.O.S.”], 8th of March Women's Association [Porozumienie Kobiet 8 Marca], Federation for Women and Family Planning, Blog Stop Fanatics [Blog Stop Fanatykom (Bez jaj)], and Feminoteka, 'Solidarity Sierpień '80'.

After long public debate, the project of the Constitutional amendment was rejected by the Parliament during voting on 13 April 2007.

#### Primary documents:

- Committee report on the project of changing the Constitution, [Sprawozdanie Komisji Nadzwyczajnej do rozpatrzenia poselskiego projektu ustawy o zmianie Konstytucji Rzeczypospolitej Polskiej o poselskim projekcie ustawy o zmianie Konstytucji Rzeczypospolitej Polskiej, Druk nr 1472], 2007-03-02, (4p), e-text

- Parliamentary debate on committee report on the project of changing the Constitution, [Sprawozdanie Komisji Nadzwyczajnej do rozpatrzenia poselskiego projektu ustawy o zmianie Konstytucji Rzeczypospolitej Polskiej o poselskim projekcie ustawy o zmianie Konstytucji Rzeczypospolitej Polskiej], 28.03.2007, (approx. 50p), e-text

- Expert opinions on proposed change of the Constitution: Opinia Federacji na rzecz Kobiet i Planowania Rodziny oraz Centrum Praw Reprodukcyjnych, (10P)

<http://www.federa.org.pl/?page=article&catid=823&lang=1>

- Expert opinions (Eleonory Zielińskiej, Włodzimierza Wróbla, Tadeusza Smoczyńskiego, Radosława Grabowskiego, Romana Trzaskowskiego, Leszka Boska, Jana Lipskiego, Jana Lipskiego i Piotra Chybalskiego) on proposed change of the Constitution, [Materiał z seminarium "Konstytucyjna formuła ochrony życia", zorganizowanego przez Biuro Analiz Sejmowych], 01.2007, (104p)

<http://www.federa.org.pl/Konstytucja/BASkonstytucja.pdf>

- Expert opinions on proposed change of the Constitution: all (approx. 30) opinions available at: <http://www.federa.org.pl/?page=article&catid=833&lang=1>

- Federation for Women and Family Planning, Expertise: Legal consequences of change of the Constitution, 2007, (6p)

[http://www.federa.org.pl/publikacje/mat\\_info/zmianykonst0001.pdf](http://www.federa.org.pl/publikacje/mat_info/zmianykonst0001.pdf)

- Federation for Women and Family Planning, Legal protection of life, [Prawna ochrona życia], 04.2007, (7p), <http://www.federa.org.pl/?page=article&catid=823&lang=1>

#### Secondary documents:

- Several comments in media on proposed changes of the Constitution- 02-03.2007, available at <http://www.federa.org.pl/?page=article&catid=834&lang=1>

## **GENDER- BASED VIOLENCE**

### **Introduction of relative relevance and presence of subissues**

#### Domestic violence

Domestic violence seems to be the most important problem within the 'gender based violence' section. There was significant pressure of NGOs and international bodies on the development of proper policies. The state, for a long time, denied existence of gender- based violence.

The issue of marital rape was not discussed either by women's NGOs or governmental bodies.

#### Sexual assault and rape

The issue of rape appears several times in NGOs activities, especially in cases when rape is ignored by the public authorities.

#### Trafficking, prostitution

Trafficking in human beings, and especially with women, is quite important issue for policy- makers. In addition, it connects with the issue of migration.

There has been no public debate on prostitution.

#### Sexual harassment and stalking

Sexual harassment was penalised by the law in 2004. Before this date, there was no direct definition of the crime. Recently the issue appeared in public debate, discussed in the context of women's difficult situation on the labor market.

### **Description of the actors**

#### Domestic violence and violence in partnerships

Plenipotentiary for Women and Family and Plenipotentiary for Equal Status of Women and Men attempted to introduce programs and laws preventing domestic violence and assisting violence victims.

State Agency for Prevention of Alcohol Related Problems, together with several organizations, initiated the Nationwide Agreement Of People, Organizations and Institutions Supporting the Family Violence Victims Blue Line. Activities of those organizations perceived domestic violence as an alcohol- related problem. Police introduced special procedure "Blue Cards" to deal with domestic violence and more efficiently protect the victims.

Ombudsman frequently intervened, requesting that the government provide more efficient mechanisms to protect victims of domestic violence.

For many years, the issue of domestic violence appeared in recommendations for the Polish government formulated by the United Nations Human Rights Committee.

The Parliamentary Group of Women long supported activities and projects aimed at counteracting domestic violence and in providing assistance to violence victims. It was also active in lobbying on the Act counteracting domestic violence (2005).

The most important women's NGO is the Centre of Women's Rights [Centrum Praw Kobiet] organizing numerous public campaigns, Tribunals Against Violence and trainings for policemen, lawyers and other people dealing with domestic violence. There are several other organizations working with problems of domestic violence: Association of Crisis Intervention (Towarzystwo Interwencji Kryzysowej), OŚKa, Coalition against violence to women ASISTA (Koalicja przeciwko Przemocy Wobec Kobiet ASISTA), Association of Women KONSOLA, 8<sup>th</sup> of March Women's Association (Porozumienie Kobiet 8 Marca) and others.

#### Sexual Assault and Rape

The most important actors in the issue are women's NGOs. They emphasized several times that rape is a crime and should be punished as a serious crime. The most important organizations in the issue are: Federation on Women and Family Planning, Ośka, Committee of Children's Rights Protection, Feminoteka, and the informal women's group "Emancypunx".

#### Trafficking and prostitution

The most important actor in combating trafficking is La Strada, Foundation Against Trafficking in Women. It organized numerous actions, also in cooperation with state institutions, against trafficking in women and forced prostitution.

#### Sexual harassment

Within governmental institutions, an important role was taken by the Parliamentary Group of Women and Plenipotentiary for Equal Status of Women and Men. Among other proposals, the Law on equal status of women and men was an attempt to introduce provision prohibiting sexual harassment into Polish legislation.

One of the most important actors is international institutions (UN Committee for Economic, Social and Cultural Rights; United Nations Human Rights Committee) which have constantly insisted on the implementation of anti-harassment law. The role of European Union was also significant. Provision on sexual harassment was introduced due to the requirement of adjusting Polish law to EU standards.

Women's NGOs such as the Federation on Women and Family Planning, Ośka, Centre for Women's Rights, and Feminoteka, were engaged in various protest actions. Trade unions (NSZZ Solidarność) also played an important role in defending the rights of sexual harassment victims. The media ('Gazeta Wyborcza') started a series of articles and public debate on sexual harassment and women's position in the labor market.

### **Timeline**

#### **Domestic violence and violence in partnerships**

1995

In 1995, the State Agency for Prevention of Alcohol Related Problems initiated the Polish Nationwide Emergency Service for Victims Of Domestic Violence "Blue Line". Its tasks included: a hotline for victims of domestic violence, assistance program for people involved in domestic violence, information centre, and education and trainings for public services. At the

end of 1996, the Nationwide Agreement Of People, Organizations and Institutions Supporting the Family Violence Victims "Blue Line" was established. It gathered NGOs and other organizations involved in providing help for violence victims.

In December 1995, the Centre of Women's Rights organized the first Tribunal on Violence Against Women. The Tribunal attempted to attract public attention to the issue of domestic violence, neglected by public authorities and media for a long time. Victims of domestic violence and invited guests presented comments and recommendations on the cases presented.

Primary documents:

- Program 'Safety in family'- preventing violence in families with alcoholic problem 1992-2002, [Bezpieczeństwo W Rodzinie" Program Przeciwdziałania Przemocy w Rodzinach z Problemem Alkoholowym (1992-2002)], (approx. 7p), e-text, <http://www.parpa.pl/?subL=1&checkL=6>

1996

In 1996, a conference "Against Domestic Violence" was organized by the State Agency for Prevention of Alcohol Related Problems, the Parliamentary Group of Women and Plenipotentiary for Women and Family. During the conference, the "Polish Declaration against domestic violence" was adopted.

Primary documents:

- Polish Declaration on counteracting domestic violence, [Polska Deklaracja w sprawie przeciwdziałania przemocy w rodzinie], (1p), 1996, e-text <http://www.parpa.pl/?subL=1&checkL=14>

1997

The National Action Plan for Women included several provisions aimed at eliminating violence against women. It proposed: to eliminate stereotypes on domestic violence and violence against women; to create a system of assistance for violence victims and a system of prosecution for violence perpetrators; to introduce legal changes; to elaborate on more efficient methods of investigating domestic violence; to try to eliminate pornography and violence against women from media; to introduce problems of domestic violence and violence against women into curricula; and to eliminate the negative impact of violence on women's health. The chapter on violence against women contained legal and institutional recommendations for various governmental institutions. It stressed the role of NGOs and organizations engaged in providing help for violence victims.

Primary documents:

- The National Action Plan for Women, 1997

The issue of domestic violence was mentioned in the "Program of family policy" (1997). Two chapters: "Legal protection of family" and "Help for dysfunctional family" related to

domestic violence and its victims. The creation of a separate legal act protecting violence victims was also proposed.

Primary documents:

- Two chapters in the 'Program of family policy', [Programu polityki rodzinnej państwa: Ochrona prawna rodziny i Pomoc rodzinie z dysfunkcjami], 1997, (approx. 15p)

The National Action Plan for Women was accompanied by a program for violence victims entitled "Counteracting Violence – Equalizing Chances" [Przeciw przemocy-wyrównać szanse]. From 1997, the program was established by the Plenipotentiary for Women and Family in co-operation with the United Nations Development Program (UNDP). Its main aim was to provide shelters and any kind of assistance for victims of domestic violence, and to organize trainings for organizations active in helping battered women. It also planned to create centers for victims of domestic violence, to support them psychologically and economically (by offering loans sufficient to gain economic independence). The Program was not fully implemented by the time of the elections in 1997.

Primary documents:

- Program Counteracting Violence – Equalizing Chances, [Program przeciw przemocy-wyrównać szanse], 1997, (approx. 60p)

New Plenipotentiary terminated the development of the Program „Counteracting Violence – Equalizing Chances” and changed it into “Program of help for family and youths threatened or victims of interpersonal aggression”. Governmental policy aimed at sustaining families, rather than providing help to victims of domestic violence. In the report on the situation of Polish families, violence against women is not mentioned (a chapter on violence in the family relates only to violence against children).

Primary documents:

- Parliamentary debate- questions of realization of the program Counteracting Violence – Equalizing Chances, [Pytania w sprawach bieżących. Jolanta Banach w sprawie przyczyn wstrzymania realizacji programu "Przeciw przemocy wyrównać szanse"], 04.12.1997, (16p), e- text

In November 1997, the campaign “Stop domestic violence” was organized. The campaign included a media information campaign on domestic violence, trainings for social workers and police, several conferences and the opening of over 100 consultation points for family violence victims.

In December 1997, the Second Tribunal on Violence against Women was organized by the Centre of Women’s Rights and the Judge’s Association “Justitia”. Judges, representatives of police, media and women’s organizations listened to the accounts of six women, victims of violence, and the way their cases were treated by the system of justice. After the testimonies, judges and lawyers commented on the necessity of changing

legislation in order to make interventions more effective. The Tribunal also aimed at turning public attention to the issue of domestic violence.

In December 1997, the women's organization OŚKA published an issue of OŚKa Magazine (Ośka. Pismo Ośrodka Informacji Środowisk Kobietych) devoted to the issue of violence against women. The issue presented organizations counteracting violence against women, the government program "Against Violence- Equalizing Chances", and interviews with numerous women's activists on the theory and practice of violence against women.

Secondary documents:

- Issue of OŚKa Biuletyn, devoted to the issue of violence against women, Ośka. Pismo Ośrodka Informacji Środowisk Kobietych. (2) 1997. (approx. 100p)

1998

In the report on violence and public security in Poland presented in 1998 by the Ministry of Interior Affairs and Administration, the issue of rape and domestic violence was not mentioned.

Primary documents:

- Report on safety in Poland- report of Ministry of Interior Affairs and Administration, [Ocena stanu bezpieczeństwa i porządku publicznego w Polsce, Raport MSWiA], Warszawa 1998

Between 1997- 1998, the procedure of police intervention in cases of domestic violence "Blue Cards" was implemented by Commander-in-Chief of the Police and the State Agency for the Prevention of Alcohol-Related Problems. The procedure provided models of intervention in cases of domestic violence. "Blue cards" were used to inform victims on their rights and to collect information on domestic violence, its reasons, victims and perpetrators. The procedure was designed to assist the victim and to help her get legal help, and to write an account of the act of violence to be used in the prosecution of the perpetrator.

Primary documents:

- Report on implementation of "Blue cards" procedure, [Raport z przebiegu i wdrażania procedury interwencji wobec przemocy w rodzinie „Niebieskie karty”], 1999

In 1998, the Centre of Women's Rights intervene at Ombudsman, protesting against rules of access to court doctors and payment for the consultation. A court doctor's opinion is necessary for victims of domestic violence if they want to undertake legal action against violence perpetrators.

Primary documents:

- Centre of Women's Rights intervention at Ombudsman concerning access to court doctors and payment for the consultation, 28.07.1998 (2p)

1999

The "Polish Charter of Victims Rights" prepared by Ministry of Justice in 1999 neutralized the issue of violence against women. However, the Charter reviews victims' rights in Polish and international legal regulations and contains a list of organizations providing help to victims of violence.

Primary documents:

- Polish Charter of Victim's Rights, [Polska Karta Praw Ofiary], 10.1999

In 1999, during the conference „Let's stop domestic violence together" organized by The State Agency for the Prevention of Alcohol-Related Problems, it was recommended that support for violence victims and violence perpetrators be balanced. Women's organizations (Centrum Praw Kobiet) expressed concern about such projects.

In 1999, the United Nations Committee of Human Rights expressed concern about the violation of women's rights in Poland. In its recommendations- among other issues- it expressed concern about the high number of cases of violence in the family, in contrast with the lack of shelters and institutionalized help for violence victims. The Polish delegation presented a national report on women's rights during the UN Session on Women. The report marginalized the issue of violence against women. It was accompanied by a shadow report from women's NGO's. During parliamentary debate, the position of the Polish delegation was discussed.

Primary documents:

- Report of the Polish government on the implementation of the Civil and Political Rights Pact, presented during 66<sup>th</sup> session of the UN Human Rights Committee in Geneva, 1999.

- Discrimination of Women in Poland. Independent Report submitted to United Nations Human Rights Committee on the implementation of the Civil and Political Rights Pact, (Dyskryminacja Kobiet w Polsce. Niezależny Raport złożony do Komitetu Praw Człowieka ONZ na temat stanu przestrzegania w Polsce, Międzynarodowego Paktu Praw Obywatelskich i Politycznych), Federacja na rzecz Kobiet i Planowania Rodziny, July 1999, (approx. 20p) e-text, <http://www.federa.org.pl/publikacje/raporty/dyskrym.htm>

- Concluding remarks and recommendations of the United Nations Human Rights Committee on the implementation of the Civil and Political Rights Pact by the Polish government, 66<sup>th</sup> session of the UN Human Rights Committee in Geneva, 1999 (8p) <http://www.federa.org.pl/mamprawo.php?page=bulletin&catid2=296&lang=1&catid=166>

2000

In 2000 the Nationwide Agreement Of People, Organizations and Institutions Supporting the Family Violence Victims "Blue Line" organized special campaigns to defend the rights of two women who were murdered by violent husbands. Action included sending letters demanding justice to the Ombudsman, Ministry of Internal Affairs and Ministry of Justice.

2001

After elections in 2001, the left-wing government promised to continue implementation of the project against domestic violence "Stop Violence- Equalizing Chances" created 4 years earlier. In 2001, the Polish Nationwide Emergency Service for Victims Of Domestic Violence "Blue Line" has joined a social campaign "Childhood without violence" informing on violence against children. It initiated special action "Young witness" aimed at protecting the rights of children who are victims or witnesses of violence during court procedures.

In 2001, the government worked on a "Program of Preventing and Suppressing Crime", and domestic violence was one of its priorities. In 2001, the National Police Headquarters prepared- in collaboration with NGOs- the Police Program of Support for Crime Victims. In the program, police were trained to be more understanding of the needs of victims of violence. In cases of domestic violence, help and mediation were offered to victims and perpetrators.

In December 2001, the Centre of Women's Rights organized in Warsaw the IV Tribunal against Violence. The Tribunal was devoted to murders caused by domestic violence. In the building of Sejm, women who had killed their husbands after experiencing long-term periods of domestic violence, and families of women killed by their husbands- violence perpetrators, told their stories. The Tribunal aimed at turning public attention to the issue of domestic violence.

Primary documents:

- National Program of Preventing and Suppressing Crime „Narodowy program przeciwdziałania i zwalczania przestępczości"- 2001, E-TEXT
- Report on activities of Ombudsman for Victims Rights, [Raport z działalności Rzecznika Praw Ofiar, Ministerstwo Spraw Wewnętrznych i Administracji], 2001, (10p)  
<http://www.mswia.gov.pl/portal.php?serwis=pl&dzial=206&id=164&search=180978>

2002

In 2002, a campaign "Zero tolerance for violence" was organized by the Government Plenipotentiary for Equal Status of Women and Men. It was a part of the Days Against Violence to Women campaign. In 2003, the campaign (consisting of media information, marches and conferences) was organized under auspices of the Prime Minister.

The prevention of violence against women is a part of 'The National Action Plan for Women – 2nd stage of implementation for the years 2003-2005'.

Primary documents:

- The National Action Plan for Women – 2nd stage of implementation for the years 2003-2005', 2002

The Governmental Program of Enhancement of the Security of Citizens "Safe Poland" was adopted in August 2002. The aim of the program was to strengthen the position of victims of domestic violence.

Primary documents:

- Program of Enhancement of the Security of Citizens "Safe Poland", 2002

In October 2002, a session "For crime victims, local help, national program" was organized. During the session, organizers presented a publication with trainings for police, NGOs and lawyers. The main aim of the training was to build a network of cooperation between government, local governments and NGOs. Organizations dealing with violence victims were invited to join a "National Forum for Crime Victims".

2004

In November and December 2004, the Campaign "16 Dni Przeciwdziałania Przemocy wobec Kobiet" (16 days of counteracting violence against women) was organized by numerous NGOs under the auspices of the Plenipotentiary for Equal Status of Women and Men. Centrum Praw Kobiet organized a seminar on the protection of victims of domestic violence. In Wrocław, Koalicja przeciwko Przemocy Wobec Kobiet ASISTA (Coalition against violence to women) showed movies from social campaigns counteracting violence against women in different countries. In Krakow, Centrum Praw Kobiet and Association of Crisis Intervention [Towarzystwo Interwencji Kryzysowej] organized workshops and movie screenings. In Poznań, the Association of Women KONSOLA organized marches 'Get back the night' informing about the possibilities of assistance for women who have been victims of violence. The 8<sup>th</sup> of March Women's Association [Porozumienie Kobiet 8 Marca] and Emancypunx organized a similar march in Warsaw.

In December, the Centre of Women's Rights organized in Chancellery of the Prime Minister the V Tribunal on Violence Against Women (V Trybunał ds. Przemocy wobec kobiet). The Tribunal gathered representatives of the system of justice, lawyers, policemen and NGOs, who listened to testimonies of violence victims. Representatives of decision-makers, working on a bill on the prevention of domestic violence, emphasized the necessity of this solution.

In 2004, the governmental proposal of the bill on prevention of domestic violence was submitted to the Parliament. The project was created with the support of Plenipotentiary for Equal Status of Women and Men, and had consulted with NGOs and organizations dealing with domestic violence.

At the end of 2004, the Ombudsman sent a letter to the Ministry of Justice, requesting a law protecting victims of domestic violence. The Ombudsman argued that there are insufficient legal mechanisms protecting victims of domestic violence. He referred to the information provided by organizations dealing with domestic violence (Ogólnopolskiego Pogotowia dla Ofiar Przemocy w Rodzinie "Niebieska Linia", Fundacji "Dzieci Niczyje", Fundacji "Pomoc kobietom i dzieciom") and the recommendations of the UN Human Rights Committee on November 2004.

Primary documents:

- Governmental project on the Act of counteracting domestic violence, [Rządowy projekt ustawy o przeciwdziałaniu przemocy w rodzinie, druk 3639], 28-12-2004, (approx. 15p), E-TEXT

- Report of The Special Rapporteur on violence against women, (E/CN.4/2003/75/Add.1, para. 2044).

2005

In February 2005, the Women's Rights Centre organized a demonstration in front of Sejm. Protesters demanded that Parliament start work on the 'Act on prevention of domestic violence' as quickly as possible. The importance of establishing efficient legal instruments to prevent domestic violence was stressed.

In July 2005, the act on domestic violence was accepted by the Parliament. The Law provides the possibility to remove a perpetrator from the apartment shared with the victim of domestic violence. The court can oblige the perpetrator of domestic violence to take part in therapy or a program for violence perpetrators. The court can also limit contacts between victim and perpetrator and monitor their quality. A person, for whom due to her/his occupation has knowledge on cases of domestic violence, is obliged to inform authorities. Local authorities (gmina and powiat) are obliged to create their own programs preventing domestic violence, create shelters for domestic violence victims and intervention centers.

In July 2005, a social campaign "Break violence" (Przełam Przemoc), organized with support of Plenipotentiary for Equal Status of Women and Men, started. The campaign aimed to break the silence around domestic violence and to inform victims' of their rights. A special telephone line operated and an information campaign in the media was organized.

Primary documents:

- Governmental project on the Act of counteracting domestic violence, [Rządowy projekt ustawy o przeciwdziałaniu przemocy w rodzinie, druk 3639], 28-12-2004, (approx. 15p), E-TEXT
- Parliamentary debate on the governmental project on the Act of counteracting domestic violence: First reading, 16-02-2005, (approx. 60p), E-TEXT
- Legal opinion on the Act on counteracting domestic violence, [Opinia prawna na temat zgodności z Konstytucją RP przepisów zawartych w sprawozdaniu podkomisji o rządowym projekcie ustawy o przeciwdziałaniu przemocy w rodzinie], Ekspertyzy i Opinie Biura Studiów i Ekspertyz, 2005.06.27, (9p), E-TEXT  
<http://orka.sejm.gov.pl/rexdomk4.nsf/Opwsdr?OpenForm&3639>
- Legal opinion on the governmental project on the Act of counteracting domestic violence- committees proposals. [Opinia Prawna do propozycji zmian do rządowego projektu ustawy o przeciwdziałaniu przemocy w rodzinie zaproponowanych na posiedzeniu podkomisji nadzwyczajnej], 2005.05.24, (26p) E-TEXT
- Opinion on the governmental project on the Act on counteracting domestic violence, [Opinia na temat projektu ustawy o przeciwdziałaniu przemocy w rodzinie], 2005.04.07, (10p), E-TEXT
- Comments to the draft Act on counteracting domestic violence, [Uwagi do projektu ustawy o przeciwdziałaniu przemocy w rodzinie], 2005.01.27, (6p) E-TEXT
- Report of the Parliament Committee of Social Policy and Family and Committee of Justice and Human Rights, (druk 4227), 29-06-2005 E-TEXT

- Parliamentary debate on the governmental project on the Act of counteracting domestic violence: Second reading, 06-07-2005, (approx. 70p), E-TEXT
- Parliamentary debate on the governmental project on the Act of counteracting domestic violence: Third reading, 08-07-2005, (approx. 70p) E-TEXT
- Senat's Opinion on the governmental project on the Act of counteracting domestic violence, druk 4341, 22-07-2005 E-TEXT
- Opinion of Senat Committee on the governmental project on the Act of counteracting domestic violence, druk 4398, 27-07-2005 E-TEXT
- Senat debate on the governmental project on the Act of counteracting domestic violence, pos. nr 108 dn. 29-07-2005 E-TEXT
- Expertise- comments to draft Act on counteracting domestic violence, [Uwagi do projektu ustawy o przeciwdziałaniu przemocy w rodzinie], Kancelaria Sejmu, Jolanta Szymańczak, , Biuro Studiów i Ekspertyz, informacja 1121, 2005 (5p)  
<http://biurose.sejm.gov.pl/info/index.htm>
- Act on counteracting domestic violence, [Ustawa z dnia 29 lipca 2005 r. o przeciwdziałaniu przemocy w rodzinie], 2005, (10p), e-text  
<http://isip.sejm.gov.pl/servlet/Search?todo=open&id=WDU20051801493>

Secondary documents:

- Intervention of Ombudsman- protection of victims of domestic violence, [Interwencje RPO, Jak długo ofiary przemocy domowej będą czekać na ochronę państwa?], 2005, (2p),  
<http://www.gazeta.policja.pl/archiwum/0205/s2a1.html>

2006

On 25.09.2006, the government established a „National Action Plan against Violence in Family for 2006- 2016”. (Krajowy Program Przeciwdziałania Przemocy w Rodzinie.)

Primary documents:

- Ordinance on National Action Plan against Violence in Family [Uchwała w sprawie Krajowego Programu Przeciwdziałania Przemocy w Rodzinie] 25.09.2006, (1p)  
<http://www.mpips.gov.pl/index.php?qid=990>
- National Action Plan against Violence in Family, [Krajowy Program Przeciwdziałania Przemocy w Rodzinie], 2006 (18p)  
<http://www.mpips.gov.pl/index.php?qid=990>
- National Action Plan against Violence in Family, [Krajowy Program Przeciwdziałania Przemocy W Rodzinie, przyjęty Uchwałą nr 162/2006 Rady Ministrów z dnia 25 września 2006 roku (RM 111-132-06)], 2006, (10p), e-text  
<http://pismo.niebieskalinia.pl/index.php?id=385>
- National Action Plan against Violence in Family- timeline, [Harmonogram działań Programu – zadania, odpowiedzialni za realizację, terminy realizacji], 2006, (3p) e text  
<http://www.mpips.gov.pl/index.php?qid=990>
- Guidelines for educational programs for perpetrators of domestic violence, [Wytyczne do tworzenia modelowych programów korekcyjno-edukacyjnych dla osób stosujących przemoc w rodzinie], 2006, (11p) e-text <http://www.mpips.gov.pl/index.php?qid=990>

- National Action Plan against Violence in Family- financial guidelines. [Nakłady budżetu państwa w latach 2006 – 2016 w związku z uchwaleniem Krajowego Programu Przeciwdziałania Przemocy w Rodzinie], 2006, (3p), e-text

<http://www.mpips.gov.pl/index.php?qid=990>

In 2006, Stowarzyszenie Stop (Association Stop) sent a letter to the Ministry of Justice protesting against the common use of the institution of mediation in cases of violence in the family. According to the association, such a practice is applied inappropriately in cases of domestic violence.

Primary documents:

- Letter to Ministry of Justice on common use of institution of mediation by judges, Stowarzyszenie Stop, Lublin 25.05.2006, (2p)

<http://www.niebieskalinia.pl/spaw/docs/MinisterSprawiedliw-pismo.doc>

In the information of the government on the situation of Polish families presented in 09.2006, the issue of gender- based violence is not mentioned. The chapter on domestic violence concentrates on children as victims of domestic violence, hardly ever noticing women.

Primary documents:

- Violence in family- part of government report on situation of Polish families, [Przemoc w rodzinie, in: "Informacja Rządu o sytuacji społecznej i materialnej polskich rodzin, sytuacji demograficznej, promocji życia w Polsce oraz sytuacji dzieci i młodzieży", 2006-09-20, p. 44-48,

[http://orka.sejm.gov.pl/Druki5ka.nsf/0/4E4F02197E6D3C91C12571EF004C56A5/\\$file/968-informacja.doc](http://orka.sejm.gov.pl/Druki5ka.nsf/0/4E4F02197E6D3C91C12571EF004C56A5/$file/968-informacja.doc)

2007

In February 2007 in Senat, the government presented information concerning women's situation in Poland. Information was requested due to a campaign on violence against women launched by the Council of Europe. Information concerned the various forms of discrimination against women in Poland, and domestic violence was one of the issues. Representatives of women's organizations were also present at the meeting (Wanda Nowicka). On 26.11.2006, the Council of Europe campaign against violence against women and domestic violence started in Poland. The Ministry of Labour and Social Policy organized a conference for NGOs in May 2007. During the conference, the governmental program against violence "Safe together" (Razem bezpiecznie) is presented. In 2007, the governmental program of restricting crime and anti-social behaviors "Together Safe" (Razem bezpiecznie) was accepted. The program corresponded to the governmental document "Strategy of Country development 2007-2015". One of the parts of this program is "Violence in family".

The Ministry of Labour and Social Policy is planning to introduce a program 'Prevention and elimination of violence against children, youth, and women and protection of risk groups', a part of the DAPHNE project for 2007-2013.

Primary documents:

- Governmental program of restricting crime and anti-social behaviors "Together Safe" [Rządowy Program Ograniczania Przeszeczności I Aspołecznych Zachowań „Razem Bezpieczniej”], 2007, (2p)

<http://www.mpips.gov.pl/userfiles/File/Departament%20Pomocy%20Spolecznej/kampania%20Rady%20Europy/Razem%20Bezpieczniej%20%20Elzbieta%20Rusiniak.pdf>

- Chapter on safety in: „Development strategy 2007-2015”, [„Budowa zintegrowanej wspólnoty społecznej i jej bezpieczeństwa, w: „Strategia Rozwoju Kraju 2007-2015”], 2007

- Program DAPHNE III" 2007 – 2013, [„Zapobieganie i zwalczanie przemocy wobec dzieci, młodzieży i kobiet oraz ochrona ofiar i grup ryzyka – DAPHNE III" 2007 – 2013], (2p)

<http://www.mpips.gov.pl/userfiles/File/Departament%20Pomocy%20Spolecznej/kampania%20Rady%20Europy/DAPHNE%20dla%20MPiPS%20new.pdf>

- Information of Polish Government Presented to UN Committee on the Elimination of Discrimination against Women, January 2007, e-text

- Alternative Report presented to UN Committee on the Elimination of Discrimination against Women on January 2007, e-text

- UN Committee on the Elimination of Discrimination against Women, Thirty-seventh session, 15 January-2 February 2007 List of issues and questions with regard to the consideration of periodic reports, e-text, (5p)

## **Sexual Assault and Rape**

1998

In April 1998, the informal women's group "Emancypunx" organized in Warsaw a march "Get back (reclaim) the night" against sexual violence towards women.

In 1998, women's NGOs organized a protest action against the very low sentence for a brutal group rape on a 14 year old girl. Two perpetrators were sentenced only for 1-2 years of prison, suspended for 5 years. OŚKa sent protest letters to the Ministry of Justice, President of Highest Tribunal, Parliamentary Committee of Justice and the media. The letter was signed by several organizations and public personalities. The authors proposed several legal and procedural changes (psychological assistance for victims of rape; trainings for lawyers on sexual violence) to make investigations less traumatic for victims.

The letter caused some response from politicians and public authorities. On 29.07.1998, senator Zbigniew Romaszewski made a speech in Senat in which he demanded investigation on the case. The Minister of Justice, Hanna Suchocka, in a letter responding to NGOs, assured that violence against women and sexual violence are in the scope of the special interests of the Ministry. She also responded to the proposal of making prevention of violence against women more efficient.

After protests, the Court re- investigated the case and decided to change the sentence. The two perpetrators were sentenced to 3 years of prison. Women's organizations (Federation on Women and Family Planning, Ośka, Committee of Children's Rights Protection and others) again protested at the very low sentence (maximal punishment for brutal rape is 12 years), sending letters to the Ministry of Justice and Ombudsman.

Primary documents:

- Open letter protesting against law sentence for rape perpetrators, send to Ministry of Justice, President of Highest Tribunal, Parliamentary Committee of Justice, 1998
- President of Highest Tribunal Adam Strzembosz response to the letter, 07.1998, (1p) reprinted in Kalendarium Ośki, 08.1998, p.5
- Senator Zbigniew Romaszewski, a statement in Senat on the rape case, 29.07.1998
- Ministry of Justice, Hanna Suchocka response to NGO's open letter on sexual violence against women, (3p), 08.1998, reprinted in Kalendarium Ośki, 09.1998, pp. 7-8
- Open letter protesting against law sentence for rape perpetrators by Federation for Women and Family Planning, send to Ministry of Justice and Ombudsman, 30.03.1999
- Ministry of Justice answer to the letter of for Women and Family Planning, (1p) 05.1999, reprinted in Kalendarium Ośki, 06.1999, p. 21

Secondary documents:

- Federation on Women and Family Planning comment on a rape sentence, Biuletyn 1 (14) 1999/2000, (1p)  
<http://www.federa.org.pl/mamprawo.php?page=bulletin&catid2=344&lang=1&catid=167>

1999

On 16 December 1999, Parliament changed part of Penal Code on sexual crimes and pornography. According to the new Code, the sentence for a group rape or brutal rape is 3-15 years (it was 2-12); and a sentence of 3 months to 5 years for abusing superior position in order to force a person to conduct sexual acts (sexual harassment) in the workplace etc.

Primary documents:

- Penal Code amended in December 1999
- Parliamentary debates on changes of the Penal Code, [Nowelizacja kodeksu karnego o przestępstwach seksualnych i pornografii], 1999, (approx. 150p), e-text

2000

In November 2000, Koalicja na Rzecz Kobiet (Coalition for Women) organized a seminar for police, lawyers and others, concerning sexual crimes and rape. They prepared a project of procedure for sexual crimes, concerning investigation and court procedure that guarantee a victim's safety.

2006

In March 2006, NGO Feminiteka sent a letter (signed by almost 1600 people and organizations) to Minister of Justice Zbigniew Ziobro. The letter expressed concern about the

case of teenage girl raped by a group of young men. The Prosecutors' Office in Oława did not start investigation into the case, despite the men been reported to the police with the details of sexual intercourse with the girl. The women's organization demanded dismissal of the Prosecutor for his incompetence and appropriate punishment for the rapists. A letter supporting Feministeka's letter was sent by the Federation for Women and Family Planning.

Primary documents:

- Letter to Minister of Justice concerning a rape on teenage girl, Feminoteka, signed by several organizations, 03.2006, (2p)

<http://www.feminoteka.pl/news.php?readmore=391>

- Letter to Minister of Justice concerning a rape on teenage girl, Federation on Women and Family Planning, signed by several organizations, 20.03.2006, (2p)

<http://www.federa.org.pl/?page=news&newsid=82&lang=1>

Secondary documents:

- Federation on Women and Family Planning, March protests, [Marcowe protesty], Mam Prawo 2 (34) 2006, (2p)

<http://www.federa.org.pl/mamprawo.php?page=bulletin&catid2=847&lang=1&catid=838>

- Gazeta Wyborcza, Raped and humiliated, [Zgwałcona i zaszczuta,] 27.03.06, (2p)

## **Trafficking and prostitution**

1995

In 1995 NGO La Strada, Foundation Against Trafficking in Women, was created. La Strada organized numerous campaigns on trafficking, operates a help line for trafficking victims and assists women needing legal advice.

1998

In 1998, La Strada organized a campaign "You have a right to dream. You have right to know" providing information about trafficking. The campaign consisted of a brief movie and a media campaign informing women of dangerous offers of attractive work in the West. The campaign provided information about safe ways of looking for a job. The campaign was financed by the European Union.

2002

In preparing for accession to the European Union, the government includes EU legislation on trafficking in its programs (Council Directive 2002/90/CE, 2002/946/JHA, Comprehensive plan to combat illegal immigration and trafficking in human beings in the European Union.)

The National Action Plan for Prevention and Suppression of Trafficking in Human Beings was a part of the governmental Program of Enhancement of the Security of Citizens "Safe Poland", adopted in August 2002. It proposed strategies for suppressing violence against women, including domestic violence and trafficking. The program provided the basis

for The National Action Plan for Women – second stage of implementation for the years 2003-2005.

Primary documents:

- Program of Enhancement of the Security of Citizens “Safe Poland”, 2002
- The National Action Plan for Women – second stage of implementation for the years 2003-2005, 2002
- Parliamentary debate on ratification of Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, 18.12.2002,

2003

The National Action Plan for Prevention and Suppression Trafficking in Human Beings was adopted by the government in September 2003. The main aim of the Plan was to establish a system of cooperation and exchange of information between institutions providing help to victims of trafficking. The Plan proposed mechanisms for protecting witnesses and victims of trafficking.

Primary documents:

- The National Action Plan for Prevention and Suppression Trafficking in Human Beings, 2003

2004

In March 2004, a Group for Preventing and Suppressing Trafficking in Human Beings was created in the Ministry of Interior Affairs and Administration. The group consisted of representatives of various ministries, police and NGOs. The group was a part of the National Action Plan for Prevention and Suppression of Trafficking in Human Beings. The group continued work on prevention of trafficking, and proposed a National Program for Combating and Preventing Trafficking in Human Beings: 2005-2006. The program proposed: trainings on trafficking, the creation of a special department at the Police head-office (Komenda Główna Policji) specialized in trafficking and cooperation with NGOs.

Primary documents:

- United Nations Committee on the Elimination of Discrimination against Women, Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women. Sixth periodic report of States parties. Poland. 13 December 2004 (61p)

<http://daccessdds.un.org/doc/UNDOC/GEN/N04/672/26/PDF/N0467226.pdf?OpenElement>

- United Nations Committee on the Elimination of Discrimination against Women, Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women. Combined fourth and fifth periodic reports of States parties. Poland. 13 December 2004 (84p)

<http://daccessdds.un.org/doc/UNDOC/GEN/N04/671/16/PDF/N0467116.pdf?OpenElement>

- The National Action Plan for Prevention and Suppression of Trafficking in Human Beings [Krajowy Program Zwalczenia i Zapobiegania Handlowi Ludźmi Na Lata 2005-2006] (26p) e- text, <http://www2.mswia.gov.pl/download.php?s=1&id=676>

- Report on implementation of National Program for Combating and Preventing Trafficking In Human Beings for 2004, Sprawozdanie z wykonania Krajowego Programu Zwalczenia i Zapobiegania Handlowi Ludźmi, (18p)  
<http://www.mswia.gov.pl/portal/pl/166/2174/>

2007

The Ministry of Interior Affairs and Administration, together with La Strada Foundation, proposed a “Program of support and protection for victims of trafficking” for 2006 and 2007. The Program provided all the necessary help (legal, protection, assistance) for victims of trafficking. In January 2007, during a meeting of the group, implementation of the National Action Plan for Prevention and Suppression of Trafficking in Human Beings was discussed and the program for 2007-2008 presented.

Primary documents:

- Program of support and protection of victims of trafficking in human beings [„Program wsparcia i ochrony ofiar handlu ludźmi” w okresie 1.01.2007- 31.12.2007 (MSWiA i La Strada), 2007

- National Program for Combating and Preventing Trafficking In Human Beings 2007 – 2008, [Krajowy Program Zwalczenia i Zapobiegania Handlowi Ludźmi na lata 2007-2008], 2007, (9p) E-text, <http://www.mswia.gov.pl/download.php?s=1&id=2685>

- Report on implementation of National Program for Combating and Preventing Trafficking In Human Beings 2005 – 2006, [Sprawozdanie z wykonania Krajowego Programu Zwalczenia i Zapobiegania Handlowi Ludźmi na lata 2005 – 2006], 2007, (24p) E-Text, <http://www2.mswia.gov.pl/download.php?s=1&id=1745>

- Guidelines for persecutors and officials engaged in investigation of cases of trafficking in human beings, [Wskazówki metodyczne dla prokuratorów prowadzących lub nadzorujących postępowania karne w sprawach dotyczących handlu ludźmi, Opracowano w Biurze ds. Przestępczości Zorganizowanej Prokuratury Krajowej], (11p), E- Text, <http://www.mswia.gov.pl/portal/pl/166/2174/>

## **Sexual harassment and stalking**

1996

Draft of the Law on Equal Status of Women and Men, debated since 1996, provided a definition of sexual harassment and proposed legal mechanisms to combat it. Unfortunately it was not accepted, so for a very long time there was no legislation against sexual harassment. For many years, international organizations have encouraged the Polish government to introduce legislation against sexual harassment.

- Draft of the Law on Equal Status for Women and Men, 1996 (and following versions).

1998

UN Committee for Economic, Social and Cultural Rights in its concluding observations and recommendations for Polish government presented in 1998, recommends introduction of legislation against sexual harassment.

- Recommendations and concluding observations for the Polish government, UN CASCARA, 1998

2003

The Labor Code, amended by the Act of November 2003, provided a definition of sexual harassment and defined it as “any unwanted sexual behavior or behavior relating to the sex of the worker which is aimed at or results in violating the dignity of the employee, humiliating or humbling the employee is considered discrimination based on sex.” The unwanted behavior includes physical, verbal or non-verbal components (sexual harassment). The Labor Code contains a provision that encouraging others to violate the principle of equal treatment in employment, and behavior aimed at, or resulting in, affecting the dignity, humiliating or humbling the employee (harassment), shall be considered discrimination. Sometimes harassed persons had brought cases before the civil court claiming the violation of their dignity or other personal rights. Until 2004, it was the only way of claiming rights, because sexual harassment was not considered a form of discrimination.<sup>10</sup>

- Labor code amended in November 2003

2005

Over recent years, there have been several cases of sexual harassment reported in the media. In August 2005, the court in Grodzisko Mazowieckie started a process on sexual harassment in Frito- Lay (a part of the Coca- Cola Company). Eight women fired from work reported to a representative of trade unions (NSZZ Solidarność) that they had been sexually harassed by one of the supervisors. Trade unions (Region Mazowsze NSZZ Solidarność) reported the case to the Prosecutor’s Office. Several organizations assisted the harassed women and the Helsinki Foundation of Human Rights provided legal help. The women were also supported by the international trade unions: International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers’ Associations (IUF) and the European Federation of Food, Agriculture and Tourism Trade Unions. At the same time, the trade unions attempted to re-employ the dismissed women. According to a women’s organization, the media attention given to the case could be important in revealing the problem of sexual harassment (Federation for Women and Family Planning).

Secondary documents:

- Sexual harassment in Frito- Lay, [Molestowanie seksualne we Frito-Lay - proces karny ruszył] , *Mam Prawo* 2 (31) 2005, (3p)

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<sup>10</sup> Eleonora Zielińska, Equal opportunities for women and men. Monitoring law and practice in Poland. OSI, 2005, p. 42

2006

Another important case took place in 2006 when Aneta K., employed in the office of a parliamentarian of 'Samoobrona', revealed sexual harassment of women by the members of the party. The case commenced public discussion on the issue of sexual harassment and women's situation on the labor market. Almost all newspaper devoted some place to analysis of those phenomena. In Gazeta Wyborcza, many prominent scholars (Magdalena Środa, Agnieszka Graff, Kinga Dunin and others) commented on the case.

Secondary documents:

- Gazeta Wyborcza, Magdalena Środa, Aneta K. And women's suffering, [Aneta K. i podziemie kobiet]. 2006-12-09, (2p)  
<http://www.gazetawyborcza.pl/1,76498,3781638.html>
- Gazeta Wyborcza, Job for sex, [Praca za seks] (05-12-06)
- Gazeta Wyborcza, What kind of mother is Aneta Krawczyk, [Jaką matką jest Aneta Krawczyk - reportaż Lidii Ostałowskiej], (24-12-06)
- Gazeta Wyborcza, 'Lepper offered employment for sex to two women', ["Lepper oferował dwóm kobietom karierę za seks"], (15-12-06)
- Gazeta Wyborcza, Sexual harassment at work is common, [Sondaż: Molestowanie w pracy jest powszechne], (14-12-06)
- Gazeta Wyborcza, Women had courage to speak, [Kobiety odważyły się mówić], (11-12-06)
- Gazeta Wyborcza, Sex in Samoobrona's Office, [Seks w biurze Samoobrony], (08-12-06, 01:00)
- Gazeta Wyborcza, Victim should be afraid, [To ofiara ma się bać], (06-12-06)
- Gazeta Wyborcza, Women: everyone knew, [Kobiety: wszyscy wiedzieli], (06-12-06)
- Gazeta Wyborcza, Women often reveal harassment after several years, [Kobiety często ujawniają krzywdę po latach], (05-12-06)
- Gazeta Wyborcza, Sex as bribe, [Seks jak łapówka], (05-12-06)

## CONCLUSIONS

In 1989, the first democratic elections took place in Poland, after a long period of a communist regime. In November 1991, Poland became a full member of the Council of Europe. Signed on 16 December 1991, The Europe Agreement provided directions of actions necessary to adjust the Polish legal system to the law of the European Union. In 1994, Poland formally applied for membership of the European Union. In 1996, the Committee for European Integration at governmental level was established to coordinate adjustment-related actions. In 1997, the Polish government adopted a National Strategy for Integration and a timetable for the implementation of necessary changes. In 1998, formal accession negotiations started. Since May 1<sup>st</sup> 2004, Poland has been a member of the European Union.

The political and economic changes had a significant impact on the situation for women. The most important was a change of approach to women's employment: growing unemployment and the state's withdrawal from financing childcare facilities reinforced discourses on traditional female destiny. At the same time, civil society and women's NGOs started to develop.

### **The relative importance of topics in the issues and in generic gender+ equality policies**

#### Gender equality policies

The first program for women (National Action Plan for Women) was created in 1997, after the Fourth World Conference of Women in Beijing.

The most important developments are long lasting attempts to establish a 'Law on equal status for women and men'. The first draft of the law was created in 1996, and despite numerous efforts has never become a law. Parliamentary debates are very interesting material for analysis, because they reveal opinions of all political parties on the issue of gender equality and equality policy.

Gender-based discrimination is hardly ever considered together with other forms of inequality.

#### Non-employment

The issue of non-employment, when compared with other QUING issues, seems to be less relevant. For a long time, there was no public discussion on women's situation on the labor market, sexual harassment or equal pay. One may argue that due to high unemployment in Poland many women are satisfied with any job and they do not notice inequalities. There was also no governmental policy aimed at eliminating gender-based discrimination on the labor market. On the contrary, there were programs and proposals promoting women's non-employment.

The issue that provoked public debate and strong engagement of NGOs was a pension system reform in 1999.

### Intimate-citizenship

Intimate citizenship seems to be the most important issue for Poland. There are at least three important sub-issues causing strong public debate and engaging numerous actors:

The issue of financial assistance for lone mothers and mothers bringing up children after divorce provoked strong debate and numerous actions after the closure of the Alimony Fund. Rights of same-sex couples and discrimination on the basis of sexual orientation are also very important issues. Numerous NGOs and organizations were engaged in debates around a Law on same-sex partnerships. After elections in 2005, the issue of homophobia and intolerance is particularly visible.

Women's reproductive rights and especially the right to abortion are an extremely important issue since 1992, when a strict anti-abortion law was established. There were several attempts to change the law, but with no success. Recently a proposal of right-wing parties to introduce a provision in the constitution on protection of life from the moment of conception caused vigorous public debate and provoked numerous protests amongst NGOs and international bodies.

### Gender based violence

Gender based violence, and especially domestic violence, is an important issue for Poland. There were numerous programs and attempts to prevent domestic violence and assist its victims.

Other forms of gender based violence, such as rape, sexual harassment and trafficking in women, seem to be neglected and there is no public debate on these.

## **The major changes**

### Gender equality policies

There were significant changes in the quality of equality policy, depending on the government. In general, left-wing governments declared pro-equality policy, while right-wing governments proposed pro-family policy. Such priorities had a significant impact on defining the scope of 'women's issues' and ways of approaching them.

Years of debate on the 'Law on equal status for women and men' turned public attention to the issue of gender-based discrimination. There was an important turn in the media approach, and two major newspapers commenced a debate on gender equality and gender-based discrimination (Gazeta Wyborcza in 1999 and Rzeczpospolita in 2000-2001). The issue was debated and thus became more familiar to the public.

### Non-employment

Social Security system reform had important consequences for women. The reform established a different retirement age for women and men and had significant impact on their future pension. It legitimized women's non-employment.

Another important shift was a change of the Labor Code, due to EU requirements. A new chapter on gender equality was introduced in 2002. However, the changes did not provoke public discussion.

### Intimate-citizenship

In 2003, the Alimony Fund was closed down, and consequently many lone mothers were left without financial assistance. The Government's decision provoked numerous protests and calls for action. After 2003 some changes in law were proposed, but the issue is still debated. The problem of rights for homosexual people became visible in 2001, when the first Equality March was organized in Warsaw. In 2003, there was an attempt to introduce a law that would guarantee the rights of same-sex couples, but with no success. At the same time, a strong homophobic discourse started to become visible in the public sphere.

In 1992, a strict anti-abortion law was introduced. There were some attempts to reform it, but with no success.

### Gender based violence

For many years, domestic violence was associated with alcoholic problems and considered only a problem of 'pathological' families. Women's NGOs played a significant role in changing this stereotype; they organized media campaigns and trainings that provided information about domestic violence and its scope.

The government often ignored the issue of domestic violence and there were insufficient legal solutions in combating and preventing domestic violence. The 'Act on counteracting domestic violence' made an important change, by offering legal mechanisms to protect victims. It assured more efficient application of earlier existing solutions (such as the Blue Cards police procedure).

Changes of the Labor Code defined sexual harassment and provided certain mechanisms to combat it. However, the turning point was a huge discussion in the media on sexual harassment in the political party Samoobrona (Self-defense) in 2006. It provoked numerous comments and broke the silence on the issue.

## **The role of civil society and other political actors**

### Gender equality policies

Women's organizations started to develop after 1989 and they played an important role in enforcing gender equality debates and actions. Women's organizations were active in almost all fields where gender inequality was visible. In certain periods, NGOs closely cooperated with governmental bodies for gender equality. When cooperation was not possible, NGOs were active on an international level, preparing shadow reports and carefully monitoring, commenting on and responding to the government's actions.

### Non-employment

Civil society was especially active in the debate on Social Security reform. It organized protest actions and information campaigns on the impact of the reform on women. The media (Gazeta Wyborcza) were also engaged in the campaign.

Women's NGOs were active in revealing discrimination against women on the labor market and attempted to encourage public debate on the issue.

### Intimate-citizenship

Civil society is extremely active.

After the closing down of the Alimony Fund, numerous organizations of lone mothers were created with the support of women's NGOs. Mothers' organizations created a very strong pressure group, which was quite efficient in defending their rights.

Activity by and the pressure of civil society is also very important in dealing with issues of discrimination on grounds of sexual orientation and women's reproductive rights.

### Gender based violence

The role of civil society was extremely important. Civil society created numerous institutions and mechanisms to deal with gender- based violence: shelters, hotlines, and assistance.

Civil society has been also very active in lobbying for legal changes.

## **The impact of EU and international bodies**

### Gender equality policies

Accession to European Union had some impact on equality policy, especially on employment policy (changes in the Labor Code). Recently, the government has been forced to apply additional equality legislation; in 2007, an Act on Equal Treatment was prepared and will probably be discussed in the Parliament.

International bodies and UN agencies were involved in the process of policy making in Poland. Recommendations of CEDAW or UN Human Rights Committee were often a point of reference for women's NGOs. Unfortunately, the Polish government usually neglected the recommendations.

### Non-employment

The EU was a crucial actor in the implementation of gender equality provisions into the Labor Code.

### Intimate-citizenship

Homophobia and discrimination on grounds of sexual orientation in Poland caused numerous reactions by international bodies: European Parliament, ILGA- Europe and others.

Violation of women's reproductive rights frequently appears in reports by women's NGOs to UN bodies. The issue frequently appears in recommendations for the Polish government formulated by the United Nations Human Rights Committee or CEDAW.

### Gender based violence

For many years, the issue of gender based violence appeared in recommendations for the Polish government formulated by the United Nations Human Rights Committee or CEDAW.

The European Union has had an important impact in terms of the introduction of legal provision on sexual harassment in the work place.