



**Convention on the Elimination  
of All Forms of Discrimination  
against Women**

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**Committee on the Elimination of Discrimination  
against Women**

**Consideration of reports submitted by States  
parties under article 18 of the Convention**

**Combined seventh and eighth periodic reports of States  
parties due in 2010**

**Poland\***

[21 November 2012]

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\* In accordance with the information transmitted to the States parties regarding the processing of their reports, the present document was not edited.

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## I. Introduction

1. The Government of the Republic of Poland, being a party to the Convention on the Elimination of All Forms of Discrimination against Women, pursuant to article 18 of the Convention hereby submits the seventh and eighth periodic reports on the application of the Convention in legislation and practice, covering the period between 1 June 2002 and 31 May 2010.

2. In accordance with the recommendations of the Committee on the Elimination of Discrimination against Women, this report presents information only on the subject areas which showed normative or factual changes in comparison with the preceding reporting period.

## II. Information relating to articles 2-16 of the Convention

### Article 2- Obligations to eliminate discrimination and article 3-The development and advancement of women

#### Prohibition of discrimination in the Constitution of the Republic of Poland

3. Articles 32 and 33 of the Constitution of the Republic of Poland, which concern such issues as gender equality before the law and prohibit gender discrimination, have not been amended since the previous reporting period. Apart from the Constitution, individual spheres of the social and economic life in Poland were regulated by several other acts that contain provisions prohibiting and preventing discrimination.

#### Prohibition of discrimination in employment

4. Between 2002 and 2010, the Labour Code was amended several times in order to adapt it to the requirements of the so-called EU equality directives. Consequently, regulations demanding equal treatment and prohibiting discrimination in employment were strengthened. This includes in particular the Act of 14 November 2003 amending the Act – Labour Code and amending certain other acts (Dz. U. No 213, item 2081)<sup>1</sup> and the Act of 21 November 2008 amending the Act – Labour Code (Dz. U. No 223, item 1460, which entered into force on 18 January 2009), whereby the following regulations were introduced:

- Providing a more detailed and precise definition of indirect discrimination and sexual harassment;
- Providing a more precise definition of cases where the principle of equal treatment in employment is not violated;
- Introducing new regulations improving the protection of employees against discrimination, including:
- Introducing a ban on taking any negative measures against an employee who submits to harassment or sexual harassment or takes actions against harassment or sexual harassment (art. 18<sup>3a</sup>, para. 7 of the *Labour Code*);
- Ensuring a considerably broader scope of protection to an employee who exercises his/her rights in the case of a breach of the principle of equal treatment in employment (art. 18<sup>3e</sup>, para. 1 of the *Labour Code*). Not only is it prohibited to

<sup>1</sup> The Act entered into force on 1 January 2004; its provisions were described in the previous report on the application of the Convention.

dismiss an employee for exercising such rights, but this may also not constitute the grounds for treating the employee unfavourably during the employment or for applying any negative measures against him/her;

- Granting protection to an employee who helps another employee to exercise his/her rights in the case of a breach of the principle of equal treatment in employment (art. 18<sup>3e</sup>, para.2 of the *Labour Code*) – the scope of this protection is analogical to the protection enjoyed by an employee who exercises his/her rights in the case of a breach of the principle of equal treatment in employment.

5. According to the data gathered by the Ministry of Justice, between 2006 and 2009 courts (district and regional) heard 887 cases filed by women under article 183d of the Labour Code on account of a breach of the principle of equal treatment of women and men. Between 2009 and 2010, the average compensation awarded by courts (district and regional) in cases filed by women under the above-mentioned article amounted to ca. PLN 9,000. Provisions on preventing discrimination in employment were also included in the Act of 14 December 1994 on employment and counteracting unemployment (Dz. U. of 2003, No 58, item 514), the Act of 20 December 2002 amending the Act on employment and counteracting unemployment and the Act on the educational system (Dz. U. of 2003, No 6, item 65), which were repealed in 2004, and then in the Act of 20 April 2004 on employment promotion and labour market institutions (Dz. U. of 2008, No 69, item 415, as amended). The legal solutions introduced by the above-mentioned acts prohibited discrimination on account of gender, age, disability, race, nationality, ethnic origin, sexual orientation, political beliefs and religion as well as on the grounds of membership of a trade union or employers' organization with respect to:

- (a) The criteria for issuing work permits to foreigners;
- (b) The rules of operation of employment agencies;
- (c) Providing job agency services;
- (d) Accepting job offers from employers;
- (e) Career guidance and job-related information;
- (f) Holding and participating in training.

6. The Act on employment promotion (...) also contains penal provisions concerning the procedure to be followed in case of violation of discrimination bans. According to these provisions, any person who runs an employment agency and does not comply with the prohibition of discrimination on account of gender, age, disability, race, nationality, ethnic origin, sexual orientation, political beliefs and religion or on the grounds of membership of a trade union or, for the above-mentioned reasons, refuses to employ a candidate to fill a vacant employment or vocational training position shall be subject to a fine of not less than PLN 3,000.

#### **Protection against discrimination in the Penal Code**

7. In the reporting period, the Penal Code included binding provisions penalizing a number of behaviours which may be related to discrimination, including: inducing another person, by persuasion or rendering assistance, to make an attempt on his/her own life (art. 151), causing grievous bodily harm (art. 156), causing a bodily injury or an impairment to health (art. 157), threat (art. 190), using force or an illegal threat (art. 191, para.1), mistreating another person mentally or physically (art. 207), imputations to another person (art. 212, paras. 1 and 2), insult (art. 216, paras. 1 and 2), striking a person or breaching his/her personal inviolability in another manner (art.217, para. 1), malicious or persistent infringement on the rights of an employee (art. 218, paras. 1 and 2), not reporting the required data or providing false data to a social insurance body, failure to fulfil occupational health and safety responsibilities by exposing an employee to an immediate

danger of loss of life or a serious detriment to health (art. 220, para. 1), acquiring information without being authorized to do so (art. 267), destroying, damaging, deleting or altering a record of essential information or otherwise preventing an authorized person to obtain knowledge of that information (art. 268). For committing the above-mentioned offences, courts may impose penalties of imprisonment, restriction of liberty or a fine. It is also possible to apply punitive measures in the form of: deprivation of public rights, prohibition of holding specific posts, exercising specific professions or engagement in specific economic activities, prohibition of engagement in activities related to the upbringing, treating, educating or caring for minors, obligation to stay away from certain environments or places, prohibition of contacting specified persons or prohibition of leaving a specified place of stay without the court's consent, prohibition of attending a mass event, prohibition of entering gaming centres and participating in gambling games, prohibition of driving vehicles, forfeiture of items, obligation to redress or compensate the damage, supplementary payment to the injured or for a public purpose, financial consideration, making the sentence publicly known.

### **Protection against discrimination in the Civil Code**

8. In the Civil Code, protection against discriminatory activities was ensured by provisions on the protection of personal rights. In accordance with article 24, paragraph 1, of the Civil Code, a person who has violated the personal rights by way of unequal or discriminatory act or omission is obliged to take the necessary steps to remove its effects and in particular to make a statement of appropriate content and form. Pursuant to the provisions of the Civil Code, a person whose moral rights were violated may also demand financial compensation or payment of an appropriate sum for indicated social cause. If the infringement of personal rights resulted in material damage, the aggrieved party may demand redress in line with the general principles.

### **Act on the implementation of certain provisions of the European Union on equal treatment**

9. Between 2006 and 2009, the Ministry of Labour and Social Policy worked on a draft Act on the implementation of certain provisions of the European Union on equal treatment. The draft Act was aimed to complement the existing regulations in the field of equal treatment. In April 2010, the Government Plenipotentiary for Equal Treatment was authorized to continue work on the Act, which was passed already after the end of the reporting period, on 3 December 2010, and entered into force on 1 January 2011.

10. The Act specifies the areas and methods of counteracting equal treatment violations on account of gender, race, ethnic origin, nationality, religion, denomination, world view, disability, age and sexual orientation. It also specifies the competent bodies in matters of equal treatment. The performance of tasks related to implementing the principle of equal treatment was entrusted to the Government Plenipotentiary for Equal Treatment and to the Human Rights Defender. The Human Rights Defender ensures compliance with the principle of equal treatment as an independent body within the meaning of the provisions of Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation. The Government Plenipotentiary for Equal Treatment, appointed and dismissed by the Prime Minister, implements the Government's equal treatment policy. The Act obliges the Plenipotentiary to design the National Action Plan for Equal Treatment – a strategic document specifying the objectives and priorities of the Government's equal treatment activities, in particular as regards:

- (1) Raising social awareness of equal treatment, including of the causes and effects of violating the principle of equal treatment;
- (2) Preventing violations of the principle of equal treatment;

(3) Cooperating with social partners, non-governmental organizations and other entities in the field of equal treatment.

11. One of the areas which are going to be extensively addressed in the National Action Plan is preventing gender discrimination.

**Institutions responsible for implementing the gender equality policy**

12. In the reporting period, the tasks related to implementing the gender equality policy were carried out uninterrupted by subsequent offices responsible for preventing discrimination. Between 2001 and 2005, these tasks were performed in Poland by the Government Plenipotentiary for Equal Status of Women and Men.<sup>2</sup> Since 2006, the institution responsible for the implementation of the gender equality policy was the Department for Women, Family and Counteracting Discrimination within the Ministry of Labour and Social Policy. The Department took over some of the competences of the Government Plenipotentiary for Equal Status of Women and Men. It was responsible for coordinating activities related to the status of women and family in the society and for implementing tasks aimed at preventing all forms of discrimination within the competence of the Minister of Labour and Social Policy. The responsibilities of the Department included mainly:

(a) Analysing and assessing the legal and social situation of women, family and victims of discrimination, as well as initiating and coordinating activities aimed at ensuring equal treatment and providing equal opportunities to victims of discrimination;

(b) Developing policies and regulatory acts on the status of women and family, as well as preventing discrimination;

(c) Giving its opinions on draft regulations and other documents that affect the situation of women and family in the society and within the scope of preventing discrimination;

(d) Cooperating with competent public administration bodies, non-governmental organizations and institutions within the scope of their responsibility for the implementation of tasks and programmes for women and preventing discrimination;

(e) Initiating, carrying out, coordinating and monitoring the implementation of government programmes for women, family and preventing discrimination, as well as for providing equal opportunities;

(f) Coordinating cooperation with international organizations with a view to preventing discrimination;

(g) Promoting, popularizing and propagating the issues of preventing discrimination and equal opportunities, as well as conducting information and educational activities aimed at raising awareness of discrimination and its manifestations, as well as methods and strategies of preventing it;

(h) Implementing tasks with respect to providing necessary assistance to victims of discrimination in pursuing their rights;

(i) Developing and implementing projects co-financed from the European Social Fund and other funds from the EU budget.

13. The Department operated until March 2010; however, in order to implement the task of providing equal opportunities to women and men in the labour market, the Division for

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<sup>2</sup> Information on appointing the Plenipotentiary and his competences was presented in the previous report for 1998-2002.

Gender Equality in the Labour Market was created in the Department of Economic Analyses and Forecasts.

14. In 2008, the Government Plenipotentiary for Equal Treatment was appointed in the rank of secretary of state (by the Ordinance of the Council of Ministers of 22 April 2008 on the Government Plenipotentiary for Equal Treatment (Dz. U. No 75, item 450, as amended). The responsibilities of the Government Plenipotentiary for Equal Treatment included:

- (1) Implementing the Government's equal treatment policy, including preventing discrimination, particularly on account of gender, race, ethnic origin, nationality, religion or denomination, political views, age, sexual orientation, marital and family status;
- (2) Giving its opinions on draft legal acts and other Government documents in the scope referred to in point 1;
- (3) Conducting analyses and assessments of legal solutions in terms of compliance with the principle of equal treatment, as well as requesting competent bodies to issue or amend legal acts regarding matters that fall within the scope of the Plenipotentiary's competence;
- (4) Taking measures aimed at eliminating or mitigating the consequences of violating the principle of equal treatment;
- (5) Performing analyses and assessments of the legal and social situation within the scope referred to in point 1;
- (6) Monitoring the situation with respect to equal treatment;
- (7) Promoting, popularizing and propagating the issues of equal treatment.

15. The Plenipotentiary acted in cooperation with competent government administration bodies. The Plenipotentiary had no independent right of legislative initiative, although he could – upon consent of the Prime Minister – request the Council of Ministers to consider his drafts of government documents, resulting from his scope of action, such as government programmes for equal treatment and preventing discrimination on account of gender, race, ethnic origin, nationality, religion or denomination, political views, age, sexual orientation, marital and family status. After the end of the reporting period, under the Ordinance of the Council of Ministers of 9 June 2010 amending the Ordinance on the Government Plenipotentiary for Equal Treatment, the Plenipotentiary's competence was extended to include the following:

- (1) Preparation of reports on the implementation of international agreements on equal treatment and preventing discrimination;
- (2) Coordination and monitoring of programmes for equal treatment;
- (3) Implementation of projects or programmes co-financed from EU funds and funds from other international organizations;
- (4) Competence related to preventing discrimination on account of disability.

16. Following the entry into force of the Act of 3 December 2010 on the implementation of certain provisions of the European Union on equal treatment on 1 January 2011, the Government Plenipotentiary for Equal Treatment appointed under the Ordinance of the Council of Ministers of 22 April 2008 became a Plenipotentiary within the meaning of the Act.

## **Article 4- Acceleration of equality between men and women**

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

17. The Government Plenipotentiary for Equal Status of Women and Men prepared the 2nd implementation stage of the National Action Plan for Women, whose implementation was scheduled for 2003-2005. The programme was approved by the Council of Ministers on 19 August 2003. The National Action Plan for Women was designed as a document of strategic importance and provided for a comprehensive approach to women's problems in all social areas, proposing an open formula of social dialogue. It was to be implemented in cooperation with research centres, non-governmental organizations, local government bodies, trade union centres, and the media. The programme was addressed to central and local administration. The structure of the National Programme reflected the structure of the Beijing Platform for Action, with each chapter devoted to a different social area. The aim of the Programme was to assert women's rights in the context of human rights, in particular by implementing international human right protection instruments, including regulations concerning women and providing equal opportunities to women and men.<sup>3</sup> With a view to assessing the implementation status of tasks set forth in the National Programme, the Government Plenipotentiary for Equal Status of Women and Men prepared the Government Information on the Implementation of the National Action Plan for Women, covering the period between 19 August 2003 and 31 August 2004. The Information reflects the progress of implementation of tasks set forth in the National Programme. The analysis of the monitoring period revealed that the tasks had been successfully implemented in 63 per cent. One of the results was appointing Voivodes' Plenipotentiaries for Equal Status of Women and Men in 16 Voivodeship Offices. Owing to the appointment of Plenipotentiaries in all the voivodeships, it was possible to implement and disseminate the objectives of the Programme. Persons responsible for monitoring the implementation of the principle of gender equality in access to managerial positions were also appointed in 12 government administration offices. Additionally, an effective mechanism of cooperation between public administration and non-governmental organizations acting for equal status of women and men was created. An important element of this system is providing financial aid to non-governmental organizations by entrusting them with tasks aimed at improving the situation of women.

### **The principle of equality of women and men in projects implemented under programmes financed from EU funds**

18. In accordance with Regulation (EC) No 1081/2006 of the European Parliament and of the Council of 5 July 2006 on the European Social Fund and repealing Regulation (EC) No 1784/1999 (OJ L 210 of 31.07.2006, p. 12, as amended) and Council Regulation (EC) No 1083/2006 of 11 July 2006 laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund and repealing Regulation (EC) No 1260/1999 (OJ L 210 of 31.07.2006, p. 25, as amended), as well as articles 2 and 3 of the Treaty on European Union (Dz. U. of 2004, No 90, item 864/30, as amended), article 8 of the Treaty on the Functioning of the European Union (Dz. U. of 2004, No 90, item 864/2, as amended) and article 23 of the Charter of Fundamental Rights of the European Union (OJ C 303 of 14.12.2007, p. 1), the principle of equality between women and men is one of the principles of EU horizontal policies. The Polish Government respects this principle by eliminating all inequalities and promoting equality between women and men through actions taken under programmes implemented under Structural Funds. In particular, the principle of equal opportunities for women and men, including the

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<sup>3</sup> Detailed information on the assumptions of the Programme were presented in the 6<sup>th</sup> periodic report for 1998-2002.



elimination of inequalities present in the labour market, is implemented under the Operational Programme Human Capital 2007-2013 (OP HC), co-financed from the European Social Fund.

19. The principle of equal opportunities, however, is particularly prominent in implementing solutions, which take the form of OP HC projects, e.g. in measures aimed at increasing the opportunities of taking up employment, returning to the labour market, raising one's professional qualifications and acquiring new competences. A particular emphasis was placed on increasing employment of women who are, or may be, a disadvantaged group in the labour market. Support in the form of training, advisory services, funds for economic activity and various courses is addressed mainly to women who return to the labour market after maternity leave or women with no longer valid or low professional qualifications.

20. Moreover, in 2009, under the OP HC, the Ministry of Regional Development prepared the Action agenda for equal opportunities for women and men. This document provides for a number of measures for strengthening the equality potential to be undertaken in 2009-2013. Thanks to deliberate and systematic actions, all entities involved in implementing the OP HC will apply the principle of equal opportunities for women and men, contributing to the reinforcement of gender equality. In 2009, a minimum standard for the implementation of the principle of equal opportunities for women and men was introduced (a standard for assessing project funding applications in terms of compliance with the principle of gender equality). Every year the "ESF Good Practices" competition is organized, with a separate category of horizontal policy: gender equality principle. A guide to good practice (Polish and foreign) in the field of equality of opportunities for women and men was also prepared to provide potential project promoters with interesting and effective ways to include this horizontal policy into projects.

### **Projects co-financed under the European Social Fund**

21. In the reporting period, actions were taken under operational programmes co-financed from the European Social Fund (ESF) to ensure equal opportunities for women and men. In the programming period 2004-2006, the Sectoral Operational Programme Human Resources Development (SOP HRD) featured a special measure 1.6 "Vocational integration and re-integration of women", intended to provide multi-level support to women in the labour market by taking actions aimed at:

- Promoting the equality of opportunities,
- Including women into the group of beneficiaries using active forms of combating unemployment within the framework of programmes implemented by the Government,
- Including social partners into activities promoting a new social model, providing for equal opportunities for women and men in the professional and social context.

22. Types of projects conducted (the data pertains to 324 projects completed from the beginning of the Measure implementation period) are as follows:

- Training courses for women – raising their professional qualifications (230 projects);
- Career guidance for women (99 projects);
- Subsidized internships/on-the-job training (125 projects);
- Vocational activation training for women (94 projects);
- Psychological and legal counselling (90 projects);

- Supporting entrepreneurship among women: awarding one-off funding for starting their own business, in particular in rural areas; training for women in developing their own business (78 projects);
- Training courses for women in acquiring and applying skills and knowledge on: flexible approach to a profession, working in the third sector, volunteer work, developing their own business (50 projects);
- Developing and launching data bases on local labour markets containing information on job offers for women, forms of employment, qualification raising opportunities, starting one's own business, obtaining one-off funding for starting one's own business (11 projects);
- Preparing and implementing information and educational campaigns addressed to women and employers, aimed at fighting stereotypes of gender roles in professional and family life (9 projects);
- Creating special, innovative programmes and local initiatives promoting employment of women, including creation of new jobs for unemployed women (7 projects);
- Research projects and expert opinions aimed at diagnosing the situation of women in the labour market and applying the principle of equality of opportunities for women in access to employment (horizontal perspective) (5 projects);
- Research projects and expert opinions aimed at diagnosing the diversification of opportunities for women in access to local labour markets (regional perspective) (5 projects);
- Pilot projects aimed at supporting self-organization of women (organizing interest groups, support groups) (2 projects);
- Counselling/guidance for employees of labour market institutions (including NGOs acting for women) with respect to equality of opportunities for women and men (1 project);
- Training for entrepreneurs in: flexible forms of employment, with a particular focus on modern technologies and modern methods of work organization (e.g.: telework, work-at-home jobs, replacement employment); rights and obligations related to the equality of opportunities of women and men resulting from the provisions of labour law (1 project).

23. Furthermore, within the framework of the above measure, the Ministry of Labour and Social Policy conducted 11 projects, whose objectives included:

- Promoting entrepreneurship of women, their activity in social and professional life, while encouraging them to become active in creating jobs for themselves. This was achieved by providing women with the necessary knowledge of how to start a business, where to seek funds for the business, how to promote it ("How good to be an enterprising woman!" – the project resulted in a media campaign, comprising a TV programme, spots, books and on-line publications);
- Making the public aware of the problem of discrimination against women over 45 in the labour market ("Wanted 45+: reliability, commitment, experience" – the project resulted in a media campaign, comprising spots and billboards, books and on-line publications);
- Activation of women in the professional, educational, social and personal dimension. The project prepared local female leaders to animate activity in rural communities ("Stereotypes and equal opportunities for women and men in rural

communities” – the project resulted in training courses and a publication issued as a book and also available on-line at [www.akademiakobiet.pl](http://www.akademiakobiet.pl));

- Changing the social atmosphere among employers and women entering the labour market after childbirth and returning to work after maternity or child care leave as potentially good and efficient employees, as well as improving the self-esteem of this group and increasing their motivation to enter and return to the labour market (“Between family and work – reconciliation of social and professional roles of women” – the project resulted in a media campaign, comprising spots and billboards, books and on-line publications);
- Disseminating knowledge of flexible forms of employment among women and thereby increasing their motivation to actively participate in the labour market (“Flexible forms of employment – combining professional life with parenthood” – the project resulted in a media campaign, comprising book and on-line publications available at [www.kobieta.gov.pl](http://www.kobieta.gov.pl));
- Raising awareness of the amended Labour Code in terms of preventing gender discrimination (“Promoting anti-discrimination provisions of the labour law” – publication of brochures and online articles at [www.kobieta.gov.pl](http://www.kobieta.gov.pl));
- Raising awareness of reconciliation of professional and family/private roles of women and men (“Partnership in the family as an opportunity for women in the labour market” – workshops, conferences, a brochure). The aim of the project was to promote joint responsibility of women and men in the family and professional life and a partnership model in the performance of parental and household duties;
- Disseminating research on gender equality in all aspects of life, such as: health, education, labour market, preventing violence, etc. (“Different roles, same opportunities. Monitoring the implementation of gender equality”). The project also contributed to reactivating the website [www.monitoring.rownynstatus.gov.pl](http://www.monitoring.rownynstatus.gov.pl), with comprehensive information on various aspects of social life from the gender perspective;
- Raising awareness of the situation of women in the labour market (“Woman – Family – Work – media campaign”) – the project resulted in a TV programme, the [www.kobietawpracy.eu](http://www.kobietawpracy.eu) website and brochures discussing the situation of women in the labour market;
- Analysing the situation of women in selected aspects: (“Diagnosis of the social and professional situation of rural women in Poland”, “Multifaceted diagnosis of the situation of women in the labour market”) – the results filled gaps in our knowledge of various aspects of women’s situation in the labour market and contributed to modifying strategies aimed at increasing their participation in the labour market.

24. The above projects contributed to disseminating knowledge of the most effective strategies and practices of overcoming various labour market phenomena which are unfavourable to women.

25. The Equal Community Initiative Programme (2004-2006) featured a special measure aimed at providing equal opportunities to women and men (Theme G). Projects implemented under this Programme were mainly intended to develop, test and mainstream innovative solutions preventing discrimination and inequalities in the labour market, including by fighting prejudices resulting from the stereotypes of gender roles in family and professional life. An example of good practice developed under this Programme is the Gender Index project carried out by the United Nations Development Programme (UNDP) in cooperation with inter alia the Ministry of Labour and Social Policy. The aim of that project was to popularize diversity management and equal treatment policy, as well as to

combat gender discrimination in the workplace, by developing and promoting an equal opportunity company management model and the Gender Index – the first tool in Poland for analysing workplaces in terms of equal gender treatment.

26. In the programming period 2007-2013, the Operational Programme Human Capital (OP HC) included such measures as developing solutions supporting equal opportunities, mobility and retraining, as well as promoting equal opportunities for women and men in the labour market and fighting the stereotypes of gender roles in professional and social life. The principle of equal opportunities for women and men was implemented by numerous projects under the OP HC, including:

(a) ***“Social and economic activation of women at the local and regional level”***, aimed at improving the situation of women in the labour market, e.g. by intensifying relevant measures taken by labour market institutions in this respect. Topics covered by the project included differences in the remuneration of women and men, promotion barriers, unequal treatment on account of gender, problems connected with professional inactivity and premature withdrawal from the labour market. The research conducted under the project led to an information and promotional campaign, aimed at building the image of working women as full and valuable participants of the labour market. The issue of labour market activation of women aged over 50 was also raised. The project consisted in a media campaign popularizing the principle of gender equality in the labour market and professional activity of women, including those from small towns, villages and rural areas (documentaries and TV programmes “Professional women”, “I’m going to make it”, “A woman needed immediately” and radio broadcasts). Furthermore, the [www.rowniowpracy.gov.pl](http://www.rowniowpracy.gov.pl) website and organizing 16 regional conferences were organized under the banner “Time for active and entrepreneurial women”.

(b) ***“Reconciling professional and family roles of women and men”*** – its implementation is expected to improve the disadvantaged position of women with children in the labour market. The aim of the project is to develop and implement large-scale mechanisms of reconciling roles at the corporate level, identified under the so-called good national and European practices. It is also aimed at including social partners – local Public Employment Services, employer associations and trade unions – in the process of developing solutions improving the status of women who are disadvantaged in the labour market due to their family situation. The project included qualitative and quantitative research of employees and employers with respect to the reconciliation of roles, as to identify the expectations and barriers, both legal and mental, connected with the implementation and functioning of mechanisms of reconciling roles at the workplace level. Additionally, qualitative research of households was conducted concerning cultural and economic barriers to implementing the policy of reconciliation of roles, which were used to prepare assumptions for the nation-wide promotional and educational campaign. The campaign featured media activities promoting the partnership family model and mechanisms of reconciliation of roles: TV spots, press articles, radio and TV broadcasts. In addition, posters and brochures were distributed to 300 kindergartens and 300 primary schools all around Poland.

(c) ***The project “Equal Treatment as a Standard for Good Governance”***

27. In 2010, the Government Plenipotentiary for Equal Treatment started work on preparing a project that was launched already after the end of the reporting period. The general objective of the project is to create a coherent and effective system of preventing discrimination in public administration. The specific objectives of the project are as follows:

(a) Streamlining the implementation of the principle of equal treatment in public administration by establishing a national network of Coordinators for Equal Treatment in public administration offices, responsible for implementing and monitoring the principle of

equal treatment and preventing discrimination both in the offices and in the current policy of a given institution;

(b) Improving the skills of public administration staff by training ca. 400 public administration employees in the implementation of the principle of equal treatment and preventing all forms of discrimination;

(c) Introducing the principle of equal treatment to the standard of good governance by developing Strategic Recommendations for Equal Treatment forming the basis for developing a government document, i.e. the National Action Plan for Equal Treatment, specifying the goals and priorities of activities for equal treatment in different areas, including also in the gender area;

(d) Popularizing the idea of equality and preventing all forms of discrimination by carrying out an information campaign "Have you noticed something? React!" concerning equal treatment in public administration.

28. Plans for 2011 include also conducting research in selected government administration institutions using the Gender Index adjusted to the specific conditions in public administration. The index will be extended so as to include all areas of discrimination, taking into account the principle of diversity management (Diversity Index). The Gender Index analysis will cover such fields as: recruitment, protection against dismissal, access to training, remuneration, access to promotion, reconciliation of professional and family life, protection against harassment and mobbing in the workplace. Individual reports and recommendations for each institution will also be prepared, along with detailed identification of problem areas and recommended actions. The project implementation will last until the end of 2012.

#### **Projects successfully completed under the European Commission Programme for Employment and Social Solidarity – PROGRESS (2007-2013)**

29. The Ministry of Labour and Social Policy implemented two projects under the PROGRESS Programme. Between 2008 and 2009, the "Gender mainstreaming as an instrument of change" project was implemented. Its primary objective was to raise awareness of public administration employees with respect to the horizontal social policy – gender mainstreaming, i.e. introducing the gender equality perspective into the area of social, political and economic activity of the state. The project featured gender mainstreaming training for ca. 600 representatives of all ministries and the most important public offices. Between 2008 and 2010, the "Progress, preventing discrimination, promoting diversity" project was implemented. It consisted in information and promotional activities including a series of meetings for journalists, representatives of non-governmental organizations and public administration, aimed at building broad social dialogue on non-discrimination and promoting diversity in Poland. Another goal of the project was to sensitize the society to the problems experienced by victims of discrimination, to strengthen the groups and individuals working in this field and to develop recommendations to be used while preparing future activities and campaigns regarding non-discrimination and promotion of diversity in Poland.

#### **Measures taken during the 2007 European Year of Equal Opportunities for All**

30. In 2007, the Ministry of Labour and Social Policy implemented the strategy of the European Year of Equal Opportunities for All, established by Decision No 771/2006/EC of the European Parliament and of the Council of 17 May 2006. Measures taken on the occasion of the Year focused on fulfilling the following objectives:

- Rights – raising awareness of the equality and non-discrimination legislation and the resulting rights and obligations for citizens and countries.

- Representation – stimulating debate on ways to increase the participation of under-represented groups in the social life, as the policy of equal rights is not only about preventing discrimination, but also about promoting equal participation.
- Recognition of the value of diversity – creating atmosphere supporting the affirmation of diversity as a great social value, composed of all community members, regardless of their gender, race, ethnic origin, religion, beliefs, age, disability and sexual orientation.
- Respect and tolerance – promoting a more cohesive society model by establishing bonds between various social groups and eliminating stereotypes and prejudice.

31. The activities included media campaigns, training for trainers, integration meetings, preparing guides and teaching methods. Financial support was granted to measures implemented by non-governmental organizations, social partners, schools, universities representing the interests of all social groups experiencing discrimination, with a particular focus on discrimination on the grounds of gender, race, ethnic origin, nationality, religion or world view, political beliefs, disability, age or sexual orientation.

#### **“Active woman” programme**

32. In 2007, the Government financed the “Active woman” programme from the Labour Fund reserve. The aim of the programme was to increase the employment rate of women and facilitate the participation of unemployed women over 50 in projects increasing their chances of taking up a job and maintaining it or setting up their own business. The participants of activation projects conducted under the Programme were unemployed women over 50 years of age having difficulties finding a job. Priority was given to projects consisting in: training in high-demand professions or supplementing professional qualifications of unemployed persons with additional or missing skills, vocational training and subsidies for starting a business. These activities, conducted by poviats employment offices, reached over 2,300 unemployed women.

#### **Projects implemented to improve the situation of the disabled, including disabled women and girls**

33. In the reporting period, the Government took up activities aimed at promoting the rights and full participation of disabled women in the society. The implementation of Recommendation Rec(2006)5 of the Committee of Ministers on the Council of Europe “Action Plan to promote the rights and full participation of people with disabilities in society: improving the quality of life of people with disabilities in Europe 2006-2015” included taking information activities (e.g. a conference, research, publications, information on the website) aimed at popularizing knowledge of the social aspect of disability and, consequently, drawing attention to the difficult situation of disabled girls and women, who are at risk of double discrimination – on account of disability and gender.

34. Moreover, numerous projects financed from the resources of the National Fund for Rehabilitation of the Disabled (PFRON) were implemented in the reporting period in order to improve the situation of the disabled, including women. The most important ones included:

- **Computer for Homer 2003** – an aid programme helping the blind and visually impaired to purchase electronic equipment and software enabling professional and social rehabilitation;
- **Pegasus 2003 module I and Pegasus 2010 module II** – an aid programme helping to remove communication and transport barriers which prevent or hamper the functioning of disabled persons in social and professional life;

- **CONVENIENT TRANSPORT** – an aid programme for disabled persons helping them to purchase a car and obtain a driving licence (B category);
- **STUDENT and STUDENT II** – an aid programme supporting life-long learning of disabled persons;
- **FLOOD 2010** – an aid programme for disabled persons affected by the flood in May 2010.

35. Between 2006 and 2010, support was provided under the above-mentioned PFRON targeted projects to 72,438 women, who accounted for 50.38 per cent of all programme beneficiaries.

36. Furthermore, the Office of the Government Plenipotentiary for Disabled People constantly monitors the situation of the disabled – including women – in the labour market. The monitoring also covers other aspects of the socio-economic situation, such as education, culture, tourism.

37. Some examples of good practices for disabled women and girls include funding of projects addressed exclusively to disabled women. These are, for example, a Consultation Point for disabled women established by the FAZON foundation (Fund of Vocational Activation of Disabled Persons) <http://www.fazon.pl/> and the website of the Disabled Women's Association "One" [Them] (OPEN HOUSE – Virtual place for women with disabilities: <http://www.domotwarty.org.pl/media.html>) financed by the Minister of Labour and Social Policy under the Government Civic Initiatives Fund programme.

## Article 5- Sex roles and stereotyping

### Initiatives undertaken to counteract gender role stereotypes

38. Numerous initiatives were undertaken in the reporting period with a view to counteracting gender role stereotypes. Between 2002 and 2005, the Government Plenipotentiary for Equal Status of Women and Men took actions aimed at eliminating harmful gender role stereotypes and developing responsible attitudes to family planning and a partnership family model. The Plenipotentiary organized conferences and seminars at the national and international level, prepared publications (leaflets and brochures) and also cooperated with the relevant ministries on all of the above-mentioned issues. He also conducted awareness-raising and information campaigns such as awarding the "Equality Glasses" award to people, public institutions and media distinguishing themselves by a clear vision of problems connected with equality, as well as anti-awards ("Referrals to an ophthalmologist") for those who do not notice those problems. The task set out in the National Programme for Women – Stage II for 2003-2005 concerning promotion of the principle of gender equality and non-stereotyped presentation of women in the mass media was carried out under the EU Phare 2002 Project "Reinforcement of the policy of equal treatment of women and men." Conferences and training sessions for media representatives in standards of equal participation of women and men in the decision making process in the media and the issues of women's rights were organized under the patronage of the Plenipotentiary, in cooperation with the National Broadcasting Council and the Research Centre on Gender Equality at Roskilde University (Denmark). A research project was also carried out in cooperation with partners from Denmark, Bulgaria and Italy, entitled "And when it is a man", which concerned men choosing a career in professions considered as 'female', e.g. nurse, elementary teacher.

39. The Plenipotentiary for Equal Treatment also took numerous promotional and information actions related to counteracting gender role stereotypes in various fields. These actions included organizing numerous:

- (1) Conferences, e.g. “The image of women and men in advertising”, “The EU is a woman”, “How to raise children not to think in stereotypes?”, “Good Practices Forum – Women’s strength is company strength”;
- (2) Campaigns: “We are different, we are equal”;
- (3) Competitions: “I am the boss”(for girls at the age of 16-18 years), “Breaking stereotypes in advertising”; “Dad at work, dad at home”;
- (4) Exhibitions: “Women in Parliament”, “Beauty in diversity”;
- (5) Training courses: “Best interests of the child in the relationship between its parents”, “Counteracting discrimination at the workplace”, “Women-leaders in sports”;
- (6) Publications: “Unforgettable women”, as well as guidebooks and information brochures concerning various aspects of counteracting discrimination and employee rights connected with parenthood resulting from the Labour Code. The Plenipotentiary also took up initiatives organized in the scope of “16 Days Against Gender Violence”.

40. Moreover, in order to encourage girls to take up studies and work in areas stereotypically considered as ‘male’, the Minister of Labour and Social Policy, the Minister of National Education, the Minister of Science and Higher Education and the Government Plenipotentiary for Equal Treatment supported the 1st, 2nd and 3rd all-Poland “Girls as Engineers!” campaign with their honorary patronage.<sup>4</sup> The campaigns were organized by the Perspektywy Educational Foundation in collaboration with the Conference of Rectors of Polish Technical Universities. “Girls as Engineers!” is an innovative project promoting technical faculties among young women – students of upper secondary schools. In the academic year 2007/2008, when the campaign „Girls as Engineers!” was launched for the first time, 98,293 women were studying at technical universities. After two editions of the campaign, in the academic year 2009/2010, there were already 104,558 female students. After the last edition of the campaign, in the academic year 2010/2011, 108,534 women studied at technical universities, i.e. 3,976 more than in the previous year. In April 2010 the campaign “Girls as Engineers!” was extended by a new initiative “Girls choose science!”, aimed at encouraging girls to take up education at scientific faculties, with an emphasis on faculties such as physics or information technology. As part of both initiatives, every year in April a “Open Day For Girls Only”, preceded by an all-Poland media campaign, is held at technical universities and science faculties, where female students participate in meetings, workshops and laboratory classes prepared specially for them.

41. In May 2010, the results of the competition “Girls of the Future. In the footsteps of Maria Skłodowska-Curie” were announced. The competition was organized jointly by the Minister of Science and Higher Education and the ELLE monthly magazine for female students of exact, natural, technical and medical sciences. The aim of the competition was to promote and support ambitious young women who pursue their research passions already during their studies and achieve scientific success, often in fields stereotypically considered as male. The winner of the competition received a scholarship in the amount of 15 thousand PLN, and the Ministry of Science and Higher Education financed the participation in scientific conferences for 10 young female researchers awarded in the competition.

### **Violence against women**

42. In the reporting period, pursuant to article 207 of the Penal Code, mental or physical mistreatment of an immediate family member or another person who is in a permanent or temporary state of dependence to the perpetrator, of a minor or a person who is vulnerable

<sup>4</sup> (The 4<sup>th</sup> edition of the “Girls as Engineers!” campaign was organised already after the end of the reporting period, in 2011.)



because of his/her mental or physical condition was subject to the penalty of imprisonment for a term of between three months and five years. If the act was connected with the practice of particular cruelty, the perpetrator was subject to the penalty of imprisonment from one year to 10 years. Other single acts which did not show all the features of an offence, consisting in breaching personal inviolability, were also punishable.<sup>5</sup> The Police Headquarters reported that 74,366 women, 7,121 men, 30,073 children below 13 and 15,955 minors aged between 13 and 18 fell victims to domestic violence in 2002. In 2010, 82,102 women, 12,651 men, 26,802 children below 13 and 13,311 minors aged between 13 and 18 were victims of domestic violence. Tables A.5.1 and A.5.2 (annex) provide detailed information on victims of domestic violence, perpetrators domestic violence and the number of police interventions between 2002 and 2010.

43. In the reporting period, a number of measures were taken in Poland to solve the problem of violence against women. The measures included legislative initiatives, promotional and information campaigns etc. laid down in the Government programmes. In 2003, on the initiative the Government Plenipotentiary for Equal Status of Women and Men, work was commenced on the draft regulation on counteracting violence with a particular focus on violence against women and domestic violence. On 29 July 2005, the Sejm of the Republic of Poland passed the Act on counteracting domestic violence (Dz. U. of 2005, No 180, item 1493) with the key objective to improve the efficiency of counteracting domestic violence and to initiate and support actions raising social awareness of the causes and effects of such violence.

44. Pursuant to the provisions of the Act, domestic violence should be understood as a single or recurring deliberate act or negligence that infringes the law or personal rights of individuals mentioned in article 1 of the Act, in particular when it exposes those individuals to the risk of being killed or injured, violates their dignity, personal inviolability, freedom, including sexual freedom, thus causing damage to their physical or psychological health and inflicting suffering and moral harm of violence victims.

45. Pursuant to the provisions of the Act, measures for reducing the scale of domestic violence are implemented through the following:

- (1) Systematic diagnosing of domestic violence;
- (2) Raising social awareness of and sensitivity to domestic violence;
- (3) Training for services which deal with counteracting domestic violence;
- (4) Measures consisting in protecting and helping persons affected by violence through dedicated centres of support for victims of domestic violence;
- (5) Exerting influence on violence perpetrators by means of corrective and educational programmes.

46. These measures are of interdisciplinary nature and are implemented at the level of central administration and at all levels of local governments.

47. Several years of domestic violence monitoring and the assessment of the implementation of tasks resulting from the Act induced the Government to amend the Act of 29 July 2005 on counteracting domestic violence, the Family and Guardianship Code and the Code of Criminal Procedure. The Act of 10 June 2010 amending the Act on counteracting domestic violence and amending certain other Acts (Dz. U. No 125, item 842), which entered into force after the end of the reporting period, introduced the following amendments:

<sup>5</sup> Article 217 of the *Penal Code* – Whoever strikes a human being or in another manner breaches his personal inviolability shall be subject to a fine, the penalty of restriction of liberty or the penalty of imprisonment for up to one year.

- A new prevention measure in the form of a “go order” requiring the suspected perpetrator to leave the family home in the case of a legitimate concern that the accused will resort to violence again;
- New punitive measures in the form of a go order and a barring order;
- New probation measures in the form of a barring order;
- The possibility of obligating the perpetrator to participate in corrective and educational programmes without his consent;
- An obligation to order the execution of the sentence conditionally suspended and to cancel conditional release from serving the full sentence for a perpetrator of domestic violence who commits such acts again;
- A procedure with the participation of a court-appointed custodian to request a court to issue a conditionally suspended imprisonment order;
- The possibility of applying for separation of the perpetrator from his victim in civil proceedings;
- A procedure carried out with participation of a social worker who has been granted the right to take away a child from the family if the child’s life or health is at risk in the consequence of violence acts. Within 24 hours, the social worker has to inform the family court, which is to take decision on the future of the child;
- The possibility of carrying out medical examination free of charge in order to determine the causes and the type of bodily injuries and of issuing a free medical certificate which may be considered as evidence before the court. So far, courts approved only examinations conducted by pathologists, which was free of charge only when ordered by the court or by the prosecutor.
- The prohibition of corporal punishment by persons exercising parental authority and guardianship or having custody of a minor.

48. The scope of tasks addressed to victims of domestic violence was extended to include vocational guidance and assistance in obtaining a flat, should the victim have no legal title to the flat shared with the perpetrator. Additionally, the Prosecutor General was obliged to develop and issue, at least every two years, guidelines for the organizational units of the public prosecutor’s office on the procedure to be used while preventing domestic violence.

#### **National Domestic Violence Prevention Programme**

49. The tasks laid down in the Act on counteracting domestic violence are implemented through the National Domestic Violence Prevention Programme for 2006-2016 approved by the Council of Ministers on 25 September 2006. The National Programme is addressed to the victims of domestic violence (women, men, children, disabled persons, elderly persons), perpetrators of domestic violence, witnesses of domestic violence. One of the important tasks carried out under the National Programme is to exert influence on perpetrators of domestic violence within the conducted corrective and educational programmes.

50. Corrective and educational programmes for perpetrators of domestic violence take the form of individual and group meetings and sessions. The usual effects of corrective and educational programmes for perpetrators of domestic violence were as follows:

- Reduced scale of violent behaviour; improved family, marriage and parent-child relations;
- Increased awareness of domestic violence among perpetrators;

- Acquisition of conflict-solving skills by perpetrators;
- Perpetrators abstaining from alcohol and attending AA groups;
- Lower number of police interventions in the community;
- Stimulating participation in support groups;
- Perpetrators acquiring skills to recognize and relieve aggression without resorting to violent acts;
- Perpetrators acquiring skills to recognize and express their emotions; stabilizing the perpetrators' professional life;
- Perpetrators are taught positive parental attitudes and skills of maintaining discipline without resorting to violent acts.

51. The effects of corrective and educational programmes are monitored under the National Domestic Violence Prevention Programme on an ongoing basis. Once a corrective and educational programme is over, the perpetrator monitoring period varies between two months and three years. The number of people covered by corrective and educational programmes has been increasing since 2006. In 2006, the programmes were completed by 1,081 people, in 2010 it was 2,846; the total for 2007-2010 was 13,393 (of which 11,776 men and 1,617 women). The upward trend is most likely due to the dissemination of information on the possibilities of participating in such programmes, introducing amendments to the law and increasing awareness among support services that refer perpetrators of domestic violence to such programmes.

52. The National Programme also co-financed interdisciplinary training for the 'first line' employees. Training was devoted to building local systems for preventing domestic violence and implementing tasks in the area of preventing domestic violence in the framework of cooperation between interdisciplinary teams. Other issues addressed included: implementation of corrective and educational programmes for perpetrators of domestic violence, mediation, help for victims, work with multi-problem families, work with abused children, work with victims of domestic violence, diagnosing domestic violence. The participants of training courses and conferences included: employees of social assistance centres, poviats family support centres, police officers, court-appointed guardians (social and case workers), school guidance counsellors, health care representatives, members of gmina committees for solving alcohol-related problems, employees of social therapeutic centres, educational care centres, adoption and care centres, employees of NGOs, psychologists, members of the clergy, representatives of city, gmina and poviats offices who coordinate measures to counteract domestic violence, coordinators of voivodeship preventive programmes, therapists from addiction rehabilitation centres. Between 2007 and 2010, training courses were attended by a total of 16,527 people.

53. The Programme also offers training for services preventing domestic violence by:

- Introducing information on the causes and effects of violence, recognizing and diagnosing domestic violence and cooperation under the gmina system of counteracting domestic violence to the vocational training curriculum for people working in the field of domestic violence;
- Devising educational and support programmes devoted to preventing violence towards children and adults, e.g. partners, seniors, disabled persons;
- Devising legal protection and psychological counselling procedures for witnesses and victims of domestic violence;
- Preparing training packages on the causes and effects of domestic violence;
- Providing training to the following professional groups: police, health-care personnel, social workers, members of gmina committees for solving alcohol-

related problems, teachers, school guidance counsellors and psychologists, prosecutors, judges and court-appointed guardians;

- Preparing instruction materials, recommendations and procedures for intervention in cases of domestic violence, with particular emphasis on the 'Blue Card' procedure.

#### **Platform for action "Stop sexual violence in Poland"**

54. In 2009, the Government Plenipotentiary for Equal Treatment announced the establishment of the inter-ministerial and intersectoral Platform for action "Stop sexual violence in Poland." In the Declaration "Stop sexual violence in Poland. Platform for action", signed on 25 November 2009, the members of the Platform, i.e. the Ministry of Justice, the Ministry of Labour and Social Policy, the Ministry of Health, the Ministry of National Defence, the Ministry of Interior and Administration, the Police, the Public Prosecutor's Office, the National Broadcasting Council and non-governmental organizations committed themselves to build an intersectoral coalition for efficient combating of sexual violence in Poland. In particular, they undertook to initiate the following actions: monitoring of institutions and enterprises for the observance of the principle of equal treatment, including preventing sexual harassment of women; implementation of effective anti-violence educational programmes; implementation of a system providing immediate protection to women reporting sexual violence; popularization of specialist 24/7 help lines; training for competent services in standards to be followed in contacts with women who have been victims of sexual violence. So far, the results of the Platform actions have included e.g. a procedure to be followed by the Police and health care centres in contacts with victims of sexual violence and extended training in domestic violence including sexual violence in the curriculum of the National School of Judiciary and Public Prosecution. The implementation of actions under the Platform is continued.

#### **Information and education campaigns to raise social awareness**

55. Numerous social campaigns intended to increase social awareness of violence against women and domestic violence were organized in the reporting period. In 2002, the Government Plenipotentiary for Equal Status of Women and Men launched a series of campaigns entitled "Zero tolerance for violence". The campaign was organized during "16 Days of Activism against Gender Violence."

56. In 2007, a nationwide campaign to end violence against women was conducted within the framework of the relevant Council of Europe campaign and of the "16 Days of Activism against Gender Violence." The campaign focused on violence against women, including not only physical violence, but also psychological, economic and sexual violence. It consisted in screening a special spot prepared by the Council of Europe in cinemas, TV and the Internet, distributing promotional and educational materials (posters and calendars) among non-governmental organizations, support centres for victims of violence, Police units and courts, and organizing of 2 national conferences.

57. Between 2007 and 2010, social campaigns were organized under the National Domestic Violence Prevention Programme at the national and local level. A nationwide campaign to raise social awareness of and sensitivity to domestic violence was carried out in 2007. Its priority was to provide information about assistance available to victims or witnesses of domestic violence (posters and leaflets distributed among Voivodeship Offices). In 2008 and 2009, a nationwide social campaign for prevention of violence against children was organized in cooperation with non-governmental organizations. It consisted of four parts ("I Love – I do not Hit", "I Love – I React", "Good Parent", "Childhood without Violence"). Furthermore, in 2009 and 2010 a "National Social Campaign for Counteracting Domestic Violence against Elderly and Disabled Persons" was carried out. In January 2010, a social campaign called "Know your rights. Come out of the

shadow. Let yourself be helped” was launched. The campaign was addressed to the general public and in particular to victims of violence. Its objective was to disseminate information about the rights of victims of crimes and to make certain professional groups, in particular judges, prosecutors, court-appointed guardians, police officers and employees of non-governmental organizations, more sensitive to the needs of victims.

58. The funds allocated for social campaigns under the National Domestic Violence Prevention Programme were as follows: PLN 61,390.40 in 2007, PLN 3,160,820.05 in 2008, PLN 49,905.32 in 2009 and PLN 50,913.34 in 2010.

#### **“Safer Together” Programme**

59. The Government implemented the “Safer Together” programme to prevent crime and antisocial behaviour. Its main objective was to support the central and local government entities in fulfilling their statutory duties related to the provision of public safety and policy. The key objective of the programme was to reduce the scale of phenomena and behaviour that arouse widespread opposition and a sense of insecurity. Its priorities include: increasing the feeling of safety among residents, preventing crime and antisocial behaviour, improving the image of the Police and increasing the public trust in this service, as well as initiating local partnerships between various bodies involved in improving public safety and policy. One of the priority areas of action is domestic violence. The state budgets for the years 2007, 2008, 2009 and 2010 provided for PLN 3 million for the implementation of the programme. Between 2007 and 2011, grants were awarded to 57 projects under the programme.

#### **Support centres for victims of domestic violence**

60. Under the National Programme against Domestic Violence, specialist support centres for victims of domestic violence take action to provide people affected by violence with protection and assistance. The functioning of these centres is financed from the state budget. There are 35 specialist support centres for victims of domestic violence in Poland. They offer shelter and provide free assistance in the form of psychological, medical, legal and social counselling. Between 2006 and 2010, the number of people benefiting from help in specialist support centres for victims of domestic violence increased. In 2006, 916 people used this form of help, while in 2010 – 8,676. The number of people seeking help in such centres between 2006 and 2010 totalled 29,680.

#### **Ban on discrimination in the media**

61. Pursuant to article 18(1) of the Broadcasting Act of 29 December 1992, programmes or other broadcasts may not propagate actions contrary to law and Polish *raison d'état* or propagate attitudes and beliefs contrary to moral values and social interest. In particular, they may not include contents inciting to hatred or discriminating on grounds of race, disability, gender, religion or nationality. This means that broadcasters are obligated to eliminate all contents that may discriminate against certain people, also on grounds of gender. In the watershed period, it is also prohibited to transmit programmes or other broadcasts containing scenes or contents which may have an adverse impact upon a healthy physical, mental or moral development of minors. Broadcasters of television programmes are obliged to identify programmes or other broadcasts permitted from the age of 18 by way of displaying an appropriate graphic symbol throughout their duration, in particular those containing pornography or exposing violence. The National Broadcasting Council is a body which regulates the Polish electronic media market and therefore also controls the programme activity of radio and television broadcasters. This means that within its statutory competence it ensures the compliance of broadcasters with the regulations governing their activity, including primarily the Broadcasting Act. The National Broadcasting Council systematically controls television and radio programmes to verify whether broadcasters observe the law that protects minors. Various types of monitoring

measures are in place aimed at verifying whether broadcasters respect the two most important rules of legal protection of minors: the watershed period and the proper qualification of programmes to individual categories.

62. In the reporting period, the institutions responsible for implementing the gender equality policy took measures to counteract the discrimination of women in the media. Intervention measures were undertaken related to the violation of women's dignity and presenting them in a stereotypical way in the press and in advertisements. The media were also monitored for compliance with the non-discrimination principle. Furthermore, some promotional and information actions were carried out related to the image of women and men in the media. For example, in 2004 under the Phare project entitled "Enhancement of policies on equal treatment of women and men" a report was issued entitled "Images of women and men in advertising – content analysis." There were conferences and contests organized, e.g. the "Breaking down stereotypes in advertising" contest for advertisers and advertisements creators who break down stereotypes, including those concerning gender.

#### **Amendments to the Penal Code and other regulations on protection of children against sexual exploitation**

63. On 8 June 2010, new regulations concerning in particular stepping up the fight against paedophilia, including paedophilia in the Internet, entered into force.<sup>6</sup> These regulations were aimed at stiffening the accountability of perpetrators of sexual offences against minors under 15 years of age. The scope of criminal liability for raping a minor under 15 years of age was stiffened by classifying such an act as a crime, punishable by a penalty of imprisonment for at least three years. A new type of offence, i.e. accosting children for sexual purposes via the Internet or other telecommunication systems (so-called grooming), subject to a penalty of imprisonment for up to 3 years, was also introduced. Propagating or approving of paedophile behaviour was also made punishable (fine, restriction of liberty or imprisonment up to two years).

#### **Activities of the police aimed at helping crime victims**

64. The Police also takes measures aimed at helping crime victims. Police officers are obliged to respect human dignity and to respect and protect human rights at all times – this obligation stems from the provisions of the Constitution of the Republic of Poland, as well as from the Act on Police and The professional ethics principles of police officers. When dealing with people, a police officer should remain impartial in order to eliminate the possibility that his/her conduct could be motivated by prejudice on account of race, nationality, religious, political or philosophical beliefs or prejudice for any other reason. Interrogation of a victim of a crime against sexual freedom and decency should be carried out by an appropriately trained police officer of the same sex, in line with the Order of the Commander in Chief of the Police on the methodology of conducting investigation activities by police services responsible for detecting crimes and prosecuting offenders. A police officer should refer victims of sexual violence to a gynaecological medical examination and, if necessary, should ensure that the Police secures evidence or other materials related to the offence; he/she should also refer the victim to a medical examination for the purpose of assessing the type and nature of sustained injuries. An obligation of particular respect of the rights of victims is also contained in the Guidelines of the Prosecutor-General on activities taken for the benefit of the victim. An important element of Police activity, undertaken in view of preventing re-victimization of victims, in particular sexually abused minors, consists in creating friendly interrogation rooms, called

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<sup>6</sup> Act of 5 November 2009 amending the Act – Penal Code, the Act – Code of Criminal Procedure, the Act – Executive Penal Code, the Act – Penal and Fiscal Code and certain other acts (Dz. U. No 206, item 1589, as amended).

“blue rooms”. Approximately 305 rooms of this kind were established throughout the country – 238 of them are located in Police units’ buildings, 11 in courts and in prosecutor’s offices, 18 in Poviats Family Support Centres and the remaining 38 in medical establishments, government and local government institutions and in buildings belonging to organizations and foundations working for the benefit of children, youth, the family and combating addictions.

65. The furnishing and spatial organization of friendly interrogation rooms varies from place to place. Some of these rooms are furnished with professional audio-video equipment, appropriately selected furniture and dolls and forms a complex of two rooms separated by a one-way mirror, fulfilling all requirements for conducting interrogations by the courts (including the interrogation of a minor victim and a minor witness of a crime in line with the procedure provided for in article 185a and 185b of the Code of Criminal Procedure). However, a significant number of such premises are rooms adapted for conducting activities with other particular categories of crime victims, including adults (e.g. victims of violent crimes) in order to eliminate the negative consequences connected with interrogation following traumatic events. In many cases, the police cooperates with local government authorities, non-governmental institutions and organizations on a local level to ensure that the friendly interrogation rooms are appropriately furnished and staffed and carries out consultations with regard to the standards to be fulfilled by such rooms. The rooms can be used not only by police officers, but also by judges, prosecutors and psychologists. They can be used for conducting actions and conversations with victims, especially minors or adults who experienced a traumatic event or who need to quieten and calm themselves down.

## **Article 6- Exploitation of women**

### **Trafficking in women**

66. Polish law penalizes the crime of human trafficking. In order to fulfil international commitments following from documents ratified by Poland<sup>7</sup>, a definition of human trafficking was introduced into the Penal Code. The Act of 20 May 2010 amending the Act – Penal Code, the Police Act, the Act – Provisions Implementing the Penal Code and the Act – Code of Criminal Procedure (Dz. U. No 98, item 626) entered into force on 8 September 2010, i.e. after the end of the reporting period. According to the definition:

“Trafficking in persons shall mean the recruitment, transportation, delivery, transfer, harbouring or receipt of a person, by means of:

- (1) Coercion or illegal threat,
- (2) Abduction,
- (3) Deceit,
- (4) Deception, abuse of a person’s mistake or their inability to properly comprehend the action being undertaken,

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<sup>7</sup> The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, commonly referred to as the Palermo Protocol (Dz. U. of 2005, No 18, item 160), supplementing the United Nations Convention against Transnational Organized Crime, adopted by the United Nations General Assembly on 15 November 2000 (Dz. U. of 2005, No 18, item 158), European Union Council Framework Decision 2002/629/JHA of 19 July 2002 on combating trafficking in human beings (OJ L 203, 01/08/2002, p. 1) and the Council of Europe Convention on Action against Trafficking in Human Beings, drafted in Warsaw on 16 May 2005 (Dz. U. of 2009, No 20, item 107).

(5) Abuse of a relation of dependence, taking advantage of a critical situation or state of vulnerability,

(6) Giving or receiving a financial or personal gain or a promise thereof to a person having custody of or control over another person – for the purpose of exploitation of that person, even with the person’s consent, including, in particular, in prostitution, pornography or other forms of sexual exploitation, forced labour or services, beggary, slavery or other forms of exploitation humiliating human dignity or for the purpose of removing cells, tissues or organs against the provisions of the act. Should the perpetrator’s behaviour concern a minor, it shall be considered trafficking in people even if it does not involve any of the methods or means set forth in points 1 to 6.”

67. Moreover, the provision penalizing human trafficking was amended. Article 253, paragraph 1 of the Penal Code was replaced with Article 189a of the Penal Code reading as follows:

“§ 1 Any person who engages in trafficking in people shall be subject to the penalty of imprisonment for a minimum term of 3 years. § 2 Any person who undertakes preparations to commit the crime specified in § 1 shall be subject to the penalty of imprisonment of 3 months to 5 years”.

#### **Government programmes for combating and preventing trafficking in human beings**

68. On 5 March 2004, the inter-ministerial Team for Combating and Preventing Human Trafficking (together with a Working Group), headed by the Undersecretary of State at the Ministry of the Interior and Administration, was established to provide opinions and advice to the Prime Minister. The institutions invited to cooperate within the framework of the Team for Combating and Preventing Human Trafficking included representatives of non-governmental organizations: the La Strada Foundation against Trafficking in Persons and Slavery, the Nobody’s Children Foundation (Fundacja Dzieci Niczyje), the Itaka Foundation – Centre for Missing People (Fundacja Itaka – Centrum Poszukiwań Ludzi Zaginionych), the Association Help-FULL for Women and Children of Immaculate Mary (Stowarzyszenie Po-MOC dla Kobiet i Dzieci im. Marii Niepokalanej), the Halina Nieć Legal Aid Centre (Centrum Pomocy Prawnej im. Haliny Nieć) and Caritas Poland.

69. In 2003, the Council of Ministers adopted the first National Programme for Combating and Preventing Trafficking in Human Beings for 2003-2004. The programme is still being implemented. The fifth National Action Plan against Trafficking in Human Beings for 2011-2012 was launched after the reporting period. The Plan encompasses activities from the area of the so-called “4 Ps” (prevention-protection-prosecution-partnership).

70. Tasks implemented under the above-mentioned National Programmes involved conducting training sessions for different professional groups, including:

- Police officers – training in human trafficking as part of basic and specialist training since 2003, additional annual specialist training courses for human trafficking coordinators from criminal departments;
- Border Guard officers – training courses conducted as part of initial training and as part of joint specialist training with the Police, public prosecutors and judges since 2003;
- Consuls – Polish consuls are trained within the framework of the consular service; training courses have also been organized for representatives of third country consular personnel in Poland;
- School teachers – in 2010 qualified persons organized training sessions for students;



- Employees of the Office for Foreigners who conduct interviews with persons applying for the refugee status and work in refugee centres – training on identifying human trafficking victims;
- Employees of employment offices;
- Employees of educational care centres.

71. Moreover, work was carried out on improving training systems for the Police and Border Guard and campaigns were conducted for Polish and foreign citizens to raise awareness of human trafficking for forced labour. The campaigns involved publishing newspaper advertisements informing about potential threats related to seeking employment abroad. Information materials (leaflets, a brochure) for Polish citizens were also published. Another activity was an online campaign for job seekers. A total of ca. 200,000 copies of materials for Polish citizens and ca. 250,000 copies of materials for foreigners was distributed. The estimated cost of the campaign amounted to ca. PLN 100,000. A preventive campaign for young people was also conducted, reaching ca. 19 thousand people.

72. Between 2007 and 2010, preventive projects were carried out in cooperation with countries of origin of human trafficking victims:

- “Combating human trafficking in the field of strengthening the Moldavian migration management and international cooperation system. Polish-Moldavian exchange of experience and good practices” – 2008,
- “Polish-Moldavian exchange of experience and good practices within the framework of partnership cooperation for combating and preventing human trafficking” – 2009,
- “Polish-Ukrainian cooperation. Best practices in combating human trafficking and protecting victims’ rights” – 2009.

A total of ca. 100 persons participated in the above-mentioned projects.

73. The implementation of subsequent National Programmes in the reporting period involved creating appropriate structures in such institutions as the Police, Border Guard, Public Prosecutor’s Office and Voivodeship Offices. One of the units of the Central Investigation Office of the Polish Police Headquarters is the Central Team for Combating Human Trafficking. Voivodeship teams for combating human trafficking, whose coordinators are employed on a full-time basis, operate in the criminal departments of voivodeship police headquarters and the Warsaw Police Headquarters. Coordinators for Combating Human Trafficking were also appointed in all boards of the Central Investigation Office.

74. In 2008, a team responsible for permanent monitoring and coordination of the Border Guard activities with respect to preventing and combating human trafficking was appointed at the Polish Border Guard Headquarters. The team coordinates and supervizes activities undertaken by Border Guard units with respect to preventing and combating human trafficking.

75. Furthermore, ad-hoc coordinators for combating human trafficking and their deputies were appointed at the Border Guard Headquarters and in Border Guard units. Due to statutory and organizational changes relating to public prosecution, public prosecutors responsible for monitoring and coordinating pre-trial proceedings concerning human trafficking cases were designated at appellate prosecutor’s offices. Since 2008, the National Labour Inspectorate has been cooperating with the Border Guard, under relevant agreements, with respect to conducting joint inspections and exchanging information about the infringements of regulations related to foreigners, including about the cases of illegal employment of foreigners. Since 2009, in each of the 16 provincial labour inspectorates

there has been a section for controlling the legality of employment, including employment of foreigners. In order to streamline activities related to providing aid to human trafficking victims, human trafficking victim consultants were appointed in voivodeship office units responsible for welfare matters.

76. In the reporting period, apart from amending the Act on Aliens, the legal basis was created to legalize the status of human trafficking victims staying in Poland illegally. Appropriate solutions were also introduced as a result of the public task “Human trafficking victim/witness support and protection programme” implemented since 2006. The programme is currently a part of a broader task conducted in the same form. The National Consulting and Intervention Centre (KCIK) for Polish and foreign victims of trafficking provides aid to victims of human trafficking. Between 22 April and 31 December 2009, KCIK provided support to 193 persons, including 77 Polish citizens, by performing such services as supporting the identification of victims of trafficking, assisting victims in contacts with law enforcement bodies and the judiciary, providing psychological support, ensuring help of an interpreter, providing legal consultations or transporting victims across Poland (24/7 availability). Between January and 31 March 2010, support was provided to 253 persons, of which 83 Polish citizens and 170 foreigners. In the reporting period, the legal basis was also created to provide aid to victims of human trafficking under social assistance.

### **Prostitution**

77. In the reporting period, prostitution was not a punishable act in Poland. Using the services of prostitutes was not punishable either. However, this concerned using the services of adults, upon mutual consent (of the client and the prostitute) and excluding the cases of sexual abuse. On the other hand, article 199, paragraph 1 of the Penal Code penalizes subjecting another person to sexual intercourse or making him/her submit to another sexual act or perform such an act by abusing a relationship of dependence or by taking advantage of his/her critical situation. Forcing to prostitution is also punishable (art. 203 of the Penal Code – whoever subjects another person to practise prostitution, by force, illegal threat, deceit or by abusing a relationship of dependence or by taking advantage of a critical situation, shall be subject to the penalty of imprisonment for a term of between 1 and 10 years). Using sexual services of minors (below 18 years of age) is punishable. Pursuant to article 199, paragraph 3 of the Penal Code, whoever subjects a minor to sexual intercourse or makes him/her submit to another sexual act or perform such an act by abusing his/her trust or offering him/her financial or personal gain or a promise thereof shall be subject to the penalty of imprisonment for a term of 3 months to 5 years. This provision was introduced to the Penal Code and entered into force on 26 September 2005.

78. In the reporting period, both deriving financial gain from prostitution (practised by other persons) and human trafficking were offences regulated under the Penal Code.

79. Procuring (inducing another person to practise prostitution or facilitating it to him/her in order to derive a financial gain) is punishable by the penalty of imprisonment for a maximum term of 3 years (art. 204, para.1 of the Penal Code). Deriving financial gain from prostitution practised by another person is punishable as well, and if this person is a minor, the applicable maximum penalty is 10 years of imprisonment. The same, more severe punishment (a maximum of 10 years of imprisonment) applies to those who entice or abduct another person with the aim of having him/her engage in prostitution abroad. Article 204, paragraph 4 of the *Penal Code* was repealed by the Act of 20 May 2010 *amending the Act – Penal Code, the Police Act, the Act – Provisions Implementing the Penal Code and the Act – Code of Criminal Procedure*, as since the Act entered into force, i.e. 8 September 2010, such behaviour falls within the definition of trafficking in human beings and is regulated by article 189a of the *Penal Code*, and such an act is subject to the penalty of imprisonment for a minimum term of three years.

80. Children and young people are covered by particular legal protection in this respect. The Police monitors and combats prostitution of people under 18 years of age, as pursuant to the provisions of the Act of 26 October 1982 on juvenile delinquency proceedings (Dz. U. of 2010, No 33, item 178, as amended) it is one of the manifestations of moral corruption. The real scale of prostitution of minors is hard to assess for the Police usually reveals juvenile prostitutes as a result of conducted inspections, preventive actions or based on operational information and information obtained from other minors. It hardly ever happens that the Police is informed about a child practising prostitution by his/her parents or guardians. Each time such a fact is revealed, the family court is notified to apply appropriate corrective measures. The Police strives to determine persons who facilitated or induced minors to prostitution to derive financial gains. This often enables the Police to identify the persons who use sexual services of minors below 15 years of age, and then to initiate pre-trial proceedings under article 200 of the Penal Code. As prostitution of minors takes various forms, depending on the country region and its specificity, the Police examines and analyses the phenomenon carefully in order to curb it. To this end, the Police cooperates with specialized therapists from family, psychological and pedagogical counselling centres nationwide to organize meetings with children and young people at risk of moral corruption, their parents and teachers dealing with the social and health-related results of prostitution and other dangers connected with this practice, e.g. rapes, assaults, murders. When talking about the problem of prostitution, especially among minors, it should be pointed out that this phenomenon is evolving into the so-called “sponsorship” involving offers made directly, also through the Internet. Many of the revealed persons were minors offering sexual services in the streets of cities, at car parks, by expressways and at railway stations. The Police records feature also cases of prostitution practised by minors in the flats of persons using their services and at hotels.

81. In the reporting period, the Government took measures aimed at eliminating negative social phenomena related to prostitution, pandering and procuring. Police officers, together with other entities, participate in periodic preventive activities, aimed chiefly at performing medical check-ups of prostitutes and inspecting escort agencies, massage parlours, clubs, hotels, motels, inns and companies offering “short-term lease of premises”. National roads and expressways, distinguished by a high incidence of prostitution, are patrolled with a view to revealing minors and persons staying illegally in Poland.

82. The Police also performs activities aimed at identifying persons who induce other persons to practise prostitution and facilitate it. Preventive and educational activities addressed to teenagers and the media are also conducted. Police employees meet with young people at schools or universities and inform them about the need to exercise particular caution when choosing agents offering work abroad and checking the credibility of employers.<sup>8</sup> The number of offences consisting in forcing other persons to prostitution (art. 203 of the Penal Code) has been decreasing since 2007. In 2010, 28 offences of forcing other persons to prostitution were revealed, i.e. five fewer than in the previous year and 27 fewer than in 2007, when the largest number of offences in this category was revealed.<sup>9</sup>

83. Pursuant to Polish law, Polish citizens abroad are also obliged to abide by the provisions of Polish law. This principle is expressed by the Penal Code, which stipulates in article 109 that its provisions are applicable to Polish citizens who have committed an offence abroad. This principle applies provided that the following two conditions are met: (1) the perpetrator of the prohibited act is a Polish citizen, (2) the act committed abroad is

<sup>8</sup> The precise number of preventive measures taken by the Police cannot be established, as annual reports prepared by organisational units of the Police provide only descriptive information on activities taken – these are usually examples of the most successful actions and they are not subject to registration and reporting.

<sup>9</sup> “Report on security in Poland in 2010.” Ministry of Interior and Administration 2010.

an offence both according to the Polish penal law and the law applicable at the place where it has been committed (the so-called double criminality requirement laid down in article 111, paragraph 1 of the Penal Code – “The liability for an act committed abroad is subject to the condition that the liability for such an act is likewise recognized as an offence by the law in force in the place of its perpetration”). Therefore, if a Polish citizen, for example, uses sexual services of a minor abroad, this citizen will be liable under article 199, paragraph 3 of the Penal Code, provided that this act is also an offence in the place of its commission. It needs to be noted, however, that in the case of certain offence categories the Polish provisions waive the double criminality requirement. This applies to offences specified in international conventions binding on Poland, which provide for specific obligations of States Parties in prosecuting and punishing their perpetrators. This issue is regulated under article 113 of the Penal Code, according to which notwithstanding regulations in force in the place of commission of the offence, the Polish penal law is applied to a Polish citizen or a foreigner, with respect to whom no decision on extradition has been taken, in the case of committing an offence abroad which the Republic of Poland is obligated to prosecute under international agreements. In view of the above, given the commitments under the Convention, any person (both Polish citizens and foreigners) who commits e.g. a human trafficking offence abroad is liable before Polish courts, regardless of whether such an act is an offence in the place of its commission.

## **Article 7- Political and public life**

### **Women in government**

84. In the reporting period, women held the following government posts:

(1) In the coalition government formed by the Democratic Left Alliance (SLD) and the Labour Union (UP) (Oct. 2001 – May 2004), two women served as: the Minister of National Education and Sport (2001-2004) and the Minister of Justice (2001-2002), which accounted for 12.5 per cent of all ministers-members of the Government;

(2) In the coalition government formed by the Democratic Left Alliance (SLD) and the Labour Union (UP) (May 2004 – Oct. 2005), one woman served as Deputy Prime Minister (2004-2005) and the Minister of Social Policy (2005), which accounted for ca. 5.5 per cent of all ministers-members of the Government;

(3) In the coalition Government formed by Law and Justice (PiS), the League of Polish Families (LPR) and the Self-Defence of the Republic of Poland (Samoobrona) (October 2005 – July 2006), five women served as: Deputy Prime Minister (2006), the Minister of Finance (2005-2006), the Minister of Regional Development (2005-2006), the Minister of Foreign Affairs (2006) and the Minister of Labour and Social Policy (2006), which accounted for ca. 27 per cent of all ministers-members of the Government;

(4) In the coalition Government formed by Law and Justice (PiS), the League of Polish Families (LPR) and the Self-Defence of the Republic of Poland (Samoobrona) (July 2006 – November 2007), six women served as: Deputy Prime Minister (2006-2007), the Minister of Foreign Affairs (2006-2007), the Minister of Regional Development (2006-2007), the Minister of Labour and Social Policy (2006-2007), the Minister of Finance (2006-2007) and the Minister of Sport and Tourism (2007), which accounted for ca. 27 per cent of all ministers-members of the Government;

(5) In the coalition Government formed by the Civic Platform (PO) and the Polish People's Party (PSL) (Nov. 2007 – Nov. 2011), five women served as: the Minister of Health, the Minister of Labour and Social Policy, the Minister of Regional Development, the Minister of National Education and the Minister of Science and Higher Education, which accounted for ca. 26 per cent of all ministers-members of the Government.

85. The share of women and men serving as Secretaries of State (Deputy Ministers) and Under-Secretaries of State in government administration in 2002-2010 was the following:

Table 1

**Women and men serving as Secretaries of State (Deputy Ministers) and Under-Secretaries of State in government administration in 2002-2010**

<i>As at</i>	<i>Secretaries of State</i>			<i>Under-Secretaries of State</i>		
	<i>Total number</i>	<i>Number of women</i>	<i>%</i>	<i>Total number</i>	<i>Number of women</i>	<i>%</i>
31.12.2002	24	7	29.1	58	11	18.9
31.12.2003	22	5	22.0	62	11	17.7
31.12.2004	19	2	10.5	61	8	13.1
31.12.2005	25	4	16.0	52	6	11.5
31.12.2006	31	5	16.1	58	9	15.5
31.12.2007	23	3	13.0	59	10	16.9
31.12.2008	26	6	23.0	74	14	18.9
31.12.2009	22	6	27.0	73	14	19.1
31.12.2010	24	4	16.6	64	12	18.7

*Source: Chancellery of the Prime Minister*

86. In 2001-2004 and 2004-2005, two women served as the Government Plenipotentiary for Equal Status of Men and Women in the rank of Secretary of State and Under-Secretary of State. In 2008-2011, a woman in the rank of Secretary of State served as the Government Plenipotentiary for Equal Treatment. In 2007-2011, a woman in the rank of Secretary of State served as the Government Plenipotentiary for the Development of the Programme for Preventing Irregularities in Public Institutions.

**Women holding other important positions in the state**

87. In the reporting period, women also served as Inspector General for Personal Data Protection (1998-2006), President of the Office of Competition and Consumer Protection (since 2008), President of the Office of Electronic Communications (since 2006) and Human Rights Defender (since 2010).

88. Furthermore, the office of Plenipotentiary of the Minister of National Defence for Women's Military Service was established in 2006.

**Women in political parties and in the parliament**

89. In the reporting period, the share of women in the Polish parliament (the 460-person Sejm and the 100-person Senate) was the following: in 2001-2005 – 20 per cent in the Sejm, 23 per cent in the Senate; in 2005-2007 – 21 per cent in the Sejm, 24 per cent in the Senate, and since 2007 – 20 per cent in the Sejm, 8 per cent in the Senate.

90. In the elections to the European Parliament held in June 2009 women constituted 22.89 per cent of the candidates and men – 77.11 per cent. 11 women won parliamentary seats, which accounts for 22 per cent of the number of mandates allocated to Poland.

91. In the reporting period, the National Electoral Commission did not collect data on the number of women and men participating in elections or information on the number of women and men belonging to political parties.

92. In 2009, a citizens' bill on gender quotas on electoral lists was put forward to the Sejm of the Republic of Poland as a consequence of the activity of the Congress of Women<sup>10</sup> social movement. Following work on the bill after the reporting period, the Act of 5 January 2011 on amending the Act – Electoral Regulations to Gmina Councils, Powiat Councils and Regional Councils, Act – Electoral Regulations to the Sejm of the Republic of Poland and the Senate of the Republic of Poland and the Act – Electoral Regulations to the European Parliament (Dz. U. No 34, item 172) (the so-called Quota Act) entered into force on 3 March 2011. The Act amended the electoral regulations to the Sejm, the European Parliament and gmina, powiat and regional councils. According to the Act, the percentage of female and male candidates on electoral lists to these authorities may not fall below 35 per cent. Should a list fail to meet the gender quota, it will not be registered. For the first time in Poland it has been possible to introduce legal regulations that guarantee a specific percentage share of women on electoral lists. Before 2009, bills put forward to the Sejm that pertained to introducing the gender quota were not accepted (they were rejected at the first reading).

93. Furthermore, in the reporting period, two parties: the Democratic Left Alliance (SLD) and the Civic Platform (PO) introduced internal party regulations that improved women's electoral chances. Pursuant to the statute of the Democratic Left Alliance, the percentage of either of the sexes on candidate lists to party authorities of each level and on candidate lists for delegates may not fall below 35 per cent. According to the internal regulations of the Civic Platform introduced by the 2007 resolution of the National Council, women and men have a guaranteed minimum of 40 per cent in the first three and the first five slots on electoral lists to the Sejm of the Republic of Poland.

#### **Women in local government bodies**

94. Between 1998 and 2010, the share of women in local authorities was systematically on the rise. In 1998, slightly over 15 per cent of women sat on local government councils, whereas following June 2010 elections they already constituted one fourth of all elected councillors.

Table 2

#### **The number of women among councillors of all local government levels elected in 1998-2010 (in %)**

1998	16%
2002	18%
2006	21%
2010	25%

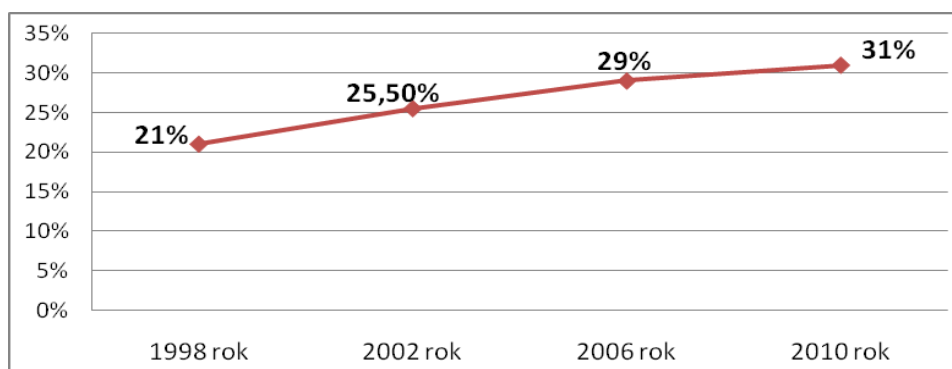
*Source: Aleksandra Niżyńska, Female Candidates in the 2010 Local Government Elections, Institute of Public Affairs, 2011. Table prepared based on National Electoral Commission data.*

95. Between 2002 and 2010, the number of female candidates increased in subsequent elections as did the number of elected female councillors. In 2002, over one-fourth of candidates to all local government levels were women; in 2006 this percentage increased to 29 per cent, while in June 2010 (after the reporting period) it exceeded 30 per cent.

<sup>10</sup> More information on the Congress of Women may be found in the section on cooperation with women's organisations.

Table 3

**The number of women among candidates to law-making bodies of all local government levels elected in the given year (in %)**



*Source: ibid*

96. In 2002, female councillor candidates to rural gmina councils accounted for 23.4 per cent of the total number of councillor candidates to rural gmina councils; in 2006 – for 27.1 per cent.

97. In 2002, female councillors constituted 17.3 per cent of all councillors in rural gminas, whereas in 2006 this percentage increased to 20.8 per cent

98. In 2002, women elected to the post of *voit* (head of gmina) constituted 7 per cent of the total number of *voits* elected; in 2006 – 8.3 per cent. In 2009, women acting as village administrators (*sołtys*)<sup>11</sup> constituted 30.1 per cent of the total number of village administrators in Poland; in 2010 – 30.7 per cent.

### **Women in trade unions**

99. Generally applicable regulations concerning union activity do not provide for any limitations to membership of trade unions based on sex. In line with the Act of 23 May 1991 on trade unions (Dz. U. of 2001, No 79, item 854), trade unions define the rules of acquiring and losing membership independently in their statutes. In view of the process of adjusting national gender equality law to EU regulations, the Act of 3 December 2010 on the implementation of certain provisions of the European Union on equal treatment (Dz. U. No 254, item 1700), adopted after the reporting period, includes article 8(1)(3), which bans unequal treatment while joining and acting within trade unions, employer organizations and professional self-government bodies, e.g. on account of sex. Based on the above-mentioned principle, projects fostering the development of social dialogue under Measure 5.5 of the Operational Programme Human Capital are implemented in accordance with gender equality principles and focused on ensuring greater presence of gender in the social dialogue. According to research conducted by the Public Opinion Research Centre (CBOS) in 2003, ca. 47 per cent of trade union members were women. In sectors dominated by women, such as health care, both women and men are members of trade union. In the statutory bodies of the All-Poland Alliance of Trade Unions (OPZZ), women accounted for 9 per cent of the 5th Term OPZZ Presidium (elections in April 2002) – 3 women out of 35 members; in 2006-2010 women accounted for 17 per cent, while after the May 2010 elections, women constitute 25 per cent of the new 2010-2014 Presidium members. The

<sup>11</sup> The *sołectwo* run by the *sołtys* is an auxiliary unit of the gmina characteristic of rural gminas. The area and scope of action of the *sołectwo* and its bodies is defined by the gmina council in the *sołectwo* statutes. The law-making body of *sołectwo* is the village meeting, and the executive – the *sołtys*. In 2010, there were 40,317 *sołectwos* in Poland.

OPZZ also comprises the Women's Committee focused mainly on promoting women and encouraging their activity in social, professional and private life.

100. Women constituted 37.7 per cent of the Presidium of the National Commission of NSZZ "Solidarność" in the 2006-2010 term of office. The union's central authorities include the position of Coordinator for Women.

101. The share of women and men in the statutory bodies of the Polish Teachers' Union (ZNP) in the 2002-2006 term of office was as follows: Management Board of the Polish Teachers' Union – 38 women and 36 men, Presidium of the Management Board of the Polish Teachers' Union – 8 women and 10 men, Central Audit Committee of the Polish Teachers' Union – 6 women and 13 men, Presidium of the Central Audit Committee of the Polish Teachers' Union – 2 women and 3 men. In the 2002-2006 term, this share was the following: Management Board of the Polish Teachers' Union – 35 women and 39 men, Presidium of the Management Board of the Polish Teachers' Union – 10 women and 11 men, Central Audit Committee of the Polish Teachers' Union – 5 women and 14 men, Presidium of the Central Audit Committee of the Polish Teachers' Union – 1 woman and 4 men. However, it should be noted that the profession of a teacher in Poland is feminized. Women vastly outnumber men as teachers.

### **Women in the civil service**

102. Pursuant to the Act of 24 August 2006 on civil service (Dz. U. No 170, item 1218, as amended), each citizen had the right to information on civil service vacancies and the recruitment process to civil service was open and competitive. The open nature of the recruitment process meant that information on recruitment was generally accessible and any person fulfilling the requirements could apply for the post. Information on recruitment results constitutes public information. The competitive nature of recruitment to civil service meant that the recruitment process resulted in the employment of a person, whose knowledge, skills and other competencies were most adequate to the vacancy offered. High level posts in state administration were filled with persons from the national personnel pool, provided they fulfilled the requirements specified in the Act which were equal for all candidates irrespective of their sex.

103. The Act of 21 November 2008 on civil service (Dz. U. No 227, item 1505, as amended) which entered into force on 24 March 2009 and replaced the 2006 Act reiterates the presented rules, also with reference to high level civil service posts created by transforming some of former high level state administration posts.

104. Women hold almost 50 per cent of high level civil service posts, but it should be stressed that the share of women employed in the civil service corps amounts to almost 70 per cent,

105. The share of women in the civil service corps, including high level civil service posts, in 2007-2010 is presented in the table below:

Table 4

### **The share of women in civil service corps, including high level civil service posts, in 2007-2010**

<i>Year</i>	<i>The total share of women in the civil service corps</i>	<i>The share of women on high level civil service posts</i>
2007	68.5%	48.3%
2008	69.5%	49.5%
2009	69.2%	50.6%
2010	69.9%	49.9%



106. The data provided above do not include high level posts in the foreign service. As regards remuneration in the civil service, it needs to be said that according to 2010 research<sup>12</sup> there is a slight difference between the average basic salary at all career levels in the civil service, where the basic remuneration of men is on average 5 per cent higher than that of women. In comparison to the situation in the business sector, the average basic remuneration of men and women holding lower civil service posts is almost equal, but the level of remuneration of men becomes higher than that of women in the case of high-class specialists and higher-level managers – even by 9-10 per cent. Furthermore, an additional analysis of remuneration in the group of high level civil service posts concerning the basic remuneration level of general directors of offices revealed that in 2011 the remuneration of women holding such posts was higher by an average of 13.2 per cent than the remuneration of men.<sup>13</sup>

### **Women in legal professions**

107. In the reporting period, women were working in all legal professions. This also pertained to posts of judges in courts of all instances. Women also held directorship posts in courts and served as jurors, legal counsels and barristers. Women prevailed among judges of common courts (accounting for 64 per cent of judges in 2005-2008) and among prosecutors (ca. 53 per cent of prosecutors). As regards women holding directorship posts in common courts, it may be noticed that the higher the post, the lower the number of women. In 2008, women accounted for 49 per cent of presidents of district courts, 44 per cent of presidents of provincial courts and 27 per cent of presidents of appellate courts. Detailed information on the number of women performing legal professions and holding posts in the judiciary is presented in tables A.7.1 to table A.7.4 (annex).

### **Government cooperation with women's non-governmental organizations**

108. In the reporting period, the Government Plenipotentiary for the Equal Status of Women and Men cooperated with non-governmental organizations. In 2002, the Plenipotentiary established the Programme and Advisory Board: an advisory body which acted as a permanent consultative and opinion-forming working team. Furthermore, the Council was supposed to ensure mutual communication between the Plenipotentiary and non-governmental organizations in the scope of ad-hoc projects and actions which were of substantial importance and on which the Plenipotentiary was working under the urgent procedure. Members of the Council also made the decision to award "Swedish Equality Glasses" to persons, institutions and media representatives that stood out on account of their understanding, care and particular commitment to activities aimed at achieving the equal status of women and men.

109. Cooperation also consisted in granting financial support to activities undertaken by organizations with a view to achieve the gender equality. Competitions for funding projects carried out by non-governmental organizations, including women's organizations, have been organized since 2002. Following the liquidation of the post of Government Plenipotentiary for the Equal Status of Women and Men, the competencies related to organizing competitions for non-governmental organizations were transferred to the Ministry of Labour and Social Policy in November 2005. Since 2006, the Ministry has been organizing an annual "Competition for the Organisation of NGO Initiatives". Within the

<sup>12</sup> 2010 research conducted by HRM Partners S.A. for the Chancellery of the Prime Minister concerning remuneration in the civil service in comparison to other public administration entities and sectors of the economy. The research covered the remuneration of 38,364 employees in 93 organisations, including 31 business entities.

<sup>13</sup> Research concerning the basic salary of general directors of offices (ministries, including the Chancellery of the Prime Minister, central and voivodeship offices) as at 20 May 2011.

funds earmarked for grants, the organizations undertook actions aimed at counteracting domestic violence, increasing the participation of fathers in bringing up children, supporting local youth communities and senior citizens, promoting gender equality, increasing the participation of women in public life and counteracting social exclusion and human trafficking. During the 2007 European Year of Equal Opportunities for All the Ministry of Labour and Social Policy appointed an Advisory Committee composed of members of non-governmental organizations active in the field of counteracting discrimination. Committee members were nominated by the Minister and could provide him with their opinions and recommendations. The Committee was divided into working groups. Each group dealt with a different form of discrimination, including gender discrimination.

110. Non-governmental organizations may also apply for support under the 2009-2013 Government Operational Programme Civic Initiatives Fund (OP CIF 2009-2013) financed from the state budget. Support for eradicating all forms of discrimination against women may be provided in numerous forms such as activating women in public life and providing equal opportunities to groups that are at particular risk of discrimination and exclusion. Furthermore, equal opportunities constitute the horizontal principle of OP CIF 2009-2013. In 2009, grants were awarded for 12 projects.

111. Non-governmental organizations could also apply for financial aid under the European Social Fund to implement projects under the 2004-2006 Sectoral Operational Programme Human Resources Development. Currently, they may benefit from the 2007-2013 Operational Programme Human Capital.

112. Moreover, since it was established in 2008, the Government Plenipotentiary for Equal Treatment has actively cooperated with women's organizations and associations in implementing, within his remit, actions aimed at counteracting discrimination. This cooperation consisted mainly in organizing conferences, meetings, seminars, competitions and other information and promotional activities as well as cooperation within the Problem Teams appointed by the Plenipotentiary, including the Team for Counteracting Discrimination against Women which gathered representatives of public administration and ca. 40 women's organizations, as well as the Team for Counteracting Discrimination against Fathers.

113. The Polish Congress of Women, co-organized by the Ministry of Labour and Social Policy, took place in June 2009 and 2010. The Congress of Women was founded in June 2009 as a social movement aimed at social and political activation women in Poland. The point of departure were actions accompanying the organization of the 1st Congress of Women, i.e. a convention of over 4 thousand women from all over the country who discussed women's contribution to the history of the last 20 years in Poland. The Congress concluded with the drafting of a number of demands, one of the most significant of which was the introduction of gender quotas on electoral lists. Congress participants actively sought to fulfil this demand as well as to introduce the subject of gender quotas to public debate. A bill on gender quotas was drafted and put forward to the Sejm as a citizens' bill.

114. Currently, the Congress of Women is a supra-political initiative which brings together individual persons, non-governmental organizations, representatives of the world of business, politics, science, art or journalism, trade unions, employer unions and many others.<sup>14</sup> The Congress also includes a Shadow Cabinet which meets with the Prime Minister and Ministers in order to discuss current actions of the Government, thus exerting a real influence on its policy.

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<sup>14</sup> After the reporting period, the 3rd European Congress of Women was organised in 2011 during the Polish Presidency of the EU Council.

115. In 2009-2010, 16 regional conferences entitled “It’s time for active and resourceful women” were organized to promote the activation of women under “The Social and Economic Activation of Women at the Local and Regional Level” project implemented by the Ministry of Labour and Social Policy and co-financed from European Union funds under the Operational Programme Human Capital.

### Gender Studies in Poland

116. Neither the Central Statistical Office nor the Ministry of Science and Higher Education collects data on the number of higher education institutions whose offer includes gender studies. Gender Studies are taught in the following research institutions in Poland: Universities of Poznań, Cracow, Łódź, Toruń, Szczecin, Warsaw, Wrocław, Białystok, the University of Silesia and the Institute of Literary Research of the Polish Academy of Sciences.

## Article 8- International representation and participation

### Women in Foreign Service

117. In the reporting period, the share of women among Foreign Service staff employed at the headquarters of the Ministry of Foreign Affairs was systematically increasing and was as follows:

Table 5

#### Share of women among Foreign Service staff employed at the headquarters of the Ministry of Foreign Affairs

<i>Year</i>	<i>Total number of women employed in the foreign service at the headquarters of the Ministry of Foreign Affairs</i>	<i>Percentage of women employed at the headquarters of the Ministry of Foreign Affairs</i>	<i>Percentage of women employed at managerial posts<sup>1</sup></i>
2002	430	44.1%	10.6 %
2003	442	43.6%	9.1%
2004	460	44.4%	10.4%
2005	456	44.6%	11.1%
2006	491	45.9%	21.3%
2007	525	47.3%	23.5%
2008	544	48.1%	22.4%
2009	561	46.2%	21.8%
2010 <sup>2</sup>	826	53.2%	31.5 %

**Source:** Ministry of Foreign Affairs

\* In relation to the total number of persons employed at managerial posts; “managerial posts” shall be understood to be as the post of deputy head of department/office and more senior posts. (as at 31 May 2010)

118. The share of women among Foreign Service staff employed in Polish diplomatic and consular posts was also systematically increasing and was as follows:

Table 6

**Share of women among Foreign Service staff employed in Polish diplomatic and consular posts**

<i>Year</i>	<i>Total number of women employed in the foreign service in diplomatic and consular posts</i>	<i>Percentage of women employed in diplomatic and consular posts</i>	<i>Percentage of women – heads of posts<sup>1</sup></i>
2002	300	23.4%	9.1%
2003	327	23.7%	10.2%
2004	335	23.7%	10.1%
2005	350	24.6%	10.6%
2006	393	28.0%	12.6%
2007	426	29.9%	14.7%
2008	455	31.3%	17.5%
2009	413	31.2%	19.7%
20102	426	31.8%	23.4%

\* *In relation to the total number of persons employed as heads of posts. (as at 31 August 2010)*

119. The process of increasing the participation of women in diplomacy is going forward steadily and consistently. Also in the case of women – heads of diplomatic and consular posts, a clear upward tendency can be observed.

120. Although in the reporting period Poland did not collect full data concerning the number of female experts participating in foreign delegations representing Poland on the international forum, the fragmented data from certain ministries and central offices (i.e. the Ministry of Finance, the Ministry of Economy, the Ministry of Labour and Social Policy, the Ministry of National Education, the Ministry of Sport and Tourism and the Central Statistical Office) are sufficient to state that the share of women in foreign delegations remained at a high and rising level (48.4 per cent - 56.1 per cent), giving an average of approximately 51 per cent for the 2002-2010 period.

121. The share of women among Polish citizens employed at the United Nations Secretariat in the subsequent years of the reporting period was as follows:

Table 7

**Share of women among Polish citizens employed at the United Nations Secretariat**

<i>Year</i>	<i>Total number of Polish citizens employed at the UN Secretariat</i>	<i>The number of women employed at the UN Secretariat</i>	<i>Percentage of women in relation to the percentage of men employed at the UN Secretariat</i>
2002	491	no data available	no data available
2003	65	21	32%
2004	73	23	32%
2005	82	25	30%
20062	61	20	33%
20072	66	21	32%
20082	78	25	32%
20092	84	27	32%
20102	83	26	31%

<sup>1</sup> As at 2 March 2002.

<sup>2</sup> Data as at 30 June of the given year

122. Between 2001 and 2002 Mrs. Danuta Hübner, a national of Poland, served as United Nations Under-Secretary-General, and between 2004 and 2009 she held the position of Commissioner for Regional Policy at the European Commission.

123. Between 2001 and 2004, Mrs. Hanna Gronkiewicz-Waltz, a national of Poland, held the position of Vice-President of the European Bank for Reconstruction and Development (EBRD).

124. The Government did not elaborate its own principles concerning the procedure for recruitment to organs and organizations of the United Nations system. In 2002, a database with details of male and female applicants for positions in the United Nations system and in the Organisation for Security and Co-operation in Europe was set up at the Ministry of Foreign Affairs. There are no programs in place, however, aimed at encouraging women to join the Foreign Service. In the reporting period, Poland did not gather data on employment in other international organizations, broken down by sex.

## **Article 9- Nationality**

### **Polish Citizenship Act**

125. In the reporting period, the Act of 15 February 1962 on Polish citizenship was in force (Dz. U. of 2000, No 28, item 353, as amended). None of the provisions of this Act discriminated against women as regards acquiring, changing or retaining their citizenship. Marriage to a foreigner or a change of citizenship by the husband did not automatically entail a change of his wife's citizenship and did not confer upon her the status of stateless person or force her to change citizenship to that of her husband. It needs to be noted that pursuant to article 53(1)(6) of the Act on Aliens of 13 June 2003 (Dz. U. of 2011, No 264, item 1573, as amended), the residence permit for a fixed period shall be granted to an alien who is a spouse of a Polish citizen. Granting such a permit to persons married to a Polish citizen is obligatory. Moreover, pursuant to article 87(2)(2) of the Act of 20 April 2004 on employment promotion (...) a foreign person who has married a Polish citizen and has thus obtained a residence permit for a fixed period in order to be reunited with his/her family is authorized to perform work in the territory of the Republic of Poland without the required permit.

### **Passports for children**

126. Between 2002 and 2006, independent passports were issued for children and a child up to the age of 16 could be entered to the passport of its parent, either the woman or the man, and could travel under the care of the parent into whose passport it was entered. Children could be entered both to their father's and mother's passport. Entry of a child to the passport of one parent required the consent of both parents. A written consent of both parents was required to issue an independent passport document to a minor. Since 28 August 2006, independent passports have been issued to minors. An entry of children to a passport effected in previous years is valid until that passport expires or until the child turns 16. Children may now cross the border on the basis of an individual passport, an entry to the passport of one of their parents or a temporary identity card but only in the case of travelling to one of the European Union Member States. A passport could be issued to a minor who was at least 5 years old; in the case of children up to the age of 5, a temporary passport could be delivered at the request of the parents. A passport application on behalf of a minor was filed jointly by both parents, unless one of the parents was deprived of parental authority or their parental authority was restricted by a court ruling. In the case of contradicting stances of the parents or the impossibility to obtain the consent of one of them, a ruling of a family court replaced their consent for the issue of a passport. An application filed by one parent with the written consent of the other parent, certified by a passport authority or by a notary public, was deemed filed jointly by both parents. A

passport could be issued abroad to a minor with the consent of only one parent exclusively for important reasons, if this was motivated by the best interests of the minor, particularly if obtaining the consent of the other parent was impossible or connected with significant impediments.

#### **Crossing the border on the basis of an identity card**

127. Polish citizens could cross the borders of European Union Member States also on the basis of an identity card. A minor was obliged to possess an identity card from the age of 15 if he/she was in an employment relationship or did not live together with the persons under whose parental authority or care he/she remained or if he/she did not remain under any parental authority or care. A person being a Polish citizen had the right to obtain an identity card from the age of 13. On the basis of a justified application by parents or guardians, an identity card could be issued to a person who had not reached the age of 13, in compliance with article 34 of the Act of 10 April 1974 on the population register and identity cards (Dz. U. of 2006, No 139, item 993, as amended). Pursuant to the Ordinance of the Council of Ministers of 6 February 2009 on the identity card specimen and the procedure for issuing, cancellation, replacement, return or loss of identity cards (Dz. U. No 47, item 384), an application on behalf of a minor under the age of 13 was filed by his/her parents or by court-appointed guardians or by one of the parents or court-appointed guardians with the written consent of the second parent or court-appointed guardian, with the signature certified by a gmina authority or notary public. An application on behalf of a minor over the age of 13 who was not obliged to possess an identity card was submitted by one of the parents or by a court-appointed guardian.

#### **Refugee support**

128. Pursuant to article 13(1) of the Act of 13 June 2003 on granting protection to foreigners in the territory of the Republic of Poland (Dz. U. of 2012, item 680), a foreigner is granted refugee status, if as a result of a well-founded fear of persecution in his home country on account of race, religion, nationality, political convictions or belonging to a specific social group, he/she cannot or does not want to enjoy the protection of that country. Poland applies the so-called uniform asylum procedure, which is used in compliance with the principle of gender equality. In the course of proceedings for granting refugee status, not only fulfilment of the conditions for being recognized as a refugee is examined but also – should it be established that they are not met – other circumstances leading to protection against removal in the form of subsidiary protection (from 2008) or consent to tolerated stay (since 2003). The decision on the legal situation of a foreigner is taken during one set of proceedings conducted by one administrative body. A party dissatisfied with the decision has the right to appeal to the body of 2nd instance, i.e. to the Council for Refugees, and then to file a complaint with the administrative court.

129. Refugees and foreigners covered by subsidiary protection are entitled to obtain aid supporting the process of their integration with the community. Such aid is granted according to the mode and principles provided for in the Act of 12 March 2004 on social welfare (Dz. U. of 2009, No 175, item 1362, as amended). According to the Act of 13 June 2003 on granting protection to foreigners (...), persons applying for refugee status in the territory of Poland shall be provided with social aid and medical care. It is also possible to provide assistance in voluntary return to the country which they have the right to enter. In addition to the implementation of diurnal tasks related to providing aid to foreigners applying for refugee status, the Office for Foreigners cooperates with several NGOs and other entities in the implementation of various types of projects aimed at providing comprehensive assistance to such persons. As at 31 May 2010, the Office for Foreigners had 19 centres for foreigners applying for refugee status (with 4 of these centres remaining under the management of the Office that accommodated 2,447 foreigners and a Children's

Home where 10 minor foreigners stayed, whereas 1,649 foreigners benefited from allowances to cover the costs of stay in the territory of the Republic of Poland on their own.

130. In the reporting period, women accounted for ca. 40 per cent of those applying for refugee status. Most of them came from Russia, Georgia and Ukraine. Between June 2002 and May 2006, 1,168 decisions were issued to grant refugee status in the Republic of Poland, of which 534 were granted to women (45.7 per cent); between June 2006 and May 2010, 651 decisions were issued, of which 303 to women (46.5 per cent). Detailed information on this subject is included in tables A.9.1 and A.9.2 (annex).

## Article 10- Education

### Access to education

131. Since the 1999/2000 school year, the reform of the school system has been gradually implemented, which resulted in establishing the following types of schools: six-year primary school, three-year lower secondary school and secondary schools, including three-year general or specialized secondary schools, four-year technical secondary schools, three-year special job-training schools and two-year supplementary general secondary schools, three-year supplementary technical secondary schools, basic vocational schools and post-secondary schools.

132. In the reporting period, access to vocational education was equal for persons of both sexes. Slight limitations with regard to girls (women) resulted from the provisions of the Ordinance of the Council of Ministers of 24 August 2004 on the list of occupations forbidden to juveniles and the conditions of employment of juveniles in certain occupations (Dz. U. No 200, item 2047, as amended), which concern prohibiting underage girls from starting education in professions such as: blacksmith, foundry pattern-maker, operator of foundry machines and equipment, operator of metallurgical machines and equipment, operator of machines and equipment for plastic working, operator of ceramic industry equipment, miner exploiting underground or overground deposits, which is justified by the particular risk to women's health connected with practising the above-mentioned occupations. In the Polish education system, the vast majority of public schools is co-educational. As at 30 September 2010, there were 700 schools in Poland for boys only and 137 schools for girls only. Detailed information on this subject is shown in table A.10.1 (annex).

133. The provisions of the education law concerning general education provide for separating boys and girls only at physical education classes and at part of education for family life classes.

134. In the reporting period, the percentage share of girls in the total number of primary school graduates was ca. 48 per cent and among lower secondary school leavers – ca. 49 per cent. As for secondary schools, most girls chose general secondary schools (ca. 60 per cent) and only a minority – vocational schools. Detailed information on this subject is shown in table A.10.2 (annex).

135. In the reporting period, girls/women more often gave up education in vocational schools than in schools of general education. The percentage of girls/women leaving education in the reporting period was as follows:

- Girls who started education at a given stage in 2002: primary schools – 1.88 per cent; lower secondary schools: 2.89 per cent; general secondary schools – 4.38 per cent, technical secondary schools – 12.05 per cent;;
- Girls who started education at a given stage in 2005: primary schools – no data available; lower secondary schools: 4.33 per cent; general secondary schools – 7.37 per cent, technical secondary schools – 24.41 per cent.

136. Moreover, women soldiers to be were guaranteed the possibility of continuing their education in case of it being interrupted due to pregnancy, confinement or maternal obligations. The Act of 11 September 2003 on the military service of professional soldiers (Dz. U. of 2010, No 90, item 593, as amended) also introduced legal regulations allowing a woman to return to the military academy after interrupting education due to pregnancy, confinement and maternal duties.

#### **Underage mothers' access to education**

137. There are no obstacles in Polish law preventing an underage mother from continuing education at a school for young people. If she is unable to continue her education at a school for young people due to the necessity to look after the child, she may choose a school for adults. Pursuant to the provisions of the Ordinance of the Minister of National Education of 29 December 2009 on cases allowing a person who has turned 16 or 15 to be admitted to a public or non-public school for adults (Dz. U. of 2010, No 2, item 3), it is possible to admit to schools for adults e.g. underage mothers bringing up a child who cannot attend a school for young people due to the necessity of looking after their child. Such a legal situation encourages underage mothers to remain within the school system and at the same time creates opportunities for them to fulfil the obligation of compulsory schooling and compulsory education. During the period of pregnancy, childbirth and confinement, teenage girls who became pregnant before reaching the maximum age when compulsory schooling is imposed, have the right to individual tuition, discharge of the compulsory schooling or education obligation outside school, an individual syllabus or study plan and psychological and pedagogical support.

#### **Women among higher education institution graduates**

138. Women accounted for the majority of the total number of graduates of higher education institutions in 2001-2009, including all age categories. It is worth noting that the share of women among graduates of higher education institutions was particularly large in the two extreme age categories – in the group of persons under 23 years of age (between 75 per cent and 78 per cent depending on the year) and among persons aged over 31 (between 68 per cent and 71 per cent depending on the year). Changes in the share of women among graduates of higher education institutions in 2001-2009 are slight; however, if we compare 2001 to 2009, we can talk about an increase of 1 percentage point in the share of women graduates.



Table 8

**Percentage share of women in the total number of graduates of Polish higher education institutions of all types, public and non-public, in the academic years 2001/2002 – 2009/2010<sup>15</sup>**

	2001/02a	2002/03a	2003/04a	2004/05a	2005/06	2006/07	2007/08	2008/09	2009/10
Total (%)	64.3	64.2	64.8	65.0	65.0	64.8	64.9	64.9	65.4
aged 23 and below	77.8	77.7	78.2	78.4	75.7	75.7	75.9	75.4	75.7
24	65.9	65.9	66.5	65.3	64.9	66.2	67.0	64.7	63.6
25	67.1	67.0	67.9	67.8	68.5	67.9	66.8	66.6	66.7
26	55.5	55.9	55.9	56.5	57.6	57.8	58.4	60.6	61.4
27	53.7	52.7	53.2	53.2	53.6	52.4	53.3	54.6	57.0
28	54.3	54.2	54.5	54.4	53.8	52.2	51.9	52.5	52.5
29	56.8	56.9	55.7	56.1	55.6	55.8	53.6	53.5	52.8
30	60.2	60.1	60.9	60.5	60.2	58.6	57.5	56.9	54.8
aged 31 and above	68.3	69.1	69.1	69.8	71.0	70.2	70.8	70.1	70.1

*Source: Central Statistical Office*

<sup>a</sup> broken down by age, excluding graduates of extramural studies, as data concerning graduates of extramural studies from those years were not broken down by age.

#### **Women among graduates of selected higher education faculties**

139. The general predominance of women among graduates of institutions of higher education does not spread evenly across specific fields of study. Looking at statistical data concerning the number of graduates by field of study, three groups may be distinguished: feminized faculties (over 70 per cent of women), egalitarian faculties, where the gender proportions are relatively equal, and masculine faculties (over 70 per cent of men).

140. A very significant group of fields of study from the point of view of their feminization is health care and social welfare. An exception in this group, are emergency medical services, where over a half of graduates in 2005-2010 were men. On the other hand, the most feminized fields are: obstetrics (99 per cent), nursing (97 per cent) and social work (92 per cent). A clear overrepresentation of women may also be noticed among graduates of biology – 84%. Conversely, the opposite tendency may be observed for technical studies such as: automatics and robotics, electrotechnical engineering, mechanics and machine building – in the 2009/2010 academic year women accounted for less than 5 per cent of graduates of these faculties. Thus, the quoted statistical data confirm the lasting phenomenon of large disproportions between the number of women and men at many higher education faculties. In the last 5 years, this tendency did not undergo visible changes; however, at the level of groups of faculties, a slight equalization of the gender proportion may be observed: the share of men among graduates of faculties from the health and social welfare group increased by 1.5 percentage points and the share of women among graduates from the group of engineering, industry, construction by 2 percentage points. Detailed information on the percentage share of women in the total number of higher education institution graduates at selected faculties is shown in table A.10.3 (annex).

<sup>15</sup> Data refer to graduates of higher education institutions offering 1st level studies (previously known as vocational studies) with the title of bachelor [licencjat] and engineer, uniform Master's degree studies and 2nd level Master's degree studies (previously known as complementary Master's degree studies).

### Share of women among teachers at schools for young people and for adults

141. In the reporting period, women accounted for the majority of teachers at primary schools, lower secondary schools and upper secondary schools. One may observe a phenomenon in education that is typical for most countries, i.e. the lower the education level, the higher the share of female teachers. In the 2010/2011 school year, women made up as much as 87 per cent of primary school teachers, in lower secondary schools this share was smaller by 11 percentage points and in upper secondary schools by nearly 20 percentage points. It is worth noting that although the total number of teaching posts available in each school year between 2005 and 2010 either decreased or increased, the share of women among those employed remained at the same level.

Table 9

**Share of women among teachers\* at schools for young people and for adults, including special needs schools, between 2005<sup>16</sup> and 2010**

School year	Teachers							
	Primary schools		Lower secondary schools		Secondary schools		Total	
	Posts at which women are employed							
	Number in thousands	Share in total number	Number in thousands	Share in total number	Number in thousands	Share in total number	Number in thousands	Share in total number
2005/2006	162.7	86.8%	86.1	75.2%	69.1	67.2%	317.9	78.5%
2006/2007	161.3	86.6%	86.3	75.2%	72.2	67.7%	319.8	78.4%
2007/2008	159.3	86.6%	85.1	75.2%	81.9	67.2%	326.2	77.9%
2008/2009	156.8	86.7%	83.3	75.1%	81.4	67.2%	321.5	77.9%
2009/2010	154.5	86.6%	83.2	75.4%	80.2	67.1%	317.8	77.9%

*Source: Central Statistical Office*

\* Teachers employed full time and part time, in full time equivalents.

### Women among full time academic teachers

142. Between 2002 and 2010, conversely to primary, lower secondary and upper secondary level education, women were a minority among academic teachers. Although their share among the staff of higher education institutions (excluding higher vocational schools) increased slightly (by 2.8 percentage points) between 2002 and 2010, in 2010 they accounted for 42.7 per cent of academic teachers. The share of women among academic teachers varies widely depending on the position. Women considerably outnumbered men among qualified librarians and qualified scientific documentation and information employees (this post has been included into the study from 2006) – 83 per cent, foreign language teachers – 80 per cent, instructors – 61 per cent and also, although less clearly, among teaching staff – lecturers (58 per cent) and senior lecturers (51 per cent).

143. On the other hand, men prevailed at scientific posts. In this group of posts one may observe that the higher the post, the smaller the share of women. In 2010, women accounted for 54 per cent of holders of the lowest scientific post – research fellow, among assistant professors – 44 per cent, associate professors – 27 per cent and only 18 per cent among full professors. It is worth noting that between 2002 and 2010 the share of women among both associate and full professors increased by ca. 4 percentage points.

<sup>16</sup> The Central Statistical Office does not dispose of earlier data broken down by sex.

Table 10  
**Percentage share of women among full time academic teachers\* between 2002 and 2010**

<i>Year</i>	<i>2002</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>	<i>2010</i>
Total	39.9%	40.2%	40.5%	40.9%	41.5%	41.8%	42.2%	42.5%	42.7%
Of which									
Full professor	14.3%	15.1%	15.9%	15.7%	16.3%	16.7%	17.0%	17.2%	17.9%
Associate professor	23.2%	23.6%	24.0%	24.7%	25.0%	25.9%	26.1%	26.5%	27.1%
Assistant professors	37.6%	38.5%	39.4%	40.4%	41.4%	42.1%	43.0%	43.6%	44.1%
Research fellows	49.2%	49.9%	50.4%	51.2%	51.7%	52.2%	53.1%	54.0%	53.7%
Senior lecturers	53.7%	53.2%	52.5%	52.6%	50.9%	50.6%	50.4%	51.1%	51.3%
Lecturers	57.3%	57.1%	56.5%	57.1%	53.3%	56.5%	57.9%	57.4%	57.6%
Foreign language teachers	77.2%	79.0%	81.1%	81.3%	81.2%	80.6%	81.0%	82.0%	82.6%
Instructors	45.2%	47.8%	49.2%	49.6%	56.5%	57.5%	62.0%	62.6%	60.8%
Librarians and scientific documentation and information staff					83.0%	84.0%	81.0%	82.3%	82.2%

\* *Data concerning staff employed full-time at academic teaching posts in 2002-2005; does not include persons employed in higher vocational schools.*

#### **Women holding academic degrees of PhD [doktor] and habilitated doctor [doktor habilitowany]**

144. Between 2002 and 2010, there was a marked increase in the share of women both among those awarded a PhD degree and those awarded a habilitated doctor degree, by 8 percentage points in the case of both academic degrees (from 45 per cent to 53 per cent among PhD holders and from 28 per cent to 36 per cent among habilitated doctors). In all types of institutions of higher education, the share of women among persons holding a PhD degree was significantly higher than among those awarded a habilitated doctor degree – by 17 percentage points. The proportions of PhD and habilitated doctor theses by gender varied depending on the field of study.

145. Among persons awarded a PhD in 2010, women accounted for the majority at medical universities (64 per cent), teacher training universities (63 per cent), agricultural universities (63 per cent), academies of physical education (59 per cent) and also at general universities (57 per cent). Men awarded a PhD degree were predominant at military academies (91 per cent), theological academies (81 per cent), maritime academies (67 per cent) and technical universities (64 per cent). It is worth noting that among the above types of higher education institutions, maritime and theological academies award few academic degrees (both PhD and habilitations); in 2002-2010 this number never exceeded a dozen or so. Detailed information on the share of women among those awarded PhD degrees in 2002-2010, by school type, is shown in table A.10.4 (annex).

146. Although, as mentioned earlier, the share of women is smaller among persons achieving a habilitation degree than among those achieving a PhD, differences in the share of women in different types of institutions are also visible in this aspect, although to a lesser extent. When analysing data on awarded habilitation degrees, two types of institutions need to be mentioned, where a relatively large number of habilitation degrees is defended every year (over 100), these are universities and higher technical schools. Although, looking at 2002 and 2010, the share of women among those awarded a habilitation in a given year increased, it was more visible at universities, where women are predominant among Ph.D. holders, and amounted to 10 percentage points, whereas at technical universities it only amounted to 4 percentage points. Detailed information on the share of women among those

awarded habilitated doctor degrees in 2002-2010 by type of school is shown in table A.10.5 (annex).

### **Women at posts of heads of schools and educational institutions**

147. Between 2002 and 2009, data on women holding the post of head of primary, lower secondary or upper secondary schools were not collected. In the 2009-2010 school year, women accounted for 74.81 per cent of heads of primary, lower secondary and upper secondary schools, of which in primary schools – 77.60 per cent of heads, in lower secondary schools – 62.69 per cent and in upper secondary schools – 55.33 per cent.

### **Teaching programmes**

148. Since 1 September 2009, a new core curriculum of general education has been in force in individual types of schools, set out in the Ordinance of the Minister of National Education of 23 December 2008 on the core curriculum for pre-school education and general education in particular types of schools (Dz. U. of 2009, No 4, item 17). Both the previous core curriculum, which was in force since 2002, and the new curriculum include content relative to counteracting all types of discrimination, including gender discrimination. The new core curriculum for general education in primary schools, lower secondary schools and upper secondary schools places a particular emphasis on preparing pupils to function effectively in the modern world, including shaping attitudes of social responsibility and independence, paying particular attention to respect of human rights. Moreover, the task of shaping attitudes among pupils contributing to their further individual and social development, such as: honesty, responsibility, self-esteem, respect for other people, creativity, good manners, readiness to take up initiatives, developing public spirit, an attitude of respect towards other cultures and traditions and taking necessary steps in order to prevent any kind of discrimination, has been included into the core curriculum for general education in primary schools, lower secondary schools and upper secondary schools, as one of the school's duties.

149. Equality issues have been set out in particular in the teaching content of subjects such as Polish, history and the society – subsidiary subject, civic education, biology, ethics, family life education and physical education.

150. Educational activity of schools, including education on equal rights and preventing discrimination on account of gender, is set out in:

(1) The set of school curricula encompassing all activities of the school from the didactic point of view, taking into account the educational aspect;

(2) The school's educational programme encompassing all content and activities of an educational nature;

(3) The prevention programme adapted to pupils' development needs and to the needs of the environment, covering all content and activities of a preventive nature.

151. The school set of curricula, the school's educational programme and the prevention programme form a coherent whole and must take into account all the requirements set out in the core curriculum.

152. As in the previous reporting period, school textbooks in Poland are admitted to school use on the basis of opinions of experts appointed by the Minister of National Education. Each review must contain an evaluation of compliance of the content and illustration materials of the book with the law, including international agreements ratified by Poland. This also concerns obligations to eliminate gender stereotypes. Since 2009, teaching programmes have been admitted for use at school by the head of the school on condition that they contain the teaching content set out in the core curriculum of general education.

### Family life education

153. In compliance with the Act of 7 January 1993 on family planning, protection of the human foetus and the conditions permitting abortion (Dz. U. No 17, item 78, as amended), the Minister of National Education has provided conditions for implementing teaching content at schools concerning knowledge about human sexual life, the principles of informed and responsible parenthood, the value of the family, life in the pre-natal phase as well as methods and means of informed procreation, through organization of classes in family life education.

154. Classes in family life education are conducted as set out in the Ordinance of the Minister of National Education of 12 August 1999 on the manner of school teaching and the scope of content relative to knowledge about human sexual life, the principles of informed and responsible parenthood, the value of the family, life in the pre-natal phase as well as methods and means of informed procreation contained in the general education core curriculum (Dz. U. No 67, item 756, as amended). The above ordinance was amended in 2009 when the new core curriculum for pre-school education and general education in individual types of schools entered into force which provides for a separate subject called family life education (until then this scope of content had been included in educational tracks or in civic education). According to the new regulations, pupils are obliged to attend these classes unless their parents (legal guardians) or the adult pupils themselves provide the head of the school with a written withdrawal from participation in these classes. Under the previous legal status, the participation of pupils in these classes was not obligatory and was conditional upon obtaining written consent from parents of minor pupils or from adult pupils themselves. The aim of the changes introduced is to increase the attendance of pupils at classes in family life education by eliminating situations where pupils did not attend classes due to the failure to comply with formalities. At the same time, the right of parents and adult pupils to decline participation in classes was maintained.

155. Implementation of the curriculum content of family life education forms a coherent whole with the remaining educational and preventive actions conducted by schools, in particular through shaping pro-family, pro-health and pro-social attitudes and promoting an integrated approach to human sexuality. The planned teaching content concerning knowledge about sexual life, the principles of informed and responsible parenthood, the value of the family, life in the pre-natal phase, methods and means of informed procreation and HIV/AIDS prevention allow male and female pupils to learn and understand the complexity of the topic, not only in the scientific aspect but in the social, cultural and ethical aspect as well.

156. Classes in family life education in individual types of schools are implemented as follows:

- At primary schools – grades 5 and 6 – 14 hours, including 5 hours divided into separate groups for girls and boys; the classes are organized as part of hours at the disposal of the head of the school;
- At lower secondary schools – in each grade 14 hours, including 5 hours divided into separate groups for girls and boys, in grades 1 and 2 the classes are organized as part of hours at the disposal of the head of the school, in grade 3, in the 2010/2011 school year, classes will still be organized as part of hours allocated for civic education;
- At upper secondary schools – in each grade – 14 hours, including 5 hours divided into separate groups for girls and boys; the classes are organized as part of hours at the disposal of the head of the school.

157. At non-public schools having the status of public schools, the number of hours of family life education classes cannot be smaller than at a public school of a given type.

**Support of Roma girls' education**

158. In order to prevent girls of Roma nationality from giving up education, a pilot programme for the Roma community was implemented in the Małopolskie Region between 2001 and 2003. One of its aims was to promote and support education of Roma children, in particular preventing Roma girls from giving up education. On 1 January 2004, based on the experience gained in this programme, the Government launched the Programme for the Roma Community in Poland that is schedule to be implemented until 2013 (with the possibility of continuation). The actions undertaken under the Programme are comprehensive and encompass tasks from the fields of education, improvement of living and social conditions, health, counteracting unemployment, security, culture, disseminating knowledge about the Roma community and civic education of Roma people. Tasks from the field of education were recognized as a priority in the Programme. European Union funds provided for the implementation of projects for the Roma community in the scope of the Operational Programme Human Capital complement financial support for the social integration of the Roma community.

**Article 11- Employment****Prohibition of discrimination in employment**

159. Amendments to the Labour Code in the reporting period concerning the prohibition of discrimination in employment were presented in the section on articles 2 and 3 of the Convention.

**Situation on the labour market**

160. Positive developments on the Polish labour market began in the 2nd quarter of 2004, following the increasingly difficult situation observed between Q1 1999 and Q1 2004, which was characterized by the diminishing number of persons employed and increasing unemployment. The situation on the Polish labour market saw a significant improvement between Q1 2003<sup>17</sup> and Q1 2010, as illustrated by the table below:

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<sup>17</sup> Since Q2 2003, the results of the Labour Force Survey (LFS) are extrapolated to the general population based on data on the population of Poland taken from statistics developed based on the results of the 2002 National Census. On account of the above, LFS results as of 2003 are not entirely comparable with research results from previous years. Data for Q1 2003 have been recounted, so it is possible to present the analysis for Q1 2003 – Q1 2010.

Table 11  
**Economic activity of population aged 15 and over according to sex in 2003-2010**

Specification	Economically active				Economically inactive	Economic activity rate	Employment rate	Unemployment rate
	Total	Total	Employed	Unemployed				
	In thousands							
TOTAL								
Q1 2003	30,860	16,801	13,348	3,453	14,059	54.4	43.3	20.6
Q1 2003	31,521	17,413	15,574	1,839	14,108	55.2	49.4	10.6
Men								
Q1 2003	14,703	9,100	7,256	1,844	5,603	61.9	49.4	20.3
Q1 2010	14,940	9,484	8,490	994	5,456	63.5	56.8	10.5
Women								
Q1 2003	16,157	7,702	6,092	1,609	8,456	47.7	37.7	20.9
Q1 2010	16,581	7,929	7,084	845	8,652	47.8	42.7	10.7

*Source: Central Statistical Office*

161. In the analysed period, the number of employed persons increased by 2,226 thousand (i.e. by 16.7 per cent), while unemployment fell by 1,614 thousand (i.e. by 46.7 per cent). The basic ratios monitoring the situation on the labour market also improved (a slight increase was observed in the economic activity rate coupled with a substantial increase in the employment rate and a substantial decline in the unemployment rate). These positive tendencies were observed both in the population of men and of women. The economic activity rate of men and women rose by 1.6 percentage points and 0.1 percentage points respectively; the employment rate increased by 7.4 percentage points for men and by 5 percentage points for women with a simultaneous pronounced decline in the unemployment rate of 9.8 percentage points for men and 10.2 percentage points for women.

### **Feminization of professions**

162. Gender stereotypes exert a significant impact on job segregation on the Polish labour market. Certain professions and economic sectors are visibly feminized. For several decades, women have been dominating in administration, welfare services, education and health service sectors (especially in nursing). This is related to character traits and predispositions such as protectiveness and sensitivity, which are typically attributed to women.

163. For example: in 2002, women accounted for 99.1 per cent of elementary and early childhood teachers, 98.7 per cent of nurses and midwives and 94.4 per cent of secretaries and office equipment operators. In 2010, women constituted 100 per cent of midwives working in that profession and 98.2 per cent of nurses, 98.5 per cent of secretaries and 88.9 per cent of elementary school teachers and education specialists. On the other hand, men are typically viewed as strong and active, which translates into their being stereotypically associated with jobs that require physical strength, technical professions and jobs related to new technologies. For example, in 2002 men accounted for around 99.3 per cent of construction finishing workers, 78.7 per cent of IT specialists, 98.7 per cent of machine repair mechanics and 78.5 per cent of architects, engineers and similar professions. In 2010, men constituted 99.2 per cent of construction finishing workers and similar professions, 86.5 per cent of system analysts and software developers, 99.3 per cent of machine repair

mechanics and 76.4 per cent of engineers (excluding electrotechnology).<sup>18</sup> Detailed information on jobs dominated by men or women (over 75 per cent of the total number of persons employed in the given profession) are presented in tables A.11.1A and A.11.1B (annex).

### Wages and salaries

164. Pursuant to article 183c of the Labour Code, employees have the right to equal remuneration for the same work or work of equal value. The remuneration includes all components of remuneration, irrespective of their name and character, as well as other work-related benefits awarded to employees in cash or in other forms. Pursuant to the Code, work of equal value means work whose performance requires comparable professional qualifications, as confirmed by documents specified in separate provisions or by practice and professional experience, as well as comparable responsibility and effort from employees.

165. Despite the existing legal regulations, differences in the remuneration of women and men remain significant. Research conducted by the Central Statistical Office on the salary structure by profession shows that sex remains a significant determinant of the amount of salary. The relation between the remuneration of men and women improved in 2010. While the average monthly gross salary for women constituted 83.1 per cent of the average salary for men in 2002, this share increased to 85.0 per cent in 2010. In the public sector this share increased by 5.2 percentage points, unlike in the private sector where it dropped by 3.5 percentage points.

Table 12

#### Average monthly gross salary (in PLN) by ownership sector and sex in October 2002-2010

<i>Research year Z-121)</i>	<i>Total</i>			<i>Public sector</i>			<i>Private sector</i>		
	<i>Total</i>	<i>Men</i>	<i>Women</i>	<i>Total</i>	<i>Men</i>	<i>Women</i>	<i>Total</i>	<i>Men</i>	<i>Women</i>
2002	2,229.80	2,425.00	2,015.79	2,343.39	2,680.77	2,102.37	2,132.22	2,275.96	1,903.35
2004	2,368.52	2,571.64	2,150.44	2,527.63	2,859.63	2,303.83	2,244.24	2,422.58	1,968.01
2006	2,654.13	2,903.68	2,385.68	2,869.62	3,238.17	2,616.98	2,505.53	2,746.07	2,151.93
2008	3,232.07	3,557.24	2,892.88	3,432.29	3,899.32	3,151.61	3,110.28	3,425.47	2,651.50
2010	3,543.50	3,831.73	3,256.06	3,804.70	4,252.54	3,556.64	3,367.68	3,662.17	2,934.18

1) Z-12 – representative research on the salary structure by profession in enterprises with over 9 employees

166. As regards major professional group sectors, the greatest difference between the average total gross salary in October 2010 for men and women was recorded in the group “Industrial workers and craftsmen”. The average salary for women in this group constituted 67.1 per cent of the average salary for men. The lowest degree of differentiation was observed in the major professional group “Office personnel”, where the average salary of women constituted 97.9 per cent of the average salary for men. In 2010, as regards average monthly gross salary for women in comparison to that for men, the following phenomena were observed compared with 2002:

<sup>18</sup> Source: Central Statistical Office based on the publications: “Structure of remuneration based on professions for October 2002” and “Structure of remuneration based on professions for October 2010”. It should be stressed that in 2010 the classification of professions changed in comparison to 2002. The remuneration structure analysis is a representative study pertaining to enterprises with over 9 employees. Therefore, one should remember that a part of persons employed in the given profession is not taken into account, which may affect the real structure of employees by gender.



(a) Decrease in the differences between monthly gross salary in the following major professional groups (*in percentage points*) by:

**5.3 points** 3. Technical staff and other mid-level employees

**3.8 points** 7. Craft and related trades workers

**3.7 points** 2. Professionals

**2.9 points** 5. Service workers and shop and market sales workers

**0.4 point** 1. Public government representatives, senior officials and managers

(b) Worsening of average monthly gross salary in the following major professional groups (*in percentage points*) by:

**1.0 point** 4. Clerks

**7.3 points** 9. Elementary occupations

**7.5 points** 8. Plant and machine operators and assemblers

**13.8 points** 6. Skilled agricultural and fishery workers

167. The average monthly gross salary (in PLN) according to major professional groups and sex in October 2002 and 2010 is presented in table A.11.2. As the gender difference in salary still remained, the Polish Government has engaged in actions aimed at disseminating information on existing regulations through the implementation of projects financed from EU funds as well as participation in awareness-raising actions and campaigns of the European Commission. Poland is one of the 5 countries which in 2009 took part in the EU-level campaign informing the society on existing gender differences in salary. The main media of the 2009 campaign were buses with information on equal salaries for men and women and city lights at bus stops. The campaign actions were implemented only in Warsaw, Brussels, Budapest, Madrid and Berlin. In 2010 all EU countries participated in the campaign. Like in 2009, city lights and billboards appeared in the capital cities of these countries, informing about the gender differences in salary. The poster, brochure, leaflet and presentation prepared by the European Commission for the second edition of the campaign were also promoted. The Equal Pay Day was also organized. Information on projects co-financed from EU funds aimed at counteracting stereotypes of women on the labour market was presented in the report section on articles 4 and 5 of the Convention.

### **Women's entrepreneurship**

168. In 2009, as at the beginning of the reporting period, Poland was among the top EU countries (6th place) with a nearly 35 per cent share of women among business owners. This value oscillates around the EU 27 average and encompasses both self-employed persons and employers. If we consider women-employers only, the situation is even better. Even though the values are lower (as self-employed persons are not taken into account), women account for 29.4 per cent of employers, elevating Poland to the first place in the ranking.

169. Companies run by women tend to be small; the majority of women do not employ hired workers, although there has been a significant increase of women among employers. In 2010, every third company without hired workers (35.8 per cent) was run by women, whereas the remaining part of such entities was owned by men. In the case of employee-based companies, entities run by women accounted for 38.8 per cent of such companies. The dominant business activity areas chosen by male entrepreneurs are construction (94.2 per cent share in construction companies) as well as transport and warehouse management (87.3 per cent). Most companies established by women entrepreneurs operate in the field of

services (72.7 per cent), health care and social assistance (70.5 per cent) and real estate services (49.3 per cent).<sup>19</sup>

### **Support for female entrepreneurs under projects co-financed from European Union funds**

170. Between 2004 and 2006, supportive measures, such as business start-up subsidies, were provided under Measure 1.6 Occupational integration and re-integration of women of the Sectoral Operational Programme Human Resources Development. 3,665 such business start-up subsidies were granted to women under that measure. The 2007-2013 Operational Programme Human Capital also includes funds for business start-up subsidies. Support measures pertaining to female entrepreneurship development is implemented under the OP HC regional component. Measure 6.2 Support and promotion of entrepreneurship and self-employment provides for the possibility of receiving a business start-up subsidy of up to PLN 40 thousand per person. This support is non-refundable and coupled with consulting and training assistance offered in the period prior to registering the business and during the first 12 months of its operation. Apart from the subsidy, project participants receive the so-called bridging support, paid monthly in the maximum value of the minimum salary, earmarked for covering running costs of business operation (bills, social welfare payments). Until the end of 2010, 35,988 women and 60,904 men received subsidies to start their own businesses under the OP HC. Furthermore, between 2009 and 2011, the Polish Agency for Enterprise Development implemented the Women for Women programme financed by the European Commission<sup>20</sup>, whose aim was to create a National Network of Female Entrepreneurship Ambassadors. Nine female and male ambassadors were chosen under the said project (four in Warsaw and five in Cracow). A group of 30 women was selected in both cities to participate in the “My Job, My Company” workshop. During the 132-hour training the participants learned the rudiments of business activity from such thematic areas as: legal and tax-related aspects of business activity, the basics of accounting and marketing, the rules of preparing business plans. 12 out of 30 women who took part in the training in Warsaw set up their own companies.

### **Social insurance system**

171. The benefits resulting from being in an employment relationship, such as the right to paid leave, the right to leave on account of inability to work or the right to attend professional training are not gender-dependent. The Polish social insurance system is founded on the principle of equal treatment of all insured persons, irrespective of their gender, marital or family status. The equal treatment principle concerns, in particular:

- (1) The conditions for being included in the social insurance system,
- (2) The obligation to pay and calculate the amount of social insurance contributions,
- (3) The calculation of benefit amounts,
- (4) The period of benefit payments and retaining the right to benefits.

Any insured person who believes that the equal treatment principle has not been applied in his/her case has the right to pursue social insurance claims in court.

<sup>19</sup> “*Entrepreneurship of Women in Poland*”, Warsaw 2011. Report commissioned by the Polish Agency for Enterprise Development.

<sup>20</sup> Under the European Union Programme CIP-EIP, Specific Action *EU Network of Female Entrepreneurship Ambassadors*.

### Household work

172. Household chores performed by women are not considered as employment work. This work is measured in the cyclical population Time Budget Survey (not more often than once in 10 years, the last survey was conducted in 2003/2004), which enables to determine its monetary value and relation to GDP. It should be noted that the valuation does not include all chores performed free of charge in households, but only those falling in the following four groups: household maintenance, preparing food for household members, maintenance of clothing and care for children and adults, including supplementary activities within the four groups. In 2004, the annual value of thus defined female unpaid household labour amounted to PLN 174,794 million, which accounted for ca. 19 per cent of the gross domestic product. However, the value of households' own production is not included in the system of national accounts in Poland. According to the LFS methodology, which is based on International Labour Organization standards and complies with EU requirements, employed persons are all persons aged 15 and over, who during the reference week:

(1) Performed some work, even for just one hour per week, for pay, profit or family gain, i.e. were employed as hired workers, worked in their own (or leased) farm or conducted their own non-agricultural business activity, assisted (free of charge) in running a family farm or non-agricultural family business activity,

(2) Were not at work but had a job or business from which they were temporarily absent because of:

- (a) Illness, maternity or holiday leave,
- (b) Other reasons, whereby the break was:
  - Shorter than three months,
  - Longer than three months, but such persons were hired workers and received at least 50 per cent of their former earnings during that time (since Q1 2006).

173. Further to the above, women performing household chores are going to be included in the number of employed persons according to LFS provided that they prove during this survey that they had a job or performed work in accordance with the above definition. According to the LFS methodology (as above), persons assisting in running a family farm (free of charge) are going to be included in the employed population as assisting family members. Their work generates income in the form of farming products.

### Pension system

174. The statutory retirement age for men (65 years) and women (60 years) constitutes a compensatory benefit for women. In Poland, it is not compulsory to retire upon reaching the statutory retirement age. Furthermore, persons who have reached this age (both men and women) have the legal possibility to continue full-time employment and simultaneously benefit from the full pension from the general insurance scheme. In 2008, the average retirement age was 61.1 for men and 56.2 for women.<sup>21</sup> However, it should be noted that this was the last year when persons with long employment service (30 years for women/35 years for men) could acquire the right to earlier retirement.

175. The equalization of retirement age for women and men was a very socially sensitive issue, and thus no action was taken to increase the women's retirement age.<sup>22</sup>

<sup>21</sup> After the reporting period, in 2011 the average retirement age for women increased to 59 years and amounted to 60.2 years for men.

<sup>22</sup> In 2011, the Government, whose term of office began after the reporting period, took measures

176. The Act of 11 September 2003 on the military service of professional soldiers was amended with a view to equalizing the retirement age of male and female soldiers to 60 years.

### **Solidarity between Generations**

177. In October 2008, the Government adopted the programme entitled Solidarity between Generations. Measures aimed at extending occupational activity of persons aged 50+. The programme is going to be implemented until 2020. The said programme is a package of government measures encompassing a broad spectrum of initiatives aimed at improving the occupational activity of persons aged 50+ (some of the solutions are also addressed to a younger group of persons aged 45+). The Programme's strategic objective is to reach a 50 per cent employment ratio among persons aged 55-64 by 2020. In 2009, this ratio amounted to 32.3 per cent in Poland.

178. The main objective is implemented through the following specific objectives:

- Improving working conditions, promoting the employment of persons aged 50+ and age management,
- Improving the competences and qualifications of persons aged 50+,
- Lowering the cost of labour associated with employing persons aged 50+,
- Activation of unemployed persons or persons in danger of losing their job after turning 50,
- Occupational activation of disabled persons,
- Increasing the possibilities for the employment of women through the development of services enabling them to reconcile work and family life,
- Increasing the effective retirement age.

179. The above-mentioned measures are going to be implemented at the district, regional and central level. Between 2008 and 2010, 60 thousand jobs for persons aged 50+ were created as a result of the Programme.

### **Protection of pregnant women**

180. The Labour Code regulations which safeguard the employment relationship of pregnant women did not change in the reporting period.

### **Legal solutions aimed at protecting women raising children**

181. The protection of employment relationships of women raising children is tantamount to the prohibition of giving termination notice and terminating the employment agreement from the day of requesting child care leave by the employee to the last day of such leave. During this time, the employment agreement may be terminated only if the employer declares bankruptcy or liquidation and if there are reasons for terminating the employment agreement without notice through the fault of the employee. Furthermore, if the employee entitled to a child care leave files a written request to reduce his/her working time to a minimum of half of the working time in the period when he/she would be entitled to such leave, the employment relationship of such employee is also protected. Pursuant to article 1868 of the Labour Code, the employer may not give notice or terminate an employment agreement from the day of filing the request to lower the working time by an employee

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aimed at the gradual equalisation and extension of retirement age for men and women – to 67. In May 2012 the Sejm adopted an act which extends and equalises the retirement age for men and women.

entitled to child care leave until the day of returning to full-time working hours, not longer, however, than for a total time of 12 months. In this period, the employment agreement may be terminated only if the employer declares bankruptcy or liquidation and if there are reasons for terminating the employment agreement without notice through the fault of the employee.

182. However, it should be stressed that pursuant to the Act of 13 March 2003 on the specific rules of terminating employment agreements with employees for reasons independent of the employees (Dz. U. No 90, item 844, as amended), employers of at least 20 persons are exempt from some of the regulations protecting the employment relationship of persons on child care leaves or working shorter hours in the period when they would be entitled to such leave. The said act rescinds the particular protection of the employment relationship of both above-mentioned employee groups – in the case of a group layoff (art. 5(1)), and in the case of individual lay-off – it significantly modifies the scope of such protection (Article 10(1) and (2)). Pursuant to article 5(1) of the Act, in the case of giving termination notice to employees under group layoffs, the separate provisions concerning special protection of employees against notice or termination of the employment relationship do not apply.

183. In the case of individual layoffs, it is possible to terminate the employment agreement with both an employee on child care leave and an employee exercising his/her right to shorter working hours based on article 1867 of the Labour Code, provided that there are no objections from the company trade union.

184. Furthermore, the Act of 20 April 2004 on promoting employment (...) introduced certain regulations aimed at protecting women raising children. Article 104a of the Act releases employers and other organizational units from the responsibility of paying Labour Fund contributions for their employees returning from maternity leave, additional maternity leave or child care leave during 36 months from the first month after the leave. Women who did not take up employment after child birth have been classified into the group of persons with special labour market status (art. 49 of the Act), at which a number of additional measures specified in the Act may be addressed. Furthermore, in the case of unemployed who take up employment or other paid work or are appointed to an internship, on-site occupational preparation or training and whose monthly income does not exceed the minimum salary, Article 61 of the Act enabled the staroste to refund the costs for the care of a child under seven.

185. The Ordinance of the Minister of Science and Higher Education of 9 March 2010 amending the Ordinance on the criteria and procedure for award and settlement of funds for science allocated to financing research projects (Dz. U. No 45, item 262) introduced a provision, whereby if, during project implementation, the manager of his/her individual project, including a habilitation project, is on maternity leave, additional maternity leave, leave on the conditions of maternity leave or additional leave on the conditions of maternity leave, the implementation period of an individual project may be extended by a maximum of 2 years, and the implementation period of an habilitation project – by a maximum of 1 year.

#### **Limitations in access to performing certain occupations by women**

186. The amended Ordinance of the Council of Ministers of 10 September 1996 listing occupations particularly onerous or harmful for the health of women (Dz. U. No 114, item 545 and of 2002, No 127, item 1092), which entered into force in November 2002, provides for limitations on performing certain occupations by pregnant or breastfeeding women (due to their detrimental effect on a pregnant woman and her offspring) and limitations on performing certain occupations requiring physical effort by all women (due to their limited physical capabilities in comparison with men). In the list, employment of pregnant and breastfeeding woman in certain types of work is conditional upon the existence of specific

factors which are harmful for health, onerous or dangerous and their level in the work environment. Exceeding the permissible values of such factors determined in the list, and in certain cases contact with such factors (pertains to particularly harmful or dangerous factors). The limitations for all women in the Ordinance concern:

- Physical workload values and norms of manual transport of loads which are lower than for men, introduced in relation to article 7 of the International Labour Organization (ILO) Convention No 127, ratified by Poland, concerning the maximum permissible weight to be carried by one worker, whereby in the case of engaging women in the manual transport of loads, the maximum weight of such loads shall be substantially less than that permitted for adult male workers,
- The ban on employment of women on permanent, physical underground work in mines, introduced in relation to article 2 of the ILO Convention No 45 on the employment of women on underground work in mines of all kinds and in relation to article 8(4) of the European Social Charter.

187. The European Commission treated the ban on the employment of women on underground work in mines provided for in Polish law as an obstacle for ensuring equal rights to both genders. Therefore, Poland denounced in 2008 the said ILO Convention No 45 (it became ineffective on 29 May 2009) and in 2010 article 8(4b) of the European Social Charter, which formed an obstacle for removing the prohibition of employment of women on permanent, physical underground work in mines

188. Furthermore, the Act of 11 September 2003 on military service of professional soldiers was amended so as to enable women access to service posts in the professional private corps.

### **Maternity leave**

189. In the reporting period, the legal regulations of the Labour Code concerning the length and rules of granting maternity leave saw significant positive improvements. Between 2002 and 2006, maternity leave was 16 weeks long for the first birth, 18 weeks for each subsequent birth and 26 weeks in the case of multiple pregnancies. Between 2006 and 2008, female employees were entitled to maternity leave of 18 weeks for the first birth, 20 weeks for each subsequent birth and 28 weeks in the case of giving birth to more than one child at the same time. New regulations pertaining to the maternity leave entered into force on 1 January 2009.<sup>23</sup> The duration of maternity leave was extended and made conditional upon the number of children born at the same time. It is as follows:

- 20 weeks in the case of giving birth to one child at the same time,
- 31 weeks in the case of giving birth to two children at the same time,
- 33 weeks in the case of giving birth to three children at the same time,
- 35 weeks in the case of giving birth to four children at the same time,
- 37 weeks in the case of giving birth to five or more children at the same time.

190. Having used 14 weeks of maternity leave, a female employee may transfer the remaining part of her maternity leave onto an employee being the father.

191. Since 1 January 2010, both female and male employees raising children are entitled to additional maternity leave (arts. 1821 and 1822 of the Labour Code). Contrary to the

<sup>23</sup> Introduced by the Act of 6 December 2008 *amending the Act – Labour Code and certain other acts* (Dz. U. of 2009, No 237, item 1154).

aforementioned obligatory maternity leave, this leave is optional. The additional maternity leave is going to be gradually extended as presented in the table below:

Table 13

**Additional maternity leave**

<i>Number of children born at the same time</i>	<i>Calendar years</i>	<i>Number of weeks of maternity leave</i>
One child	2010 and 2011	up to 2 weeks
	2012 and 2013	up to 4 weeks
	from 2014	up to 6 weeks
More than one child	2010 and 2011	up to 3 weeks
	2012 and 2013	up to 6 weeks
	from 2014	up to 8 weeks

192. Pursuant to the Act of 25 June 1999 on social insurance financial benefits in the case of illness and maternity (Dz. U. of 2010, No 77, item 512, as amended), both the female employee (mother) and the male employee (father) who are using the maternity leave are entitled to a maternity benefit for the maternity leave period. However, it should be noted that health insurance is optional for women entrepreneurs, so they are only entitled to a maternity benefit if they have been paying health insurance premiums.

**Paternity leave**

193. The above-mentioned amendment of the Labour Code introduced the institution of paternity leave as a specific entitlement related to parenthood. Since 1 January 2010 any male employee who is a father bringing up a child is entitled to paternity leave (Article 1823 of the Labour Code). Paternity leave is optional; it may not be transferred to another person. The father is entitled to paternity leave only until his child is 12 months old. The paternity leave is granted upon written request filed at least 7 days prior to the beginning of leave. The employer is obligated to grant such a request of an employee. Employees will also be able to use paternity leave while the female employee is on maternity leave or additional maternity leave. Pursuant to the Act of 25 June 1999 on social insurance financial benefits in case of illness and maternity, an employee is entitled to a maternity benefit for the paternity leave period.

194. An employee on paternity leave may not be dismissed, as there is a ban on filing termination notice and terminating the employment agreement during that time, analogically as during maternity leave. The duration of paternity leave is going to be gradually extended; in 2010 and 2011 it amounts to 1 week and since 1 January 2012 – 2 weeks. Amendments to the Labour Code increasing the entitlement of adoptive fathers to use paternity leave for an adopted child were introduced on 1 January 2011. Paternity leave for an adopted child may be used no later than until the child is 7 years old, and in the case of a child with a deferred schooling duty – until the child is 10 years old.

**Child care leave**

195. The entitlement to child care leave is regulated by the provisions of the Labour Code and the Ordinance of the Minister of Economy, Labour and Social Policy of 16 December 2003 on the particular conditions of granting child care leave (Dz. U. No 230, item 2291). Pursuant to article 186 of the Labour Code, any employee who has been employed for at least six months is entitled to child care leave, and this 6-month period also includes previous employment periods. The maximum length of child care leave is three years; however, it can be used only until the child is 4 years of age. Parents or guardians who

fulfil the conditions of being granted child care leave may use this leave together for a period not exceeding three months. On the day of its conclusion, the child care leave is included in the employment period, which influences employee benefits. The fact of using the child care leave should not affect the employee's promotion opportunities. It should be stressed that these provisions only pertain to persons employed based on an employment agreement. Entrepreneurs are not entitled to child care leave.<sup>24</sup>

### **Reconciling professional and family life**

196. The Polish Labour Code provides for a number of solutions aimed at facilitating the reconciliation of professional duties and family life for women and men. These also include solutions which ensure flexible organization of working time. The following rights are worth mentioning:

- Upon written request of an employee, the employer may specify an individual schedule of working time for that employee within the working time system applicable to the employee (art. 142 of the Labour Code);
- Upon written request of an employee, a shortened working week may be applied to that employee. Under such a system, the employee may be allowed to perform work less than five days a week, with a simultaneous extension of the daily schedule of working time, however no more than to 12 hours, within a reference period not exceeding one month (art. 143 of the Labour Code);
- Upon written request of an employee, the employee may be subject to a working time system providing for the performance of work only on Fridays, Saturdays, Sundays and holidays. Under such a system, the daily schedule of working time may be extended up to 12 hours within a reference period not exceeding one month (art. 144 of the Labour Code);
- The Labour Code also provides for the possibility of employing workers under a teleworking arrangement (arts. 67<sup>5</sup> to 67<sup>17</sup> of the Labour Code);
- An employee entitled to child care leave may file a request with the employer for reducing his or her working time to not less than half of the full schedule of working time in the period during which the employee was entitled to such leave. The employer is obliged to grant the employee's request (art. 186<sup>7</sup> of the Labour Code).

197. The Labour Code provides for the possibility of working both full time and part time. Equal treatment of employees working part time is guaranteed e.g. by article 113 of the Labour Code, which prohibits any discrimination in employment, including on account of being employed full time or part time. Pursuant to article 942 of the Labour Code, the employer is obligated to advise employees of the possibility of full- or part-time employment, and in the case of employees working under an employment contract for a fixed term, of vacant positions.

198. Several models for reconciling professional and family life were developed under the Equal Community Initiative Programme 2004-2006 (e.g. Work Promotion Centre – a model of implementing flexible forms of employment, the Model of Supporting Flexible Forms of Employment and principles of telework for persons taking care of dependants). Detailed descriptions of individual models are available at [www.equal.org.pl](http://www.equal.org.pl) website in the Programme results database. Moreover, as has been mentioned in the section on article 4 of the Convention, the Operational Programme Human Capital includes a special measure 1.3.2, whose goal is to promote reconciliation of professional and family life.

<sup>24</sup> In 2011, the government, whose term of office began after the reporting period, undertook legislative work in order to grant pension contributions paid from the state budget to persons raising a child of up to 3 years of age, irrespective of the form of their employment.



199. In 2009, the Ministry of Regional Development initiated a series of information meetings under the banner “A mum can do everything”. Their aim was to introduce women returning to the labour market after a break connected with the birth of a child to the possibilities of support offered by the Operational Programme Human Capital and the European Social Fund. The meetings featured a presentation on example training courses, workshops and projects related to setting up one’s own business. The second part of the meetings was devoted to individual consultations. The participants had the opportunity to ask questions and talk directly to experts and project promoters. Owing to the strong interest from mothers, such meetings were organized in different regions of Poland.<sup>25</sup> Several hour long meetings with experts enabled the participating mothers to learn about the opportunities given to women by EU funds. Mothers could come to the “A mum can do everything” cycle meetings with their children, who were taken care of by professional childminders.

#### **Access to institutional care of children up to the age of 6**

200. In the reporting period, Poland had a network of facilities specializing in care of children up to the age of 3 (nurseries), acting as public and non-public health care facilities, based on the Act of 30 August 1991 on health care facilities (Dz. U. of 2007, No 14, item 89, as amended). Nurseries operated as health care facilities; which means that all child care activities were considered as health benefits and had to be performed by qualified persons under special conditions, adequate for health care facilities. Strict requirements concerning premises, a complicated procedure and high costs made it difficult or even impossible for individuals or companies to open new nurseries. Due to the insufficient number of nurseries and restrictions in establishing and running such facilities, work was started to develop new legal regulations in this respect. The regulations were introduced after the reporting period by the Act of 4 February 2011 on care of children up to the age of 3 (Dz. U. No 45, item 235, as amended), which entered into force on 4 April 2011. Within the meaning of the new act, nurseries are no longer health care facilities, but places of educational care and stimulation of children’s development. The Act introduces diverse forms of care of small children. Apart from nurseries, it provides for such forms of care as child clubs, a daytime childminder or nanny. Pursuant to the Act, a daytime childminder may be a person who has completed special training. Daytime childminders may look after children in their house or in premises provided by the gmina. Depending on the space available, they may take care of up to 5 children simultaneously (up to 3 children if at least one child is younger than 12 months or is disabled and requires special attention). A nanny, on the other hand, is a form of individual care. Nannies employed legally by parents have their contributions for old age pension, disability pension and accident insurance as well as health insurance paid from the state budget through the Social Insurance Institution. The new solutions significantly facilitated establishing new facilities by gminas, individuals and by employers or higher education institutions.

201. Pursuant to the provisions of the Act of 7 September 1991 on the educational system (Dz. U. of 2004, No 256, item 2572, as amended), kindergarten for children aged 3-6 was not obligatory. Since the 2004/2005 school year, the so-called “zero grade” (last year of kindergarten, preparing children for primary school) has been obligatory for 6-year-old children. “Zero grades” were organized in kindergartens, but schools were also allowed to create such departments.

202. The Act of 7 September 2007 amending the Act on the educational system (Dz. U. No 181, item 1292) introduced new regulations stating that the gmina council may, in cases justified by demographic and geographic circumstances, supplement the network of public

<sup>25</sup> In 2010 and in 2011, European Funds Information Points organised over 40 meetings all over Poland. They were attended by almost a thousand women, returning to the labour market after a break connected with giving birth to and raising a child. The series of meetings “A mum can do everything” was continued by European Funds Information Points in individual regions of Poland in 2011.

kindergartens and kindergarten departments in primary schools with other forms of pre-school education, i.e. kindergarten points or pre-school education centres.

203. On this basis, executive orders were issued<sup>26</sup>, giving the above-mentioned solutions a systemic nature and enabling the creation of other (than kindergartens and kindergarten departments in schools) forms of pre-school education, while relaxing fire protection, sanitary and epidemiological requirements. Such legal solutions implement the Government's commitment to provide general access to pre-school education to children aged 3-5 coming from different backgrounds, including rural areas and large cities.

204. The Act of 19 March 2009 amending the Act on the educational system and certain other acts (Dz. U. No 56, item 458, as amended) introduced changes aimed at popularizing pre-school education and introducing a one-year pre-school schooling obligation for 5-year-olds. In accordance with the provisions of the Act, the process of introducing obligatory one-year pre-school preparation was spread over three years. From 1 September 2009, 5-year-old children were entitled to one-year pre-school preparation, which meant that gmina authorities had to ensure free pre-school education to those five-year-olds whose parents decided to send their child to kindergarten. In accordance with the introduced legal regulations, children may complete the obligatory one-year pre-school preparation in three (instead of two, as previously) places, i.e. in kindergartens, kindergarten departments at primary schools and in other forms of pre-school education, which has significant impact on popularizing pre-school education. According to the data, 1,422 public and non-public kindergarten points and pre-school education centres have been established since 2008<sup>27</sup> (including 907 in rural areas). In 2009, there were 819 of them (including 650 in rural areas). In 2010, there were 1240 facilities of that kind (including 883 in rural areas). The largest increase can be observed in the case of kindergarten points – their number rose to 1,402. Since 2008, the number of kindergartens (public and non-public) has been rising consistently. In 2008, there were 8,069 kindergartens. In 2009, there were 8,470 kindergartens, including 2,835 in rural areas.

205. In 2010, there were 8,821 kindergartens, including 2,906 in rural areas. In 2011, after the end of the reporting period, there are 9,349 kindergartens (including 3,059 in rural areas), which means an increase by 1,280 in comparison to 2008. Over the same period, the number of kindergarten departments in primary schools rose by 2,999. In 2011, after the end of the reporting period, there are 14,160 of them (including 9,372 in rural areas). In 2010, there were 12,570 (including 8,576 in rural areas), in 2009 – 11,931 (8,215 in rural areas) and in 2008 – 11,161 (7,906 in rural areas).

206. At the same time, the popularity of pre-school education was rising consistently. In the 2002/2003 school year, 34.6 per cent of children in Poland aged 3-5 were covered by the pre-school system, while in the year 2009/2010 this ratio was as high as 59.7 per cent. In 2011, after the end of the reporting period, as much as 72.0 per cent of children are covered by the pre-school system. In 2002, 96.7 per cent of 6-year-olds attended pre-school education institutions – in total, 97.5 per cent of 6-year-olds were covered by the educational system (including children who had started school education earlier). Both in

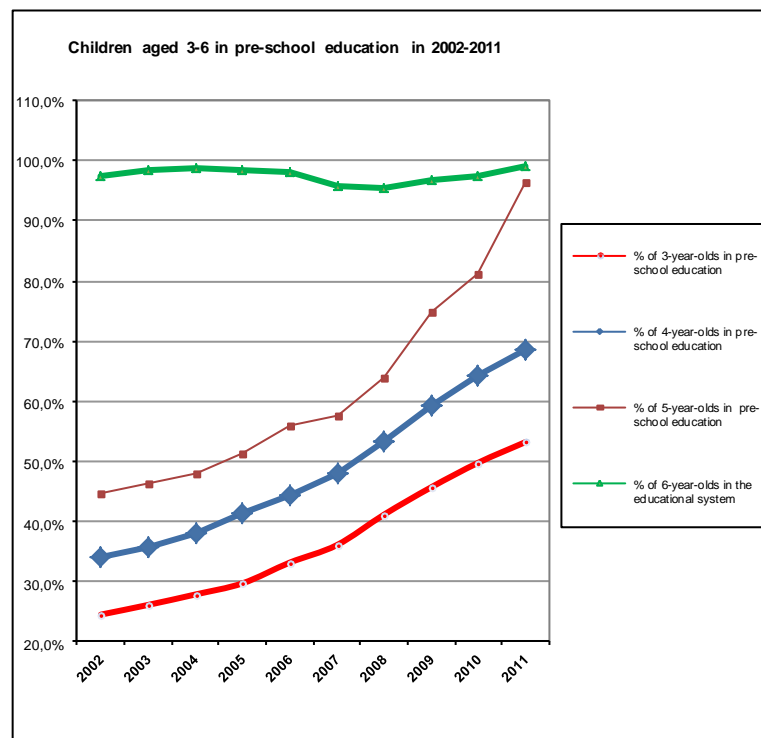
<sup>26</sup> Ordinance of the Minister of National Education of 10 January 2008 *on the types of other forms of pre-school education, conditions of establishing and organising these forms and mode of their operation* (Dz. U. No 7, item 38) and ordinance of 13 June 2008 *amending the Ordinance on the types of other forms of pre-school education, conditions of establishing and organising these forms and mode of their operation* (Dz. U. No 104, item 667). After the reporting period, two new executive orders entered into force, i.e. the Ordinance of the Minister of National Education of 31 August 2010 *on the types of other forms of pre-school education, conditions of establishing and organising these forms and mode of their operation* (Dz. U. No 161, item 1080) and the Ordinance of the Minister of National Education of 28 June 2011 *amending the ordinance on the types of other forms of pre-school education, conditions of establishing and organising these forms and mode of their operation* (Dz. U. No 143, item 839).

<sup>27</sup> According to the *Educational Information System*, as at 30 September 2011.

2010 and in 2011, after the end of the reporting period, this percentage increased and reached almost 100 per cent. Detailed data on the popularization of pre-school education among children aged 3-6 is presented in table A.11.6 and Chart A.11.1 (annex).

Table 14

**Children aged 3-6 in pre-school education in 2002-2011**



207. Many pre-school education facilities were established under activities co-financed from EU funds. Between 2005 and 2008, 802 alternative forms of pre-school education were created under the Sectoral Operational Programme Human Resources Development<sup>28</sup>. 13,678 children aged 3-5 were covered by support under the projects. The projects were aimed at popularizing pre-school education among children aged 3-5 living in rural areas where there had previously been no kindergartens. Tasks related to pre-school education are also implemented under Priority 9 of the Operational Programme Human Capital 2007-2013.<sup>29</sup> The competition projects concerned: opening kindergartens (including establishing other forms of pre-school education) in areas and in communities with low popularity of pre-school education (especially in rural areas), supporting existing kindergartens (and other existing forms of pre-school education) to enable more children to participate in pre-school education, e.g. through support provided to facilities at risk of closing down, extending the opening hours of facilities, opening additional departments, employing additional staff. By the end of 2010, support had been provided to almost 2,600 pre-school education facilities, and more than 70 thousand children aged 3-5 living in rural areas participated in different forms of pre-school education, which proves that interest in this form of support is enormous.

<sup>28</sup> Priority 2. "Development of the knowledge-based civil society", Measure 2.1 "Increasing access to education. Promoting life-long learning", Scheme "Diminishing educational disproportions between rural and urban areas."

<sup>29</sup> Measure 9.1 Equalisation of educational chances and ensuring high quality of educational services provided in the educational system, Sub-measure 9.1.1 Lowering inequalities in the level of popularisation of pre-school education.

**Day-care rooms**

208. Schoolchildren who need to stay at school after classes due to the working time of their parents, school transport organization or other activities which require ensuring care to the pupil, have the possibility of staying in a day-care room. Children may spend 1 to 5 hours a day in a day-care room. Most schools provide necessary facilities, i.e. a separate room with access to toilets, adapted to children's height, equipped with teaching aids, toys and board games, with a separate quiet play/study area. Children under such care have the possibility of eating warm meals during their stay in the day-care room and have access to an outdoor playground.

**Control of employee rights fulfilment**

209. As in the previous reporting period, the fulfilment of employee rights is controlled by the National Labour Inspectorate. Since July 2007, based on the Act of 13 April 2007 on the National Labour Inspectorate (Dz. U. No 89, item 589, as amended), the National Labour Inspectorate has been responsible for inspecting the legality of employment and inspecting the operation of employment agencies, in accordance with the requirements specified in the Act on promoting employment (...). The new duties of the National Labour Inspectorate also include prosecuting offences referred to in article 123 of the Act on promoting employment (...) and participating in relevant proceedings in the capacity of a public prosecutor.

210. During routine controls called "Respecting the provisions on promoting employment and labour market institutions by employment agencies", the National Labour Inspectorate assesses whether employment agencies respect the prohibition of discrimination, including on account of the gender of people recruited by the agency for the purpose of employment or other paid work (Article 19c of the Act on promoting employment (...)).

211. During a control, a labour inspector is obliged to check the contents of job advertisements and other documents for discriminatory criteria present in them. When investigating such a problem, the inspector also relies on the testimony of a person whom the agency refused to look for employment or other paid work.

212. Respecting the principles of equal treatment in the recruitment process conducted by entities other than employment agencies (employers, enterprises, etc.) is verified during thematic controls, covering the issues of legality of employment and other paid work. To the extent concerning discrimination, such controls involve revealing cases of offences laid down in Article 123 of the Act on promoting employment (...) that consist in refusal to employ a candidate to fill a vacant employment or vocational training position, including on account of gender. Labour inspectors investigate this issue only when they become aware of cases of employment refusal on the grounds of one or more criteria specified in the above-mentioned regulation, in particular based on complaints or job advertisements containing discriminatory criteria.

**Provisions of the Labour Code concerning protection of employees against sexual harassment**

213. As has already been indicated in the report section on Articles 2 and 3 of the Convention, in 2004 Article 183a §6 of the Labour Code entered into force, which states that discrimination on account of gender includes any form of unwanted conduct of sexual nature or having reference to an employee's sex, performed with the purpose or effect of violating the dignity of an employee, in particular creating an intimidating, hostile, demeaning, humiliating or derogatory atmosphere with respect to the employee; such conduct may include physical, verbal or non-verbal elements (sexual harassment). Non-legislative measures were also undertaken, including seminars, conferences, training courses or publications aimed at preventing sexual harassment. An example of such measures is the seminar "Sexual harassment in the workplace – you don't have to say yes"

organized in December 2004 by the Government Plenipotentiary for Equal Status of Women and Men. The seminar was organized with the participation of representatives of public administration, non-governmental organizations, associations of employees and employers, journalists and representatives of the academic community, and its aim, was to popularize regulations on sexual harassment and discuss the effectiveness of their application. Another example is a training course organized in June 2009 by the Government Plenipotentiary for Equal Treatment for 100 employees of the Chancellery of the Prime Minister, dealing with the issues of preventing discrimination, including sexual harassment in the workplace. The Plenipotentiary for Equal Treatment also prepared a handbook "Say no to sexual harassment in the workplace", which contains information on legal regulations and suggests how to successfully enforce one's rights in case of sexual harassment.

## **Article 12- Equality in access to health care**

### **Legal guarantees of health protection**

214. The Constitution of the Republic of Poland under article 68 ensures all citizens of both sexes the right to health protection. Moreover, all citizens, irrespectively of their financial situation, are guaranteed equal access to health care services financed from public funds. The scope and conditions of providing medical services as well as the rules and method of financing health care services are specified in the Act of 27 August 2004 on health care services financed from public funds (Dz. U. of 2008, No 164, item 1027, as amended). Pursuant to the rules laid down in the Act, the following are entitled to benefit from health care services financed from public funds:

(1) Persons covered by public – compulsory and voluntary health insurance, hereinafter referred to as the "insured persons",

(2) Persons other than the insured, who hold Polish citizenship and reside in the Republic of Poland and who meet the income criterion as referred to in Article 8 of the Act of 12 March 2004 *on social assistance* (Dz. U. of 2009, No 175, item 1362, as amended), with reference to whom the circumstances referred to in Article 12 thereof have not been identified – in line with the rules and to the extent determined for the insured - hereinafter referred to as the "beneficiaries".

215. Persons other than beneficiaries who do not have Polish citizenship are entitled to health care services on the basis of other specific provisions and international agreements. Women in pregnancy, labour and the postnatal period are subject to particular legal protection. The public authorities shall ensure special health protection to this group.

### **Care during pregnancy, labour and the postnatal period**

216. In Poland, health care services during pregnancy, labour and the postnatal period are free of charge. The Act of 27 August 2004 on health care services provided from public funds (Dz. U. of 2008, No 164, item 1027, as amended) stipulates that persons who are uninsured but hold Polish citizenship and reside in the Republic of Poland, and who are under the age of 18 or in pregnancy, labour or the postnatal period, are entitled to healthcare services financed from public funds. In the case of uninsured women the services are financed by the Ministry of Health. Under labour and delivery care financed from public funds, women in physiological pregnancy, labour and the postnatal period are provided with health care services in accordance with the standard of labour and delivery care<sup>30</sup>. The issues of preventive care have already been regulated also by the provisions

<sup>30</sup> After the reporting period, in order to improve the quality of labour and delivery care, the Ordinance

based on the guidelines included in Annex 1 to the Ordinance of the Minister of Health of 21 December 2004 on the scope of health care services, in particular screening and the periods when such screening is conducted (Dz. U. No 276, item 2740). The Ordinance in question introduces a provision on the compulsory care of pregnant women by a doctor and midwife related to the preparations to labour, the postnatal period, breastfeeding and parenthood. Advice was provided before the 10th week of pregnancy and between the 11th and 14 weeks of pregnancy, 15th and 20th weeks of pregnancy, 21st and 26th weeks of pregnancy, 27th and 32nd weeks of pregnancy, 33rd and 37th weeks of pregnancy, 38th and 39th weeks of pregnancy, and 40th and 41st weeks of pregnancy. The Ordinance also imposed an obligation on a basic health care midwife, paediatrician and basic health care nurse to conduct postnatal checks in the period between the 1st week and 6th month of the baby's life, during which education on breastfeeding is provided. In Poland, the care for pregnant women with normal pregnancy and during physiological labour and the postnatal period may be provided by obstetricians–gynaecologist and midwives. It might be provided in both inpatient and outpatient treatment settings. The person taking care of a woman is responsible for the assessment of obstetric situation, labour and delivery, assessment of the condition of the mother and her child and for the results of actions taken. This person is also responsible for following the orders of other authorized persons and for the tasks assigned to other persons.

217. In order to motivate pregnant women to see a doctor or midwife as soon as possible and then systematically make appointments for further control tests, the payment of a one-off childbirth benefit (of PLN 1000) and an allowance on top of family childbirth benefit (PLN 1000)<sup>31</sup> was made conditional upon the woman's producing a certification that she has been covered by medical care since the 10th week of pregnancy at the latest. Owing to this regulation, the number of reporting women increased. The data on the number of pieces of advice provided to pregnant women indicate that the so-called "early reporting" (in the first pregnancy trimester) oscillates around 40–60 per cent, depending on the region.

### Health situation

218. Since 2002, the principal causes of female mortality include: circulatory disorders – more than a half of all causes of deaths, and tumours accounting for one fifth of cases. The mortality rate due to circulatory disorders has been steadily decreasing since 2002 (from 53.1 in 2002 to 51.6 in 2008). However, this trend is just the opposite for tumours – in 2002 they accounted for 22.9 per cent of female mortality causes, to reach 23.7 per cent in 2008. Between 2003 and 2008, women were most often treated in hospitals for circulatory disorders and tumours. In the entire inpatient female population, these were women aged 45–54 and 65 and over. In 2007, for the first time since 1973 the reported tumour incidence rate among women exceeded the male incidence rate. The most frequently registered malignant tumour among women was breast cancer. Between 2003 and 2008, girls and boys aged 0–19 were most often hospitalized for respiratory disorders, injuries, poisoning and digestive disorders. The most frequent cancers among children in Poland included leukaemia and brain tumours (an incidence rate of over 40 per cent in 2007).<sup>32</sup> The perinatal mortality rate (the sum of foetal deaths and neonatal deaths at the age of 0–6 days per 1000 live births and stillbirths) was constantly on the decline between 2002 and 2009. The perinatal mortality rate decreased by 1.5 points – from 8.7 in 2002 to 7.2 in 2009. The

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of the Minister of Health of 23 September 2010 on the standards of conduct and medical procedures related to the provision of labour and delivery health services to a woman in physiological pregnancy, physiological labour, the postnatal period and the newborn care (Dz. U. No 187, item 1259) was issued that guarantees the quality of services provided.

<sup>31</sup> Information on these benefits is included in the part discussing Article 13 of the Constitution.

<sup>32</sup> Source: The Central Statistical Office (GUS) based on the information from the National Institute of Public Health – National Institute of Hygiene and the Institute of Oncology.

infant mortality rate between 2002 and 2009 also showed a steady downward trend. The infant mortality rate (the number of deaths of infants<sup>33</sup> per 1000 live births) dropped by nearly two points – from 7.5 in 2002 to 5.6 in 2009. Currently, this rate does not show any differences between urban and rural areas. The child mortality rate<sup>34</sup> (aged 0–14) in Poland is 0.6 and has not changed since 2002 among both boys and girls. It is only slightly higher for girls and equals 0.5. The principle cause of child deaths are some conditions originating in the perinatal period that account for one third of all deaths among both boys and girls.

219. The second most numerous group of causes includes inborn defects and external reasons. Inborn defects are more likely to affect girls – over one fourth of all cases, and their rate is by almost 5 per cent higher among girls than among boys, whereas the rate of external death causes is by nearly 3 per cent higher among boys. It also needs to be mentioned that the first two classes of causes have remained at a steady level since 2002, unlike external death causes whose rate dropped since then from 16.2 to 12.0 among both boys and girls. To sum up, between 2002 and 2010, a significant progress in fighting infant mortality was achieved. In 2009, 2.4 thousand deaths of children less than 1 year old was registered (as was in 2008). The positive and steady downward trend in infant mortality is confirmed by the infant deaths per 1000 live births ratio that amounted to 5.6 per cent in 2009 (at the beginning of this century – around 8 Per cent). In Poland, since the early post-war times, it has become obligatory to report and register each female death due to pregnancy, labour and the postnatal period – regardless of the place of death, within 24 hours after the death. Each maternal death during pregnancy, labour or the postnatal period (up to the 42nd day since the end of pregnancy) must be reported to the voivodeship consultant on midwifery and gynaecology as well as to the institutions that took over the duties of voivodeship public health centres. As regards the number of maternal deaths during pregnancy, labour or the postnatal period, they are incidental in Poland – 19 maternal deaths were registered in 2002 as in 2008 (out of 414,499 live births). Based on the data collected in the last 15 years, it can be said that the maternal mortality rates decreased significantly, and thus the level of perinatal care is gradually improving.

Table 15

**Life expectancy between 2002 and 2009**

<i>Total</i>	<i>Women</i>	<i>Men</i>
2002	78.8	70.4
2003	78.9	70.5
2004	79.2	70.7
2005	79.4	70.8
2006	79.6	70.9
2007	79.7	71.0
2008	80.0	71.3
2009	80.1	71.5
<i>Towns and cities</i>	<i>Women</i>	<i>Men</i>
2002	78.6	70.7
2003	78.8	70.9
2004	79.1	70.9
2005	79.3	71.2
2006	79.5	71.2

<sup>33</sup> A child less than 1 year old.

<sup>34</sup> The number of deaths of children aged 0–14 per 1000 population aged 0–14.

<i>Total</i>	<i>Women</i>	<i>Men</i>
2007	79.6	71.4
2008	79.8	71.6
2009	80.0	71.9

*Source: Central Statistical Office (GUS)*

220. Between 2002 and 2009, the number of live births increased gradually. The rate of live births oscillated between 9.3 in 2002 and 11.0 in 2009. The sex-related differences in this rate are related to the demographic pattern that there are more boys born than girls. Since 2002 the female and male mortality rates<sup>35</sup> have been on the increase and amounted to: for men and women in 2002 – 10.4 and 8.5 respectively, and in 2009 – 11.1 and 9.2 respectively.

### **Family planning**

221. As in the previous reporting period, the issues of family planning are regulated in Poland by the Act of 7 January 1993 on family planning, protection of the human embryo and conditions for termination of pregnancy (Dz. U. No 17, item 78, as amended). Pursuant to this Act, the fundamental prescriptive principle is the statement that life is the fundamental good of a human being, and the care of life and health is among the basic obligations of the State, society and citizens.

222. Currently in Poland there are registered and available modern contraceptives that are medicinal products or medical devices as well as medicines and medical devices that are used during pregnancy and are necessary to take care of the embryo, provide the pregnant woman with medical care and used for purpose of conscious conception. As results from the available data, the most frequently used birth control methods in the group of women practising contraception are the condom (54.4 per cent) and pills (30 per cent).

Table 16

### **Birth control methods in the group of women practising contraception in the last 12 months, N=574, 2005, in %**

<i>Methods of contraception</i>	<i>Percentage of women</i>
Condoms	54,4
Contraceptive pills	30,1
Withdrawal method	20,7
Calendar-based methods	15,2
Intrauterine device	5,2
Sympto-thermal method	3,8
Spermicides(globule/gel/foam/cream)	3,0
Cervical cap/vaginal ring	0,3
Other methods	2,4
No answer	0,7

*Source: "The Health of Women of Reproductive Age 15-49. Poland 2006" report*

223. Contraceptive pills available in Poland are not financed from public funds. It needs to be noted however that in 2008 the lists of refunded medicines included medicinal preparations from the Anatomical Therapeutic Chemical group G03AA07: Hormonal Contraceptives – Progestogens and estrogens: Microgynon 21 (Schering AG), Rigevidon

<sup>35</sup> Mortality rate (general) – the number of deaths per 1000 permanent residents.



(Jenapharm), Stedril 30 (Wyeth). These products were included into lists of refunded medicines due to their use in the treatment of disorders of menstrual function and painful menstruation, but they also have a contraceptive effect. These preparations were available for 30 per cent of the limit price plus an extra charge in situations where the reason for their use is the treatment of menstrual disorders.

224. The average costs of contraceptives for the most popular birth control methods are as follows:

- Condom – from PLN 3 to 10 per a pack containing 3 items on average,
- Intrauterine device – from PLN 70 to 120 years with a duration period of 3–5 years,
- Hormonal contraceptives – from PLN 14 to 46 for monthly treatment.<sup>36</sup>

### **Infertility treatment**

225. According to the data of the World Health Organization (WHO), around 60–80 million couples in the world are permanently or periodically affected by this problem. It is estimated that in high-developed countries the problem of infertility concerns 10–12 per cent of population of women and men of reproductive age. In Poland, this percentage is similar, which means that there are between 1.2 and 1.3 million couples faced with infertility. From the practical point of view, the methods of infertility treatment may be divided into three basic groups:

- (1) Non-invasive pharmacological treatment (so-called hormone therapy);
- (2) Surgical treatment;
- (3) Assisted Reproductive Technology (ART).

226. In Poland in the reporting period the pharmacological and surgical methods and artificial insemination were fully financed, whereas Assisted Reproductive Technologies (In vitro) were available but for a payment.<sup>37</sup> Pursuant to the Ordinance of the Minister of Health of 29 August 2009 on the guaranteed services of hospital treatment (Dz. U. No 140, item 1143, as amended), the patient has access (under the State guaranteed services) to services in cases diagnosed as:

For women:

- Recurrent pregnancy loss
- Female infertility associated with an ovulation
- Female infertility of tubal origin
- Female infertility of uterine origin
- Female infertility of cervical origin
- Female infertility associated with male factors
- Female infertility of other origin
- Female infertility, unspecified

For men:

- Disorder of penis, unspecified

<sup>36</sup> Average euro rate for May 2010 (EUR 1 = PLN 4.05). Source: National Bank of Poland.

<sup>37</sup> In the reporting period, there were several legislative initiatives taken to regulate the issue of in vitro. However, none of the proposals was accepted by the Parliament.

- Inflammatory disorders of spermatic cord, tunica vaginalis and vas deferens
- Inflammatory disorders of scrotum
- Inflammatory disorders of other specified male genital organs
- Inflammatory disorder of unspecified male genital organ
- Vascular disorders of male genital organs
- Other specified disorders of male genital organs

227. In Poland 27 clinics performing in vitro fertilization were registered under the European IVF Monitoring (EIM).

#### **Access to legal abortion**

228. The legal situation in Poland has not changed compared to the previous reporting period and is still regulated by the Act of 7 January 1993 on family planning, protection of the human embryo and conditions for termination of pregnancy.

229. Pursuant to the Act, termination of pregnancy may be performed exclusively by a doctor when:

- (1) Pregnancy poses a risk to the life or health of the pregnant woman;
- (2) Prenatal tests or other medical reasons indicate that severe and irreversible foetal impairment or untreatable disorders threatening its life are highly likely;
- (3) It may be reasonably suspected that a pregnancy is the result of a crime.

230. A doctor is entitled to refuse to perform the termination of pregnancy by invoking the so-called conscience clause. At the same time, a doctor is obligated to refer the patient to another doctor who will agree to perform the procedure. Prenatal tests are regulated in the Polish legal system by the Act on healthcare services financed from public funds. Health care services involving prenatal tests, both non-invasive and invasive, are provided to pregnant women by health care establishments as well as sole and group medical practitioners. Non-invasive prenatal testing (e.g. ultrasound test) is currently a standard element of medical procedure while taking care of a pregnant woman. Invasive testing (amniocentesis and cordocentesis) is performed following doctor's instructions in the case of suspected risk of genetic or developmental foetal defect or its untreatable disorders that threaten its life. If standard tests show any irregularities, women are referred to specialist centres where more invasive prenatal tests are performed. The objective of prenatal diagnostics is to diagnose foetal disorders and defects as soon as possible, but not later than by the 20th–22nd week of pregnancy. Pursuant to Annex 3 to the Ordinance of the Minister of Health of 21 December 2004 on the scope of health care services, in particular screening and the periods when such screening is conducted (Dz. U. No 276, item 2740), the main reasons for prenatal testing included:

- (1) Mother's age over 40;
- (2) Previous child or foetus with a chromosomal aberration;
- (3) The pregnant woman or the child's father with a structural chromosomal aberration;
- (4) There is an increased risk of giving birth to a child with a monogenic or multifactorial disease;
- (5) The abnormal results of ultrasound or biochemical tests during pregnancy that indicate the foetus is at increased risk for chromosomal aberration or defect. The above-mentioned Ordinance was repealed in August 2009. Since 31 August 2009, the Ordinance of the Minister of Health of 30 August 2009 *on guaranteed health care services*

in the scope of health programs (Dz. U. No 140, item 1148, as amended) has been in force, which includes the programme of pre-natal tests; the eligibility criteria have been changed in the programme – the maternal age in the case of pre-natal testing was lowered from 40 years old to 35 years old.

231. Since 2000, the number of pre-natal tests performed has been systematically increasing – in 2000 there were 1,654 invasive pre-natal tests performed, whereas in 2009 – 5,795. Detailed information on the number of tests performed is included in table A.12.1 (annex). The results of pre-natal tests indicating a high likelihood of severe and irreversible foetus impairment or incurable disease threatening its life are the most common reason for termination of pregnancy. The presented data show that the number of termination of pregnancy procedures taking place as a result of pre-natal tests indicating a high likelihood of severe and irreversible foetus impairment or incurable disease threatening its life is increasing year on year. In 2002, there were 82 termination of pregnancy procedures carried out, in 2005 – 168, and in 2009 – 510.

Table 17

**Termination of pregnancy procedures carried out between 2002 and 2009, by causes**

		<i>Termination of pregnancy procedures carried out in accordance with the Act:</i>			
		<i>Total termination of pregnancy procedures</i>	<i>Due to the threat for the mother's life or health</i>	<i>As a result of pre-natal tests</i>	<i>As a result of crime</i>
<i>Poland</i>	<i>Number of live births</i>				
2002	353,765	159	71	82	6
2003	351,072	174	59	112	3
2004	356,131	193	62	128	3
2005	364,383	225	54	168	3
2006	374,244	340	82	246	12
2007	387,873	322	37	282	3
2008	414,499	499	32	467	0
2009	417,589	538	27	510	1

**Source:** Reports of the statistical research programme on public statistics: MZ-24 and MZ-29; Centre for Health Protection Information Systems.

232. In the reporting period, the European Court of Human Rights was examining a case arising out of complaint No 5410/03 filed with the Court against the Republic of Poland based on article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms by a Polish citizen Alicja Tysi c and pointed out the lack of provisions on appeal against a physician's decision and the right to abortion in line with the national law provisions. The Court's judgement, issued on 20 March 2007 and then upheld, imposed an obligation on the Government of the Republic of Poland to introduce an appeal procedure to the national law in the case of physician's refusal to perform an abortion for reasons provided for in the Polish law. The Act of 6 November 2008 on patient rights and Patient Rights Ombudsman in Chapter 8 introduced a new patient right – the right to object to a doctor's opinion or statement. This right shall be enjoyed by the patient and, on his/her behalf, also by his/her statutory representative. It consists in the possibility to voice one's objection to an opinion or statement issued by a doctor or dentist if this opinion or statement affects the patient rights and obligations resulting from the legal provisions. An objection may be filed with the Medical Board of the Patient Rights Ombudsman, via the Patient Rights Ombudsman, within 30 days since the date of issuing an opinion or statement by the doctor determining the patient's condition. The Medical Board is supposed to assess the substance of the objection. The Board expresses its position in the form of a decision issued based on the medical documentation and following an examination of the

patient, if necessary. The above-mentioned patient rights are further elaborated on in the provisions of the Ordinance of the Minister of Health of 10 March 2010 on the Medical Board of the Patient Rights Ombudsman issued based on Article 32(5) of the above-mentioned Act.

### Health programmes

233. Among the health policy programmes between 2003 and 2010 focused in particular on improving women's reproductive health, the following should be mentioned:

- Population Programme for the Prevention and Early Detection of Cervical Cancer (implemented under the National Programme for Cancer Fighting, NPCF) in the period since 2007 up to now. Specific information on the Programme is presented in table A.12.2 (annex).
- Population Programme for Early Detection of Breast Cancer (implemented under the NPCF) in the period since 2007. Information on the Programme is included in table A.12.3 (annex).
- Programme for comprehensive intrauterine diagnosis and therapy in preventing consequences and complications of developmental abnormalities and foetus diseases – as an element of improving the health condition of foetuses and infants for 2006–2008.
- Programme for antiretroviral therapy in an HIV-positive population in Poland for 2007–2009. Information on the number of people treated and the funds disbursed on this purpose are included in table A.12.4 (annex).
- Implementation schedule for the National Programme for Fighting AIDS and Preventing HIV Infections implemented in Poland since 1994 pursuant to the Ordinance of the Council of Ministers of 13 September 2005 (Dz. U. 05.189.1590) *on the National Programme for Fighting AIDS and Preventing HIV Infections for 2007–2011*.
- National Iodine Deficiency Elimination Programme for 2009–2011, continuation of the 2006 programme.

234. In order to improve women's reproductive health, between 2003 and 2010 the Polish Gynaecological Society issued recommendations on the following issues: contraception, reproductive health, the place of progesterone in modern gynaecology and obstetrics, prevention and early diagnosis of mammary gland changes, the procedure in the case of suspected sexual abuse of a minor and in the scope of antenatal care in normal pregnancy, sexually transmitted infections in gynaecology and obstetrics, perinatal HIV transmission, as well as related to treating a woman being a victim of sexual violence, HPV vaccines, and the Caesarean.

### Women in health service professions

235. As at 31 December 2010, the right to practice as a medical doctor was held by 134.3 thousand people, including 76.4 thousand (57 per cent) women, and the right to practice as a dentist – by 37.6 thousand people, including 29.2 thousand (78 per cent) women. It is estimated that a total of 83.2 thousand doctors worked directly with a patient, including 47.1 thousand (57 per cent) women, and 12.5 thousand dentists, including 9.7 thousand (77 per cent) women. As at 31 December 2010, 282.4 thousand people held the right to practice as a nurse, and 34.3 thousand people – as a midwife. In these professional groups, women accounted for almost 100 per cent. It is estimated that 200.8 thousand nurses and 22.6 thousand midwives provided direct care to patients.

236. The profession of a pharmacist is also highly feminized. It is estimated that pharmacies and pharmacy points employed a total of 25.2 thousand pharmacists, including 21.2 thousand (84 per cent) women.

### **HIV/AIDS prevention**

237. The National AIDS Centre, as a section of the Ministry of Health, implements the tasks related to HIV/AIDS prevention and fighting. The actions taken by the National AIDS Centre are aimed at: reducing HIV transmissions, ensuring appropriate access to information, education and services related to HIV/AIDS prevention, improving the quality of life in the psychosocial dimension for people living with HIV/AIDS, their families and close friends, improving the quality and access to diagnostics and medical care for people living with HIV/AIDS and people at risk of HIV infection, reducing the HIV infections rate among children. These actions are carried out through social campaigns, publications, educational programmes, Advisory and Diagnostic Points, guides for doctors and trainee doctors, printing leaflets and posters, broadcasting radio and television spots, internet websites, etc. The national policy on preventing HIV infections and taking care of people living with HIV and AIDS patients has been implemented since 1996. The actions taken are largely directed at women and girls.

238. The analysis of the results from Advisory and Diagnostic Points that conduct anonymous and free-of-charge HIV tests shows that in 2010 the number of HIV-positive women decreased compared to 2007, whereas the number of HIV-positive men increased.

Table 18

### **Results from Advisory and Diagnostic Points conducting anonymous and free-of-charge HIV tests combined with pre-test and post-test counselling**

<b>2007</b>	Number of HIV-negative women: 8,093, HIV-positive women: 44; Number of HIV-negative men: 10,463, HIV- positive men: 172;
<b>2008</b>	Number of HIV-negative women: 8,545, HIV-positive women: 47; Number of HIV-negative men: 11,647, HIV- positive men: 199;
<b>2009</b>	Number of HIV-negative women: 11,675, HIV-positive women: 52; Number of HIV-negative men: 13,516, HIV- positive men: 269;
<b>2010</b>	Number of HIV-negative women: 11,527, HIV-positive women: 42; Number of HIV-negative men: 13,590, HIV- positive men: 243.

*Source: data of the Ministry of Health.*

239. The National Programme for the Prevention of HIV, Care of People Living with HIV and AIDS Patients has been implemented since 1996. Actions are implemented in line with the implementation schedule of the National Programme for Combating AIDS and Preventing HIV Infections prepared for 2007–2011. Women and girls are one of the target groups of actions taken. Under the National Programme numerous social campaigns directed at both women and men were carried out, including: “HIV doesn’t choose. You can”, “HIV test. The only way to be certain.”, “ABC of Prevention”, “Life is like dancing – every step matters”. In 2007 a social campaign addressed to women was carried out – “Give your child a chance. Don’t give AIDS any chance!” This campaign was aimed at strengthening the “Programme for Early HIV Detection in Pregnant Women”. Pursuant to

the Order of the President of the National Health Fund No 21/2006 of 18 May 2006, women may undergo this test for free at the gynaecologist's. Furthermore, in 2007, 2008 and 2009 a nationwide cyclical seminar "Women and AIDS" was organized that was addressed to women living with HIV/AIDS and aimed at educating women in personal hygiene, diet and the rules of safe sex, as well as at integrating women living with HIV/AIDS and exchanging experiences among the participants. As regards reproductive health, particular attention needs to be paid to "Women and AIDS" and "To be together and prevail" programmes addressed to people living with HIV/AIDS in relationships, their partners and children. In 2007, 2008 and 2009, under the awarded grant, the "Pomeranian House of Hope" Foundation organized a rehabilitation and therapeutic period for HIV *seropositive* women and men.

240. In the reporting period, the National AIDS Centre held numerous training courses for medical practitioners (both women and men), including gynaecologists, nurses and midwives in the basic knowledge about HIV/AIDS and human rights as well as providing pre-test and post-test HIV counselling. The staff (both women and men) working in anonymous testing points throughout the country are subject to regular certification.

241. Numerous publications were also prepared. They include guides for medical practitioners, e.g. "AIDS – A Guide for Nurses and Midwives," "How to reduce the risk of HIV infection in nurse practice", "Treatment of HIV-infected adults." The Polish translation of WHO publication "Fact Sheets on HIV/AIDS for nurses and midwives" has also been issued. In 2006, the Ministry of Health in cooperation with the United Nations Development Programme (UNDP) compiled a report on reproductive health entitled "The Health of Women of Reproductive Age. Poland 2006." The report includes a comprehensive assessment of reproductive health of women in Poland and recommendations for politicians and health care professionals in this respect.

242. In 2007, an educational website was created for doctors (gynaecologists in particular) and medicine students interested in HIV/AIDS issues. It has been extended to include a section for primary care physicians. The [www.hiv-aids.edu.pl](http://www.hiv-aids.edu.pl) website features multimedia educational materials and a knowledge test. The educational system ensures that students receive education in prevention and consequences of sexually transmitted diseases, HIV/AIDS in particular. Education in this area is provided mainly in such subjects as biology and family life education.

#### **Promotional activities in terms of HIV/AIDS prevention**

243. In 2009, the Ministry of National Education reactivated the idea of a network of health promoting schools, which was initiated in 1992. The network of health-promoting schools includes 2,063 schools and educational institutions. Their special role is to popularize systemic and innovative solutions for creating a comprehensive school offer related to health promotion and prevention, based on exerting impact on both the students and their parents, and their living environment. Thus, schools increase the efficiency and scope of health-oriented activities. On 23 November 2009, on the initiative of the Ministry of National Education, a Cooperation Agreement was signed between the Minister of National Education, the Minister of Health and the Minister of Sports and Tourism on health promotion and the prevention of child and youth health problems. The objectives of the Agreement include supporting the educational and preventive role of schools in terms of preventing risky behaviours related to using psychoactive drugs, developing a system of prevention programme recommendation in the area of additions to chemical substances and supporting activities increasing the ability to fill up one's leisure time in order to improve health and personal development of the young generation. Poland is an active member of the international "Schools for Health in Europe" network that is supported by the WHO, Council of Europe and European Commission. The Ministry of Education has been implementing tasks under the National Health Programme for 2007–2015 which includes tasks in the field of limiting HIV infections under Operational Objective No 5 – Reducing

the use of psychoactive substances and related health damage. Furthermore, the Ministry of Education implements the tasks of the National Programme for Counteracting Drug Addiction and National Programme for Combating AIDS and Preventing HIV Infections. The tasks of the Minister competent for education in the scope of preventing drug abuse and reducing health damage related to the use of psychoactive substances are regulated by the Act of 29 July 2005 on preventing drug addiction (Dz. U. of 2012, item 124) and the Ordinance of the Minister of National Education and Sport of 31 January 2003 on specific forms of educational and preventive activities among drug endangered children and youth (Dz. U. No 26, item 226). In 2010, the Ministry of National Education prepared and implemented the Action Plan for Preventing Drug Abuse among Children and Youth in schools and educational institutions for 2010. The Action Plan was directed at increasing the quality of drug abuse preventive activities carried out in schools and educational institutions.

## **Article 13- Social and economic benefits**

### **Access to family benefits**

244. Parents raising children (both women and men) may apply for State aid in the form of family benefits paid out under the Act of 28 November 2003 on family benefits (Dz. U. of 2006, No 139, item 992, as amended), which entered into force on 1 May 2004. The entitlement to family benefits is not subject to any restrictions as regards the applicant's sex. Family benefits include family allowance and supplements to this allowance granted depending on the individual health and family situation, one-off child birth allowance, as well as care benefits: nursing allowance and nursing benefit. Family allowance is intended to partially cover the expenditure on child maintenance. In the period following the entry into force of the Act on family benefits, i.e. between 1 May 2004 and 31 August 2006, the amounts of family allowance awarded varied depending on the number of children. Since 1 September 2006, the amount of family allowance has been diversified based on the child's age. Family allowance with supplements is granted per one-year allowance periods, and the entitlement to this benefit is conditional upon meeting e.g. the income criterion. As a rule, family allowance is available in respect of children until they reach 18 years of age or 21 years of age, provided they continue their education. However, if the child holds a certificate of moderate or severe disability and continues education at the college/university level, family allowance can be granted until the child reaches 24 years of age. The eligibility criteria for family allowance and supplements to it are preferential for families with disabled children. Family allowance may be increased by the following supplements: child birth allowance, supplement in respect of the care of the child during parental leave, supplement in respect of raising the child as a single parent, supplement to a multi-child family, supplement in respect of training and rehabilitation of a disabled child, supplement in respect of starting the school year and supplement in respect of the child starting education in a school outside its place of residence. The child birth allowance is awarded, irrespective of the family income, as a one-off aid in respect of live birth. Furthermore, the gmina council may pass a resolution to grant an additional child birth allowance to the gmina residents (this allowance is financed from gmina's own funds).

245. In order to partially cover the expenditure arising from the necessity to ensure the care and assistance to another person unable to live independently, nursing allowance is granted regardless of income. In line with the rules specified in the Act on family benefits, e.g. the parent of a disabled child who did not take up or gave up employment or other gainful activity so as to take care of their child holding a certificate of disability – with recommendations about the necessity of permanent or long-term care or assistance of another person due to the significantly reduced ability to live independently or the necessity of permanent day-to-day involvement of the child's carer in the process of its treatment, rehabilitation and education – or holding a certificate of severe disability, is entitled to

nursing allowance. With respect to a person receiving the nursing allowance, the paying authority pays social and health insurance contributions, unless the person is obligated to pay these contributions for any other reason. Financial help for families is provided under the subsidiarity principle, which in the case of family benefits means that prior to applying for family allowance, single parents have to get a child support order against the other parent. However, if the child support was not ordered from the other parent since this parent is dead, the father of the child is unknown or the maintenance action has been dismissed, in addition to the family allowance the single parent is entitled to a supplement in respect of raising a child as a single parent. The amount of this allowance is higher in the case of a child holding a certificate of disability or a certificate of severe disability.

#### **Access to credit**

246. Pursuant to article 70(1) of the Act of 29 August 1997 – Banking Law (Dz. U. of 2002, No 72, item 665, as amended), the bank shall make granting credit contingent upon the borrower's creditworthiness, irrespective of the borrower's sex. With respect to mortgage loans taken by married persons (irrespective of their sex), the provisions of article 37(1) of the Act of 25 February 1964 – The Family and Guardianship Code (Dz. U. of 2012, item 788) apply, which stipulate that for the performance of legal action resulting in encumbering a real property or the law of property over the building or premises the spousal consent is required.

#### **Access to sports activities and promotional activities**

247. As in the previous reporting period, boys and girls of school age to mass sports are provided with wide access to mass sports in the process of compulsory education. Pursuant to article 1(1) of the Act of 18 January 1996 on physical culture (Dz. U. of 2007, No 226, item 1675, as amended), and since 16 October 2010 pursuant to the Act of 25 June 2010 on sports (Dz. U. No 127, item 857, as amended), the physical culture is a part of the national culture protected by law. The law guarantees that citizens have equal access to various forms of physical culture, irrespective of age, sex, religion, race and the degree and type of disability. However, a lot of effort is needed to achieve equality as guaranteed by law. The Government has been implementing the priorities and tasks included in the Strategy for the Development of Sport in Poland until 2015. This document, adopted on 23 January 2007 by the Council of Ministers, determines the directions of action for the physical culture and sport, and identifies Active and Fit Society as its main strategic objective. Three priorities have been defined: popularization of the Sport for All idea, improvement of sports results and development of sports and recreational infrastructure, as well as the fields of action under each of the priorities.

248. Since 2007, the Government has been implementing the “My Pitch – Orlik 2012” Programme. The aim of the Programme is to provide children and youth with access to modern sports infrastructure by the construction of free public sports fields along with changing rooms and social area in each gmina throughout the country. Funds from the State budget were allocated for financing the Programme, and the possibility of obtaining them in the form of a subsidy for the project implementation has become an incentive for local government units to make a decision to participate in the Programme. Between 2008 and 2010, a total of PLN 700 million was spent on the implementation of the Programme. Owing to the said financial support, by the end of 2010 around 1,800 complexes of sports fields and 40 skating rinks were built in the country.

249. By its statutory activities, the Ministry of Sports and Tourism supports the promotion of good practices aimed at the development of women's sports, including activities for increasing the physical fitness of girls and women and improving sports results in competitive sports. The Ministry implements these tasks in cooperation with Government and non-governmental organizations and frequently delegates tasks to social organizations. There are two Polish national organizations that actively promote women's



sport, namely the Polish Association of Women and Sport (PSSK) and the Women and Sport Commission of the Polish Olympic Committee (PKOl). The Polish Association of Women and Sport, a non-profit organization, was established in 1994 and is open to female competitors, including Olympians and representatives of various communities interested in the development of women's sport. Since 2002, the Association has been a member of PKOl. The Women and Sport Commission of the Polish Olympic Committee, established in 1999 and open to female Olympians, sports journalists, representatives of sports organizations and sports academies, implements activities aimed at promoting the physical culture among women and girls. The Commission promoted and permanently introduced into the PKOl event calendar the "Female Coach of the Year" contest in order to popularize women's sport and promote outstanding coaching personalities. Between 1 June 2002 and 31 May 2010, in cooperation with the Polish Association of Women and Sport and the Women and Sport Commission, the Ministry of Sport organized in Warsaw scientific conferences looking at the social, psycho-pedagogical, physiological and health aspects of sports training for women and the unique nature of sport practiced by the disabled, namely:

- "A sportswoman – a successful woman" in 2002,
- "Maternity and sport – the challenge of contemporary sport" in 2004,
- "Women and sport" in 2005.

250. In the reporting period, the Ministry of Sport and Tourism organized conferences and seminars aimed at promoting sport among women, e.g. between 2006 and 2010, in cooperation with the Polish Association for Women and Sport and the Women and Sport Commission of the Polish Olympic Committee, it organized cyclical conferences entitled "Women and sport." In 2008, in cooperation with the Senate of the Republic of Poland – the Science, Education and Sports Committee, the Ministry organized a scientific conference entitled "Women and sport in Poland – current situation and future perspectives." One of the major issues discussed at the meeting held in the seat of the Senate of the Republic of Poland was the role of women in the development strategy for Polish sport. Furthermore, in 2009 and 2010 the Government Plenipotentiary for Equal Treatment, in cooperation with the Ministry of Sport and Tourism, organized training sessions – "Female Sports Leaders." The training was supposed to encourage women associated with sports (coaches, sports officials, members of Polish sports association) to an increased membership of sports decision-making bodies and promote a professional image of women in professional sports. To this end, there were some training sessions organized, such as strengthening self-confidence, developing an open and powerful leadership attitude, gaining knowledge about presentation, and self-presentation skills.

251. Between 2000 and 2010, the State budget funds were used to co-finance the publication of books and information fact sheets devoted to the issues of women's sports, such as "Polish Female Olympians in 1924–1994", "Women and Sport", "A Woman as the Creator of Sports Activity in a Family", "Polish Female Sports Manager", "Sportswoman – a successful woman. Benefits and barriers", "The Issues of Sexual Dimorphism in Sports", "Woman – Sport – Health", "Sport in a Woman's Life", "Sportswoman – a successful woman", "Women's Sports. Opportunities and threats", "Women's Sports in Poland" and "Women's Sports in Poland – Research." In 2008, the study related to the "Sports activity and the awareness of Poles about Polish women in sports" was also financed from the State budget.

252. Furthermore, in order to increase the activity and fitness level of Poles and shape healthy lifestyles by health promotion and education, the Ministry of Sport and Tourism co-financed the tasks in this field implemented by the European Association for Promoting Physical Activity 50+ (ESPAR 50+). The principal objective of ESPAR 50+ is to carry out charity activity related to gerontological prevention through health protection and promotion, popularizing physical culture, science and education so as to improve the quality of life of adults. In 2010, ESPAR 50+ implemented a nationwide Pilot Programme –

PRO Woman 50+ aimed at encouraging women to carry out physical activity systematically in order to prevent excess weight gain.

### **Sports scholarships for women**

253. As part of legislative changes, in 2005 the Ministry of Sport adopted the proposed change in the rules of paying out scholarships for pregnant female national team members. In the Act of 29 July 2005 on competitive sports (Dz. U. No 155, item 1298, as amended) in Chapter 3 – Competitors, article 34(6) introduces a provision regulating the situation of women – national team members who are unable to practice sports due to pregnancy and child birth. Owing to this new provision, female competitors receive full sports scholarship in the period of pregnancy and half of the scholarship for 6 months after giving birth to a child. Article 23a(6) of Chapter 8 of the above-mentioned Act refers to sports of the disabled and paralympic sports and stipulates that “a female member of the national team of the disabled and the national paralympic team who became unable to practice sports due to pregnancy and child birth shall receive full sports scholarship in the entire period of pregnancy and half of the scholarship for 6 months after giving birth to a child.” The said solutions on scholarship benefits for the female members of national teams have been included in the Act of 25 June 2010 on sports, which replaced the Act of 29 July 2005 on competitive sports.

## **Article 14- Rural women**

### **Programmes and projects for improving the situation of women living in rural areas**

254. In the analysed reporting period, the Government implemented numerous projects aimed at improving the situation of women and men living in rural areas.

#### **1. Post-Accession Rural Support Project (PARSP)**

255. The Post-Accession Rural Support Project (PARSP), prepared by the Ministry of Labour and Social Policy, was implemented between 2007 and 2010 based on the loan agreement concluded with the World Bank. 500 out of 2.5 thousand Polish gminas were eligible for the Project. Rural and urban-rural gminas that are most disadvantaged due to the multitude of social problems were selected. The Project covered gminas in 13 voivodeships. Under the Project, efficient tools to support gmina development were established, e.g. local governments received support for the development of local strategy for resolving social problems. Gminas also obtained support for stimulating the local population to action as well as assistance in appointing local male and female leaders, motivating them to take action and in encouraging residents to actively contribute to resolving social problems. Under the Project, action was taken to create local leaders. Nearly 90 per cent of them are women who discovered that active inclusion in community activities gives them the possibility of self-realization and self-development. Under the Project, Regional Centres were engaged in 500 gminas in Poland, with the principal task to initiate the social development of rural and urban-rural gminas. This could happen owing to the meetings with the local community, training sessions, workshops and the opportunity to provide social services whose financing was possible thanks to the Project. For two years now, in the Eastern part of Poland the system of support for women has been implemented under the PARSP, which mainly consists in providing training tailored to the expectations of rural women. Training is related to the possibility of becoming economically independent through entrepreneurship, including social entrepreneurship.

#### **2. Projects co-financed from EU funds**

256. Under the Sectoral Operational Programme Human Capital for 2004–2006 and the Operational Programme Human Capital for 2007–2013, projects were implemented aimed

at promoting the professional mobilization of women and men from rural areas by offering them support in terms of e.g. training, counselling related to starting one's own business, psychological and career counselling. In addition, action was taken to promote grass-roots local initiatives – these were mainly projects aimed at the social integration of rural population, education development and increasing the level of education and a wider professional activation. As part of the above measures, it was possible to run projects that would involve disseminating information about the rights of female and male inhabitants of rural areas. Between 2006 and 2008, the Government carried out a project entitled “STEREOTYPES and equal opportunities of women and men in rural communities” co-financed from the funds of European Social Fund. The aim of the project was to break the stereotypes about the social roles of women in the rural community and strengthen their position on the labour market, as well as to remove the disparity between urban and rural areas as regards the possibility of local initiatives development. The key to achieving this objective was the promotion of the idea of gender equality on the labour market, the promotion of entrepreneurship and self-organization, as well as the development of social activity and professional integration. The project was addressed directly to women living in rural areas. Owing to their involvement in the project, women had a chance to become local leaders and stimulate social and economic activities for the local community. Under the project, the Active Women Academy was established. This project was carried out in the form of workshops and educational and information seminars taking place throughout the country. The project was attended by 640 women living in rural areas. The project beneficiaries included female gmina leaders, female gmina councillors, women involved in social or economic activity or willing to engage in this kind of activity. The knowledge gained during training organized under the project allowed the local female leaders to establish or join several non-governmental organizations, partnerships and local initiatives and obtain funds for social and economic development. Between 2006 and 2008, the Government also pursued two research projects co-financed from the EU funds, namely “Diagnosis of the social and professional situation of rural women in Poland” and “Multifaceted diagnosis of women on the labour market”, whose results contributed to extending the knowledge about various aspects of women's functioning on the labour market and to modifying the strategies focused on developing their participation in the labour market also in rural areas.

257. Between 2004 and 2006, the Ministry of Agriculture and Rural Development implemented the Sectoral Operational Programme Restructuring and Modernisation of the Food Sector and Rural Development (SOP) as well as the Rural Development Plan (RDP). The SOP and RDP measures for 2004–2006 were in compliance with the Community legislation on equality between women and men. The eligibility criteria for support under the RDP were determined in line with the principle of gender equality. In the case of the “Restructuring...” SOP, the participation of both sexes was monitored with regard to the measures below, and it was as follows:

- Measure 1.1 “Investments in agricultural holdings” – women constituted 14 per cent of beneficiaries;
- Measure 1.2 “Facilitating the setting-up of young farmers” – women constituted 28 per cent of beneficiaries;
- Measure 1.3 “Training” – women constituted 26 per cent of beneficiaries;
- Measure 1.4 “Supporting agricultural advisory” – women constituted 30 per cent of beneficiaries;
- Measure 2.4 “Diversification of agricultural activities and activities close to agriculture to provide multiple activities or alternative incomes” – women constituted 23 per cent of beneficiaries.

258. In the majority of cases all members of the household absorbing the funding were the beneficiaries of measures. At present, the Rural Development Programme 2007–2013 is being carried out. The measures implemented under this Programme will significantly affect the beneficiaries and rural areas by means of economic–social and environmental influences, and therefore will exert a positive impact on improving the quality of life of rural women. Under the Rural Development Programme 2007–2013, the issues of equality of women and men are raised at the level of programming and implementation. As regards certain measures, it can be noted that men predominate among the beneficiaries. However, the imbalance in this regard is frequently lower than it would result from general statistics concerning e.g. the percentage of women in the group of agricultural operators. Rural women may benefit from the support offered under individual measures of this Programme, which positively affect the increase in social and professional activity of rural population. The measures carried out under this Programme include two measures aimed at the development of entrepreneurship in rural areas: “Differentiation towards non-agricultural activity” and “Establishing and development of microenterprises”. The above-mentioned measures ensure support for taking up or developing additional non-agricultural activity in rural areas related to: services for agricultural holdings or forestry, services for the population, wholesale and retail sale, handicrafts, construction and installation works and services, tourist services and services related to sports, recreation and leisure, transport services, public utility services, the processing of agricultural products and edible forestry products, the storage of goods, the production of energy products from biomass, accounting, counselling or IT services. The RDP 2007–2013 measures important for the mobilization of rural women include also: professional training for people employed in agriculture and forestry, setting up of young farmers, advisory services for farmers and forest owners, modernization of agricultural holdings, increasing the value added of basic agricultural and forest production, and participation of farmers in food quality schemes.

259. Under the RDP 2007–2013, support is also provided for establishing fora to exchange knowledge, best practices and experiences related to the situation of women at the national and international level through the functioning National Rural Network. The Leader approach is also being implemented; its objectives include mobilization of rural population by building the social potential in rural areas. Leader is an approach to rural development that consists in the development of local grass-roots rural development strategy by the local rural community and in the implementation of innovative projects resulting from the strategy that combine resources, knowledge and skills of representatives of three sectors: public, economic and social sectors.

260. Furthermore, women from rural areas are members of decision-making bodies of Local Action Groups having the status of non-governmental organizations that are financed under the RDP 2007–2013. In the case of 29 per cent of these organizations, the share of women exceeds 50 per cent. Under Local Development Strategies implemented by Local Action Groups (LAGs), it is also possible to carry out so-called “minor projects” (these are the projects which contribute to improvement of the quality of life or diversification of economic activity in the area covered by the LAG, and which are not eligible for support under Axis 3 measures – Quality of life in rural areas and diversification of rural economy, provided that they meet the accessibility and selection criteria and for which the total support amounts to from PLN 4,500 to PLN 100,000). The percentage of women in the group of beneficiaries of this form of support is noticeable; they:

- Constitute 67 per cent of physical persons that do not run economic activity,
- Constitute 50 per cent of physical persons that run economic activity.

261. The share of women in the implementation of the Rural Development Programme (2007–2013) is shown in the following table:

Table 19  
**Share of women in the implementation of RDP for 2007–2013 (selected measures)**

<i>No and name of measure</i>		<i>Percentage of women benefiting from support</i>
112	Setting up of young farmers	15%
113	Early retirement	25%
114	Advisory services for farmers and forest owners	11%
121	Modernization of agricultural holdings	17%
132	Participation of farmers in food quality schemes	26%
211,212	Support of management in mountain areas and in less-favoured areas (LFA)	4%
214	Agri-environmental programme	21%
221,223	Afforestation of agricultural and non-agricultural land	29%
311	Diversification into non-agricultural activities	24%
312	Establishment and development of micro-enterprises	21%

**Source:** *Report on the implementation of the Rural Development Programme for 2007–2013 – 1<sup>st</sup> half of 2010 – incremental data as at 30.06.2010.*

#### **The share of rural women in shaping the agricultural and economic policy**

262. The shape of agricultural and economic policy in Poland is influenced by agricultural organization, mainly trade unions of individual farmers, social and professional organizations of farmers and agricultural local government (agricultural chambers) that represent the professional and economic interests of their members. These organizations function based on legal acts that ensure farmers the possibility of participating in the development and implementation of the agricultural policy, i.e. the Act of 7 April 1989 on trade unions of individual farmers (Dz. U. No 20, item 106, as amended), the Act of 8 October 1982 on social and professional organizations of farmers (Dz. U. No 32, item 217, as amended) and the Act of 14 December 1995 on agricultural chambers (Dz. U. of 2002, No 101, item 927, as amended). The members of these agricultural organizations include both women and men from rural areas, who are also the members of the authorities of these organizations. The organization of agricultural clubs is governed by a rule saying that in each organizational unit structure, from a rural agricultural club and gmina or regional associations to the National Association of Farmers from Agricultural Clubs and Organizations, a women is always the Deputy President, even if another women has been appointed the President. It also needs to be indicated that pursuant to the Act on agricultural chambers, the membership of agricultural self-government is obligatory for all agricultural tax payers (irrespective of sex). The share of women in the total number of delegates to agricultural chambers oscillates around 13 per cent, and an increase has been observed in the percentage of women among the members of the general assembly of voivodeship agricultural chambers (from 10.95 per cent during the 2002–2006 tenure to 14.17 per cent in the 2007–2011 tenure) and a decrease in the percentage of women in the boards of voivodeship agricultural chambers (from 15 per cent during the 2004–2006 tenure to 9.23 per cent in the 2007–2011 tenure). A unique form of rural women organizations are farmers' wives clubs. These are social and professional farmers' organizations functioning based on the provisions of the Act of 8 October 1982 on social and professional organizations of farmers. Farmers' wives clubs, as separate units of agricultural clubs, operate with the aim to improving the social and professional situation of rural women and their families. Farmers' wives clubs are represented in all statutory bodies of agricultural clubs. They function in accordance with the rules that specify e.g. the objectives and tasks, powers and duties of members and the method of passing resolutions by club's bodies, as well as the powers and obligations of these bodies. Women who are not members of an

agricultural club but whose job is related in nature to the rural community may also participate in the activity of the clubs.

263. In rural areas where agricultural clubs do not operate, independent farmers' wives clubs may be established and they operate in accordance with the rules registered with the voivodeship association of farmers and agricultural clubs and organizations. The rules for the participation of social and professional organizations of farmers, including farmers' wives clubs, in the development and implementation of the agricultural policy as well as for the cooperation between government and local government authorities with these organizations are detailed in the Ordinance of the Council of Ministers of 5 May 1983 on the implementation of certain provisions of the Act on social and professional organizations of farmers (Dz. U. No 27, item 132, as amended). As regards farmers' wives clubs, gmina and powiat authorities are obligated first of all to inform them about the intended directions of the development and implementation of the agricultural policy and to cooperate with them on all issues related to the social and professional interests of farmers. It is obligatory for these authorities to submit legal acts to the social and professional organizations of farmers, including farmers' wives clubs, for approval, to organize joint debates and meetings with the social and professional organizations of farmers and to include representatives of these organizations into the consultancy and advisory teams. Pursuant to the Act, the voivodeship and local government authorities are also required to consult the competent local agricultural chamber about the draft acts of law of local municipal units related to agriculture, rural development and agricultural markets. There are also other rural women's associations active in rural areas.

#### **Professional activity of rural women**

264. In the reporting period, the structure of population working in individual agriculture by sex was as follows:

Table 20

#### **Structure of population working in individual agriculture in rural areas by sex**

<i>Item</i>	<i>Q1 2003</i>	<i>Q1 2010</i>
% of the total		
Total	100,0	100,0
Men	55.2	54.9
Women	44.8	45.1

*Source: Central Statistical Office, Labour Force Survey (LFS). The presented results concern persons aged 15 and over.*

#### **Health situation of women living in rural areas**

265. Since 2002, the female mortality rate<sup>38</sup> in rural areas has been oscillating around 9 and this trend is stable. It is higher than the female mortality rate in urban areas. However, due to an increase in this rate in urban areas, this difference is gradually decreasing. In 2002, the female mortality rate amounted to 8.2 in urban areas and 9.0 in rural areas, while in 2009 it was 9.1 and 9.3, respectively. The main reason for deaths among rural women is circulatory disorders – since 2002 they have accounted for nearly 60 per cent of all causes. They are followed by tumours which cause around one fifth of deaths and since 2002 this ratio has been on the increase: in 2002 it oscillated around 18.8, while in 2009 it amounted to 20.0. The maternal mortality rate does not vary between regions, and since 2002 in both rural and urban areas it has amounted to around 0.01.

<sup>38</sup> The mortality rate (general) – the number of deaths per 1000 permanent residents.

Table 21  
**Life expectancy (rural areas)**

<i>Rural areas</i>	<i>Women</i>	<i>Men</i>
2002	79.1	70.0
2003	79.2	70.0
2004	79.5	70.3
2005	79.6	70.3
2006	79.9	70.6
2007	80.1	70.4
2008	80.2	70.7
2009	80.2	71.0

*Source: Central Statistical Office, 2010.*

266. The main objective of health care provided to pregnant women in both urban and rural areas is to ensure a healthy pregnancy and as early identification of potential risk factors as possible in order to provide patients with medical care that meets their health needs. This care is provided in each gmina by gynaecologists, primary care physicians, including family doctors and midwives. In the case of high risk pregnancies, medical care is taken over by specialist clinics organized at higher reference levels of this kind of care and high-risk pregnancy units. GP surgeries, women's medical clinics and hospitals ensure medical care adjusted to the pregnancy risk level. However, it is necessary to increase the frequency of early provision of medical care to pregnant women, especially in rural areas. It depends mainly on the awareness of the need of such care among women and their early visiting the doctor when pregnant. The assessment of the pregnancy risk level is needed first of all to identify the group of pregnant women at higher risk of abnormal pregnancy and foetus development. Patients were referred to reference centres diagnosing foetus diseases and its development disorders and providing relevant treatment. In the case of limited access to certain services, initiatives are taken in order to improve it. Under the National Programme for Cancer Fighting (Population Programme for the Prevention and Early Detection of Cervical Cancer), transport is organized for women from rural areas (financed from the funds of the Ministry of Health) to towns/cities so that they could undergo Pap smear and mammography tests. In the case of areas with a low attendance rate for Pap smears and mammography screening, the National Health Fund contracted mobile services – thus in rural areas Pap smears and mammography may be performed in screening buses travelling from place to place.

#### **Access to social insurance**

267. The principle of equal treatment of women and men is reflected in the Polish farmers' social insurance scheme. The farmers' social insurance scheme covers farmers who fulfil statutory criteria, where a farmer's spouse is defined the same way as the farmer, unless this spouse does not work in the agricultural holding or in the household directly related to this agricultural holding. Farmers covered by full farmers' social insurance are guaranteed such benefits as agricultural old-age pension, agricultural disability pension due to being unable to work in the agricultural holding, sickness benefit, maternity benefit. Between 2007 and 2010, the percentage share of women in the total number of persons insured under the agricultural scheme remained stable at around 48 per cent, as did the percentage share of women among the beneficiaries of pension benefits (over 68 per cent). The share of women in medical rehabilitation under the agricultural scheme in 2010 amounted to 56.4 per cent. Women in rural areas have access to social assistance benefits, in line with the general rules specified in the Act of 12 March 2004 on social assistance, as well as to family benefits described in point 83 of the Report.

### Access to education

268. The percentage share of girls among pupils from rural areas was as follows: in the 2002/2003 school year: primary schools – 48.68 per cent in rural areas and 48.53 per cent in urban areas; lower secondary schools (gimnazjum) – 48.26 per cent in rural areas and 48.36 per cent in urban areas; secondary schools – 49.54 per cent (lack of comparison between urban and rural areas); in the 2005/2006 school year: primary schools – 48.63 per cent in rural areas and 48.54 per cent in urban areas; lower secondary schools – 48.43 per cent in rural areas and 48.61 per cent in urban areas; secondary schools – 48.67 per cent (lack of comparison between urban and rural areas); in the 2009/2010 school year: primary schools – 48.57 per cent in rural areas and 48.38 per cent in urban areas; lower secondary schools – 48.14 per cent in rural areas and 47.91 per cent in urban areas; secondary schools – 48.95 per cent in rural areas and 49.32 per cent in urban areas.

Table 22

### Women aged 15 and over by education level

<i>Education level</i>	<i>Women in total</i>	<i>Women from rural areas by education</i>	<i>Percentage share of women from rural areas in total population by education level</i>
	%		
TOTAL	100.0	100.0	35.6
Tertiary	10.8	5.1	16.9
Post-secondary	4.8	3.0	22.6
Secondary in total	31.5	22.8	25.8
vocational	19.5	16.4	30.0
general	12.0	6.4	19.1
Basic vocational	17.5	21.5	43.8
Primary completed	29.9	40.4	48.2
Primary uncompleted and without education	5.5	7.1	45.8

*Source: Central Statistical Office, 2002 National Census.*

### Access to agricultural advisory services

269. Agricultural advisory services are provided pursuant to the Act of 22 October 2004 on agricultural advisory units (Dz. U. No 251, item 2507, as amended). The services are publicly available. Women most often used advisory services related to the modernization of rural household, agro-tourism development and the promotion of local and regional products. Women attended training courses organized by advisory centres or fairs and exhibitions of agri-food products, organic food, regional and local food, events promoting local tradition and cultural heritage, as well as agro-tourism fairs promoting the countryside as an attractive leisure place.

### Right to purchase and manage agricultural property

270. Women and men in Poland have equal rights to purchase and manage agricultural property. The issues of purchasing agricultural property in Poland are regulated in the Constitution of the Republic of Poland (e.g. arts. 12, 21, 23 and 59), the Civil Code, as well as in specific acts and corresponding ordinances. The specific provisions include: the Act of 11 April 2003 on the establishment of agricultural system (Dz. U. of 2012, item 803) and the Act of 19 October 1991 on managing agricultural property owned by the State Treasury (Dz. U. of 2007, No 231, item 1700, as amended). Neither of the above-mentioned acts differentiates the legal situation of women and men.



### Women's poverty in rural areas

271. One of the poverty indicators is the percentage of persons living below the minimum subsistence level. For several years this indicator has been significantly higher for households in rural areas. In 2006, the number of persons living below the minimum subsistence level in rural areas was by 7 percentage points higher than in urban areas, and in 2010 this gap narrowed to 6 percentage points. The analysis of household member by the reference person's sex<sup>39</sup> reveals a clear difference. In households where the highest income is earned by a woman, the percentage of persons living below the minimum subsistence level is higher, and this difference is more noticeable in rural areas. The distribution of poverty risk among people living alone and single parents is different. Among women living alone or only with children, the percentage of persons living below the minimum subsistence level is lower than among men in an analogous situation. Certainly, in these groups the situation of rural women is considerably worse as well.

Table 23

**Persons living below the minimum subsistence level by the household reference person in urban and rural areas in 2006 and 2010 (data in %)<sup>40</sup>**

Persons in households	2006			2010		
	Total	Urban areas	Rural areas	Total	Urban areas	Rural areas
Total	7.8	5.2	12.0	5.7	3.4	9.4
where the reference person is:						
a woman	8.5	6.1	13.2	6.5	4.1	11.2
a man	7.4	4.7	11.4	5.4	3.1	8.7
a single woman	1.2	0.7	3.1	1.4	0.6	4.0
a single man	3.6	1.7	8.7	3.7	2.3	7.0
single mother with children	11.1	9.9	16.6	7.3	6.3	12.0
single father with children	13.1	9.1	24.1	12.9	7.3	26.0

*Source: Household budget survey, Central Statistical Office.*

### Article 15- Equality before the law and in civil matters

272. In the reporting period, no provisions or instruments existed that would limit the legal capacity of women. Women and men had identical rights in respect of concluding all types of contracts, disposing of their fortune or executing a will or custody of an inheritance. As regards procedural rights, women – equally as men – possessed the judicial and procedural capacity (the right to sue and be a party to legal proceedings and the right to act in court proceedings). Women and men enjoyed equal access to free legal assistance. Legal provisions did not provide for any special procedural means or mechanisms available to women only and aimed to facilitate giving testimony. However, as already mentioned in the part on Article 5 of the Convention, in the case of women being victims of some crimes certain solutions are used in practice with the aim of providing additional support or eliminating unnecessary stress related to the course of legal proceedings. Thus, in the case of e.g. the victims of domestic or sexual violence, the Police, Prosecutor's Office or the

<sup>39</sup> In line with the methodology of the Household Budget Survey, the household reference person is the person with the highest income. The "reference person" category replaced the "head of household" category.

<sup>40</sup> Due to methodology differences in calculating the minimum subsistence indicator, the data for years prior to 2006 cannot be compared with those for 2006–2010.

court were obligated to provide comprehensive information about the legal, psychological and other assistance available to crime victims, for example under the Support Network for Crime Victims. Whereas in the case of sexual violence crimes, the victim should be questioned at the stage of preparatory proceedings by a person of the same sex and, to the extent possible, in a room that ensures privacy.

## **Article 16- Equality in marriage and family law**

### **Changes regarding matrimonial property regimes**

273. Legal acts regulating matrimonial and family regimes were listed in previous reports. In the reporting period, the Family and Guardianship Code was amended. On 20 January 2005, the amendment of the Family and Guardianship Code, passed on 17 June 2004 (Dz. U. No 162, item 1691), changing matrimonial property regimes entered into force. The freedom of spouses consisting in the possibility of contractual shaping of property relationships between them was significantly extended as a result of the changes. In addition to the “extended” joint property and regime of separate property that were already known to the Polish legal system, the separate property regime with income compensation was introduced.

### **Changes regarding the management and sale of joint property**

274. Pursuant to the Family and Guardianship Code both spouses were obliged to cooperate in administering their joint property, especially to inform the other party about the condition of their joint property, about the execution of administration and the obligations burdening their joint property. Each of the spouses could administer the joint property independently, with the exceptions provided for in the Act. The execution of administration involved actions related to property items comprising the joint property, including actions aimed at preserving this property. The amendment of the Family and Guardianship Code of 2005 introduced a catalogue of legal transactions that require consent of the other spouse (they include e.g. the sale of joint property) or confirmation by them. Otherwise, the transaction shall be invalid. If one of the spouses had refused giving the consent required to perform a given transaction or if reaching an agreement with him/her faced impassable barriers, the other spouse could go to court to obtain a permission to effect the transaction. The court would grant its permission if the transaction had been required in the interests of the family. For important reasons, upon request of one of the spouses, the court could deprive the other spouse of the right to administer the joint property independently; it could also decide that the execution of legal transaction would require the court’s permission rather than the spousal consent.

### **Changes regarding the bankruptcy and reorganization law**

275. Women and men enjoy the same rights as regards the possession, purchase and sale of property. In the previous reporting period, the women’s rights could only be affected by a declaration of their husband’s insolvency with relation to his business activity conducted individually. Currently, the situation has changed as a result of the introduction into the Polish legal order of the possibility of declaring bankruptcy not only of an economic entity but also of an individual. On 31 March 2009, the Act of 5 December 2008 amending the Act – Bankruptcy and Reorganisation Law and the Act on court fees in civil proceedings (Dz. U. No 234, item 1572) entered into force, which introduced the institution of consumer bankruptcy (the debt relief procedure that may be applied by physical persons who do not run business activity). These provisions do not have a discriminatory nature. If a spouse declares bankruptcy, the property of the bankruptcy estate includes the spouse’s separate property and joint property of both spouses, but the statutory joint property ownership between a husband and a wife ceases based on Article 124 of the Bankruptcy and Reorganisation Law. The personal property of a spouse of the person going bankrupt, e.g.

an apartment purchased before the wedding, does not become included into the property of the bankruptcy estate. Previously, this rule applied only to the bankruptcy of a physical person running business activity, and now it comprises also consumers. Thus the bankrupt person's spouse could pursue their claims arising from their share in the joint property in bankruptcy proceedings by filing this claim to the judge commissioner.

### **Right to alimonies**

276. In the course of divorce proceedings, a spouse could apply for alimony. It was enough to file a motion for alimony during proceedings in the presence of the other spouse orally or in writing. The court's decision as to which party is at fault for the breakdown of marriage was decisive in this respect. Pursuant to the Family and Guardianship Code, a spouse who was in need and was not found solely at fault for the breakdown of marriage could demand alimony from the divorced spouse to the extent corresponding to his/her justified needs and to the earning and property potential of the obligor. The obligation to provide the divorced spouse with subsistence means expired after 5 years since the decree of divorce was pronounced or after the person entitled to alimony entered into another marriage. However, if one of the spouses was found solely at fault, and the divorce entailed a considerable deterioration in the material situation of the spouse not at fault, then upon request the court could award this spouse alimony, even if he/she had not been in need. In such a situation, the duration of alimony obligation was not subject to time limitations. The person awarded alimony from the former spouse could pursue his/her rights in a court of law.

### **Cohabitation**

277. As in the previous reporting period, cohabitation did not lead to the origination of partners' joint property. Multiannual cohabitation did not result in one of the partners – in the case of death of the other – being entitled to an inheritance (under the statutory inheritance rules), unless the deceased left his/her will. Cohabitants could not file a joint tax return. Persons living in cohabitation were not subject to alimony obligation, which also did not exist after the end of relationship. Any settlements due to mutual contributions to the properties of each of former cohabitants could be regulated by agreement or by legal action in civil proceedings.

### **Child custody after divorce**

278. In the reporting period, women and men enjoyed the same right to child's custody which was not affected by the marital status of the woman. Pursuant to the Family and Guardianship Code, the court could award parental custody to both parents or to one of the parents while limiting the parental authority of the other to specific obligations and rights towards the child. The court also decided about parents' contacts with the child and about the extent to which each of spouses was obliged to incur the costs of maintaining and raising the child. The amendment of Article 58 of the Family and Guardianship Code of 13 June 2009 allowed parents to prepare a plan of parental care, in which they would determine the scope of their responsibility for individual areas of a child's life; the spouses were supposed to present this plan at the first divorce proceedings trial. The court took into account the agreement between spouses as to the manner of exercising the parental authority and maintaining contacts with the child after divorce, if it was in the best interests of the child. Pursuant to the new article 1134, the family court, while adjudicating on the contacts with the child, may obligate parents to act in a specific way, and in particular refer them to institutions or experts specializing in family therapy, counselling or providing the family with any other necessary assistance, indicating at the same time the method of controlling whether court decisions are being fulfilled. Since 2005, all civil matters, including divorces, may be referred to mediation, unless the best interests of the child require another solution. If the court refers the parties to mediation and a mediated

agreement is reached in the course of proceedings, the party that paid the court fee shall be reimbursed for the fee charged for the letter instituting proceedings up to 75 per cent. In the reporting period, the child custody after divorce was mainly performed by the mother or by both parents. Between 2003 and 2010, the performance of parental authority was awarded to the mother (around 60 per cent of cases), to both parents (around 35 per cent), and to the father (4 per cent) (table A.16.1, annex).

#### **Adoption, custody and guardianship**

279. Pursuant to the Family and Guardianship Code (art. 115(1)), joint adoption was allowed only for married couples. Adoption by one of spouses was impossible without the consent of the other. In Poland, child custody may be established only by the family court if neither of parents enjoys parental authority or if parents are unknown. The family court also appointed the guardian. Men and women could become guardians, exercise the guardianship and apply for adoption under the same rules.

#### **Child support obligation**

280. Pursuant to the provisions of the Family and Guardianship Code, parents were equally responsible for meeting the needs of their minor child. The child support obligation was imposed on a parent irrespective of the parental authority over a child. A parent was obligated to pay for his/her child's maintenance, even when the court deprived him/her of this authority or suspended it. If a person obligated to pay child support payments evaded fulfilling this obligation, the entity authorized to enforce the payments, in accordance with the Polish law, was the bailiff at the regional court. To this end, it was necessary to file a writ of execution along with an application to commence enforcement proceedings with the bailiff. The bailiff's actions were preceded by requests for voluntary settlement of the outstanding amount and by court proceedings resulting in the court adjudicating the payment of the outstanding amount to the creditor. Enforcement entailed costs. The debtor who did not make the voluntary payment ran the risk of the outstanding amount being increased by the costs of enforcement proceedings. As part of the enforcement, the bailiff could attach the remuneration, the funds on the bank account or a property of a maintenance debtor. Furthermore, the account of a maintenance debtor could be blocked by the tax office. Then, if there had been any tax overpayments, they were recognized against the payment of child support payments. Enforcement proceedings or the abandonment thereof could be appealed against to the President of the District Court. A maintenance debtor could be obliged by the gmina to register with the labour office (if he did not work and this was the reason for lack of payments for children's maintenance). The labour office should send such a person to intervention or public works. The failure to pay for the support of a next of kin was a crime laid down in the Penal Code (art. 209(1)). It was subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to two years. If a debtor did not perform any payable work and did not possess any tangible property that could be used to exact payment of debts, the person entitled to support could take legal action to obtain maintenance payments from the debtor's family. In the event the enforcement proved ineffective, the child entitled to support payments from its parent could apply for financial assistance from the State budget.

#### **Changes regarding the definition of motherhood and fatherhood**

281. In line with the statutory definition of a mother introduced to the Family and Guardianship Code by the amendment of 6 November 2008, according to the law, only the woman who gave birth to a child (art. 619 of the Family and Guardianship Code) became its mother and she was the one entered into the birth certificate as the child's mother. The fact that a surrogate mother was not a "genetic" mother of a child could not constitute the grounds for denying her motherhood. However, the recognition of fatherhood had to be

based on a fact (a declaration of knowledge rather than a declaration of will), i.e. the confirmation of fatherhood. Fatherhood can be denied if there is no relation by blood.

282. An agreement concluded in order to indicate the mother of a child had be deemed against the law and the rules of social co-existence, and thus invalid (art. 58(1) and (2) of the Civil Code).

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