



## **D2.1. NATIONAL REPORT ON POLICIES THAT PROMOTE GENDER EMPOWERMENT - POLAND**

**RETHINKING INCLUSION AND GENDER EMPOWERMENT: A  
PARTICIPATORY ACTION RESEARCH**



This project has received funding from the European Union's Horizon Europe Research & Innovative Action under Grant Agreement No. 101093987

# D2.1. NATIONAL REPORT ON POLICIES THAT PROMOTE GENDER EMPOWERMENT

## SHORT SUMMARY DELIVERABLE

### Objectives

The report aims to present how gender empowerment and inclusion are understood by Polish policy makers and how these concepts are incorporated into national and local legislation. It also discusses the role of civil society organizations engaged in activities promoting gender equality in different spheres of everyday life. The perspective of women migrants is also included in the following review.

### Main findings

In general, the legal framework for equality in Poland has improved significantly due to the country's accession to the European Union and compliance with its principles. Gender mainstreaming policies and solutions were forced by requirements for EU funding. However, there is still a lot of room for improvement, especially as far as women's reproductive rights are concerned.

## SHORT SUMMARY

The report shows the specific measures that are being undertaken by Polish policy makers to tackle the problem of gender inequality within the spheres of the labour market, education, health, politics and economics, migration and family laws. It also presents civil society initiatives whose action is aimed at eliminating gender inequality.

# National report on policies that promote gender empowerment - Poland

## 1. GENERAL CONTEXT

### 1.1 Definition of gender empowerment and inclusion (in policy documents)

There is no explicit definition of “gender empowerment” or “gender inclusion” in foundational Polish policy documents. These are addressed through regulations related to equal treatment. For example, under the Constitution adopted in 1997, Poland grants women and men equal rights; Article 33(2) states that ‘Women and men shall have equal rights, in particular regarding education, employment and promotion, and shall have the right to equal compensation for work of similar value, to social security, to hold office and to receive public honors and orders/medals.’

The initial government policy document describing medium-term objectives and priorities for equal treatment was the 2013-2016 Polish National Action Plan for Equal Treatment. The programme defined the following strategic areas for action: anti-discrimination policy; equal treatment regarding the labor market and the social welfare system; counteracting domestic violence and increasing protection of domestic violence victims, equal treatment in education, health care system, as well as accessing goods and services.<sup>1</sup> On the basis of its review and assessment, the 2022-2030 National Action Programme for Equal Treatment was adopted in May 2022 to integrate the principle of equal treatment into national policies. The programme sets out the objectives and priorities of activities for equal treatment, and its aim is to eliminate discrimination from social life in Poland. The individual priorities of this document have been constructed to take into account the main areas of social and economic life, rather than on the basis of challenges concerning the grounds for discrimination. The programme includes the following priorities: anti-discrimination policy, labour, education, health, access to goods and services, raising awareness of discrimination, data collection and research, co-ordination.<sup>2</sup> The major objectives of the programme are as follows:

- Counteracting violations of the principle of equal treatment, in particular, on the grounds of gender, race, ethnic origin, nationality, religion, belief, philosophy of life, disability, age or sexual orientation.

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<sup>1</sup> Krajowy Program Działań na Rzecz Równego Traktowania na lata 2022-2023. Uchwała nr 113 Rady Ministrów z dnia 24 maja 2022 r., Monitor Polski. Dziennik Urzędowy Rzeczypospolitej Polskiej, Warszawa, dnia 5 lipca 2022 r., poz. 640.

<sup>2</sup> Activities and measures at the national level contributing to the achievement of the objectives of the Council of Europe Gender Equality Strategy 2018-2023.

- Raising public awareness of equal treatment, including the causes and consequences of violation of this principle.
- Cooperation with social partners, non-governmental organisations and other entities in the field of equal treatment.<sup>3</sup>

The document underscores that the term “gender” refers to women and men, as well as girls and boys, which ensures its consistency and eliminates possible doubts about its interpretation in the future. This understanding of gender is backed with article 8 of the Treaty on The Functioning of the European Union (UE 2016 C202) regarding equality of women and men, as well as the language used in EU primary laws and the Polish legal order.<sup>4</sup> This is in line with earlier campaigns of Polish governments against so-called “gender ideology”. For example, in 2021, Poland opposed the possibility of including a third gender, separate from male and female, when implementing new harmonized EU identity cards.<sup>5</sup> Prior to that, Poland and Hungary were systematically attempting to remove the word “gender” and “gender equality” from documents prepared and agreed on by EU member states. Representatives of both countries insisted that the term gender is not used in the EU treaty, therefore EU documents should refer to “equality between women and men”.<sup>6</sup> For example, in November 2020, Poland and Hungary strongly opposed an EU plan to “promote gender equality and women’s empowerment” as part of the bloc’s foreign policy. The Gender Action Plan III aims at strengthening women’s, girls’ and LGBTQI rights globally by challenging gender stereotypes and norms.<sup>7</sup> In May 2021, Poland and Hungary were lobbying for removal of the phrase “gender equality” from an EU declaration on advancing social cohesion in the European Union as it strives to rebuild from the COVID-19 pandemic.<sup>8</sup>

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<https://www.gov.pl/web/family/the-council-of-ministers-adopted-a-resolution-on-establishing-the-national-action-programme-for-equal-treatment-for-the-years-2022-2030> (accessed on March 18, 2023).

<sup>4</sup> Krajowy Program Działań na Rzecz Równego Traktowania na lata 2022-2023. Uchwała nr 113 Rady Ministrów z dnia 24 maja 2022 r., Monitor Polski. Dziennik Urzędowy Rzeczypospolitej Polskiej, Warszawa, dnia 5 lipca 2022 r., poz. 640.

<sup>5</sup> <https://notesfrompoland.com/2021/04/27/poland-rejects-inclusion-of-third-gender-in-new-eu-identity-cards/> (accessed on March 18, 2023).

<sup>6</sup> <https://euobserver.com/eu-political/150395> (accessed on March 18, 2023).

<sup>7</sup> <https://www.politico.eu/article/eus-gender-equality-push-for-external-relations-faces-trouble-from-the-inside/> (accessed on March 18, 2023).

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<https://www.euractiv.com/section/economy-jobs/news/poland-hungary-block-gender-equality-from-eu-social-summit/> (accessed on March 18, 2023).

## 1.2 Main stakeholders of gender empowerment and inclusion policy (EU, social movements, collective action, CSOs, parties, trade union, Plenipotentiary for gender equality, Commissioner for Human Rights, etc.)

In general, the legal framework for equality in Poland has improved significantly due to the country's accession to the European Union and compliance with its principles. Gender mainstreaming policies and solutions were forced by requirements for EU funding. The fundamental law dedicated to the promotion of gender equality, which also addresses other equality and non-discrimination issues, is the Third of December 2010 Act on the implementation of certain European Union regulations regarding equal treatment. The Act provides a framework for equal treatment policy in Poland, regarding a person's sex, race, ethnic origin, nationality, religion, denomination, beliefs, disability, age, or sexual orientation. Since 2003, Poland has launched several national action plans on gender equality and equal treatment.<sup>9</sup>

On the governmental level, the most important stakeholders include the Plenipotentiary for Equal Treatment (Pełnomocnik Rządu ds. Równego Traktowania) and the Commissioner for Human Rights (Rzecznik Praw Obywatelskich). The Plenipotentiary for Equal Treatment is the governmental body in Poland responsible for the promotion of gender equality. It was established in 2008 and further regulated under the Act of 2010. The body implements government policy on equal treatment, including gender equality, and is appointed and dismissed by the Prime Minister of the Republic of Poland. Officially, the Plenipotentiary has 10 employees who allocate between 25% to 50% of their time to gender equality work. The Plenipotentiary's responsibilities include, among others: implementing government policy regarding equal treatment and combating discrimination; preparing and reviewing legal act drafts; analyzing and evaluating both new and existing legal solutions, as well as initiating and coordinating measures to ensure equal treatment. According to available data, in 2021 it was consulted on about 160 legislative bills and projects submitted by the government, the parliament, the President of the Republic of Poland, and citizens.<sup>10</sup> Regardless of the official information, the current Plenipotentiary, Anna Schmidt who is also a Law and Justice MP, is criticized for misunderstanding the concept of discrimination, as publicly accusing "minorities" of wanting to

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<sup>9</sup> European Institute for Gender Equality: <https://eige.europa.eu/gender-mainstreaming/countries/poland> (accessed on March 19, 2023).

<sup>10</sup> European Institute for Gender Equality: <https://eige.europa.eu/gender-mainstreaming/countries/poland> (accessed on March 19, 2023).

dominate the “mainstream majority”.<sup>11</sup> The former two Plenipotentiaries under the Law and Justice government rule were perceived as invisible and purely decorative figures. They combined this position with serving as the Plenipotentiary for Civil Society. In 2001-2005, the position of Plenipotentiary for Equal Treatment existed as the Plenipotentiary for Equal Treatment of Women and Men. It was established as part of the preparations for Poland’s accession to the EU and was terminated in 2005 by the then right-wing government, which resulted in a three-year vacuum until the election of the center-right Citizens Platform Party.

The 2010 Act designated the Commissioner for Human Rights as the independent body for the promotion of equality and human rights. The Commissioner’s key tasks include assisting those filing complaints related to discrimination based on gender or other reasons; researching discrimination to provide a basis for recommendations of legal changes; initiating and taking part in court proceedings in civil cases; appealing to the Constitutional Tribunal for examination of the compliance of legal provisions with the Polish Constitution and ratified international agreements. The Commissioner is appointed by the lower house of the Polish Parliament and its term of office is five years. It is accountable only to the Parliament which needs to approve its budget. The Department of Equal Treatment in the Office of the Commissioner for Human Rights conducts gender-sensitive analyses of policies and legislations, research on gender equality, as well as monitors progress in achieving it. The Department has 13 employees with two part-time employees working exclusively on gender equality issues. However, the office is rarely consulted by ministries on policies, laws, or programs.<sup>12</sup>

From a civil society perspective, the main stakeholders include feminist collective actions, as well as CSOs, such as the Feminoteka Foundation (Fundacja Feminoteka) helping women experiencing violence, as well as coordinating the One Billion Rising action and the Women’s Anti-Violence Network. The main stakeholders also include the Polish Women’s Strike (Ogólnopolski Strajk Kobiet – OSK), which is a social movement focused on women’s rights. It was established in 2016 to protest the Polish Parliament’s rejection of the “Save Women” bill aimed at guaranteeing Polish women abortion rights. The movement organized the wide-spread and globally reported “Black Monday” protest in 147 Polish cities, towns, and villages. As a result, the government also

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<https://www.tokfm.pl/Tokfm/7,103087,26244846.rzadowa-pelnomocnik-ds-rownego-traktowania-zyjemy-w-czasach.html> (accessed on March 24, 2023).

<sup>12</sup> European Institute for Gender Equality: <https://eige.europa.eu/gender-mainstreaming/countries/poland> (accessed on March 19, 2023).

withdrew its “Stop Abortion” draft bill which was being considered at the same time. The last wave of protests organized by OSK took place in 2020 in response to the Polish Constitutional Tribunal ruling banning the use of abortion in the case of fetal defects, the most often used exception to the ban on abortions, the other two being in the case of rape and to protect the life of the mother.<sup>13</sup> Since then, abortion is only legal in cases of rape or incest, or to protect the mother’s life. Although, even in such circumstances, legal procedures often drag on, and doctors are afraid to perform abortions, which leaves women the options of doing it illegally, obtaining abortion pills or going abroad for treatment. The OSK social movement triggered many other feminist and women-oriented activities, such as Facebook group “Girls to girls” (Dziewuchy dziewczuchom) focused on self-help and support, or informal groups and collectives providing Polish women with information and financial support to go abroad for an abortion.

In Poland, the main trade unions, i.e., the right-wing “Solidarity” and left-wing All-Poland Alliance of Trade Unions (Ogólnopolskie Porozumienie Związków Zawodowych) do not seem to be explicitly focused on gender empowerment and inclusion issues. The current “Solidarity” union is highly conservative and a close ally of the right-wing populist government.<sup>14</sup> The anarcho-syndicalist Workers’ Initiative (Ogólnopolski Związek Zawodowy “Inicjatywa Pracownicza”) seems to be more oriented towards gender empowerment but it is still a marginal force compared with two largest Polish trade unions. However, it is worth emphasizing that processes of unionizing of mostly female employees in supermarket chains contributed to the significant improvement of their working conditions. In mid-2000, high-profile lawsuits revealed discriminatory practices and regular violations of workers’ rights by managers and employers.

As for political parties, the currently ruling, right-wing populist Law and Justice party expresses highly conservative rhetoric, and pursues conservative legal regulations and political decisions, which in fact counteract gender empowerment and inclusion in Poland. A significant part of the current political opposition is also conservative, including the far right and nationalist Confederation Party (Konfederacja). Left-wing political parties forming a coalition “Left Together” (Lewica Razem) are a minority on the current political scene in Poland, and their influence on policies is limited.

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<sup>13</sup> [https://en.wikipedia.org/wiki/All-Poland\\_Women%27s\\_Strike](https://en.wikipedia.org/wiki/All-Poland_Women%27s_Strike) (accessed on March 24, 2023).

<sup>14</sup> This current, highly politicized union has nothing to do with the mass social movement “Solidarity” which strongly contributed to overthrow of the communist regime in Poland in 1989. Its roots are traced back to those times, but it transformed organizationally and ideologically, so now there is not much institutional or ideological continuity between new and old “Solidarity”.



The main stakeholders in Poland also include the Catholic Church with its prominent officials: cardinals, archbishops, and bishops, who often publicly express their highly conservative ideological stands and use their influence over churchgoers for political initiatives. The Polish Catholic Church openly supports the populist right-wing government in Poland in exchange for power and economic benefits. Its dominant approach is anti-feminist and anti-LGBT, as well as hard core opposition to abortion and women's reproductive rights, including contraceptives. The Polish Catholic Church also successfully influences medical environments in Poland. For example, a significant number of gynecologists refuse not only to perform legal abortions, but also to prescribe contraceptives justifying it with their religious beliefs.

### 1.3 Embeddedness of gender empowerment in local and national context

On May 24, 2022, Poland adopted the above-mentioned National Action Plan for Equal Treatment (2022-2030) - six years after the previous Action Plan had expired in 2016. Representatives of civil society called the new Action Plan "a sad joke" and characterized it as a mere response to the European Commission's infringement procedure and the threat of losing EU funds. The Polish Commissioner for Human Rights (Ombudsman) also commented critically on this document. Among others, it was pointed out that its draft was not consulted with the Ombudsman's Office and the Plan does not include cooperation between the Commissioner for Human Rights and the Plenipotentiary for Equal Treatment. The Ombudsman emphasized that the Plan's ambitious objectives and actions are to be implemented by ministries, local governments, and other public entities without providing them with additional funds. Apart from that, the Plan aims at introducing new legal regulations, but does not evaluate the effectiveness of already existing ones. The Ombudsman also stressed that according to the Plan, protection against discrimination is limited to gender, race, ethnic origin and nationality, while it should also cover other vulnerable groups, for example those with disabilities, sexual orientation or age.<sup>15</sup> Such an approach would allow to these institutions to address relationships between discrimination and intersectionality more effectively.

According to the 2021 assessment of the European Institute for Gender Equality, *the integration of a gender perspective in policymaking in Poland is applied through occasional gender impact assessments. (...) The use of other gender mainstreaming tools is very limited. Gender budgeting is*

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<sup>15</sup> <https://bip.brpo.gov.pl/pl/content/rpo-rowne-traktowanie-rzad-odpowiedz> (accessed on March 18, 2023).



*not used and remains largely unknown.*<sup>16</sup> Apart from that, awareness-raising initiatives on gender equality are limited. Similarly, no training on gender equality is available to government employees.<sup>17</sup> The Statistics Office in Poland disaggregates by sex only population data and other data provided to EUROSTAT. The European Institute for Gender Equality points out that *The NAP for Equal Treatment for 2022-2030 indicates the need to develop a system for collecting public data to monitor inequalities in the area of gender; however, there is no legal obligation for the Central Statistical Office to collect data disaggregated by sex beyond this policy commitment. The Act on Public Statistics of 29 June 1995 states that gender data can be collected, though there is no obligation to do so. Publication and dissemination of gender statistics are limited as there is neither a webpage dedicated to gender statistics nor regular publications issued related to the topic.*<sup>18</sup> The institute experts strongly recommends that Polish legislators must indicate the anticipated effects of new laws on the economy and society, as well as consult with organizations and institutions operating in the relevant area. For example, laws on the retirement age for employees introduced in 2015 should undergo an assessment of their impact on women specifically.<sup>19</sup> These laws restored 60 as the retirement age for women and 65 for men and were a major post-election project of the populist right-wing government, opposing policies introduced by the former centrist and liberal government aiming at extending and equalizing women's and men's retirement age. The lack of such an assessment, as well as cultural norms and strategies related to retirement in Poland led to strong support for these regulations in society, while at the same time leading to women being most negatively affected as a consequence of these laws.

As for the embeddedness of gender empowerment in the local context, since 2009, the Plenipotentiaries for Equal Treatment are to be appointed to improve the implementation of the principle of equal treatment in all 16 voivodeships (i.e., regions or provinces) in Poland. The National Action Programme for Equal Treatment for 2022-2030 also calls for a comprehensive periodic strategy of action to implement equal treatment at the voivodeship level and recommends regular monitoring of the situation in the voivodeship in the area of equal treatment. The regional Plenipotentiaries are to cooperate with the Government Plenipotentiary for Equal Treatment and civil

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<sup>16</sup> European Institute for Gender Equality: <https://eige.europa.eu/gender-mainstreaming/countries/poland> (accessed on March 19, 2023).

<sup>17</sup> Ibidem.

<sup>18</sup> Ibidem.

<sup>19</sup> Ibidem.

society organizations working in the areas of equal treatment and anti-discrimination.<sup>20</sup> However, it is hard to find specific information or evaluation reports on actions they undertake and their results.

In 2019-2021, about a hundred municipalities and counties in Poland, as well as several voivodships (regions) covering about one third of a state's territory, mostly its eastern and southern areas well-known for conservative stands, have proclaimed themselves "LGBT-free zones". These proclamations took the form of official documents opposing "LGBT ideology", banning pride parades and other LGBT activities while stressing the importance of so-called "traditional family values". Declarations were lobbied for by Ordo Iuris, an ultra-conservative Catholic organization. These documents were mostly symbolic and unenforceable but were widely perceived as stigmatizing LGBT people. The European Union saw them as a violation of the EU Charter of Fundamental Rights and denied funding from the Structural Funds and Cohesion Fund to entities which adopted such declarations. Apart from that, many foreign partner municipalities and counties terminated partnership agreements with their Polish counterparts that had proclaimed themselves as "LGBT-free zones". Polish appeal courts assessed some of these documents as discriminatory and unconstitutional. Consequently, many entities backed out of their anti-LGBT declarations. However, as of December 2022, about 30 municipalities and counties have kept their proclamations in force.<sup>21</sup>

#### 1.4 Role of international declarations, documents, and policies

The Polish government and representatives of NGOs took part in the 1995 Beijing conference and Poland was among signatories of the Beijing Declaration, as well as Beijing Platform for Action. However, in the case of Poland, the most important external force pressing for implementation of gender empowerment and equality laws and practices is the European Union. During the pre-accession period Polish regulations had to be adjusted to European standards, examples of which are mentioned in various parts of this report. However, a left-wing government at that time seemed to focus on the necessary minimum in this regard, while, at the same time, trying not to irritate the Catholic Church and other conservative forces in Polish society which could have potentially blocked Poland's access to the EU by influencing people's choices during the accession referendum. After Poland's accession, such an approach was continued regardless of the

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<sup>20</sup> European Institute for Gender Equality: <https://eige.europa.eu/gender-mainstreaming/countries/poland> (accessed on March 19, 2023).

<sup>21</sup> <https://vibez.pl/wydarzenia/te-miejsca-nadal-sa-strefami-wolnymi-od-lgbt-rpo-interweniuje-6842078795459104a> (accessed on April 14, 2023).

government, i.e., meeting required EU and global standards and formalities without being too “radical”.

The situation changed in 2015, when the right-wing populist party Law and Justice took power and threatened to withdraw Poland from the European treaty on violence against women, known as the Istanbul Convention, ratified by a previous, more liberal, and centrist government shortly before the elections in 2015. According to current government representatives, it contains harmful ideology, which is disrespectful towards religion, and violates parents’ rights by requiring schools to teach children about gender. Thousands of people, mostly women, protested against such a decision, perceiving it as an attempt to decriminalize domestic violence in Poland.<sup>22</sup> However, at the same time, the Polish government tries to maintain appearances in terms of equal treatment “de jure”, especially when EU funds are involved. For example, in November 2021 Poland became a signatory to the Ljubljana Declaration on Gender Equality in Research. Also, the Ministry of Education and Science, in co-operation with the Information Processing Centre – National Research Institute, is participating in a Horizon Europe-funded project entitled MINDtheGEPs, which focuses, among other things, on developing recommendations for the introduction of Gender Equality Plans (GEPs) in science and higher education sector entities. The plans are required to successfully apply for Horizon Europe funding. The project will develop recommendations for the preparation and implementation of GEPs and will conduct audits of developed GEPs for their compliance with gender equality legislation.<sup>23</sup>

### 1.5 Trends in civil society

Importantly, since the parliamentary election of the right-wing populist Law and Justice party in 2015, women’s rights groups and organizations are targeted through harassment and denials of funding, often with no warning or clear rationale. Political leaders and Church-backed groups described women’s organizations and their activities as dangerous for families and traditional values. According to the Human Rights Watch, *the government’s open disdain of women’s rights and failure to counter misinformation campaigns fosters a climate of fear for women human rights defenders. Activists said it also deters women and girls from seeking help, including survivors of violence. Sexual and reproductive health education and information and specialized services for women and girl survivors of violence remain woefully inadequate in Poland, and well below international and*

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<sup>22</sup> <https://www.reuters.com/article/us-poland-eu-idUSKCN24Q0DG> (accessed on March 24, 2023).

<sup>23</sup> Activities and measures at the national level contributing to the achievement of the objectives of the Council of Europe Gender Equality Strategy 2018-2023.

*regional standards.*<sup>24</sup> The lack of access to the government funding forced many organizations focused on women's rights to cut staff, limit geographical coverage of their activities and reduce essential services for victims of domestic and other forms of violence, such as shelter, as well as legal and psychological support. These seem to be a part of broader changes of national government funding for civil society organizations, which are justified by the government as "restoring balance" in terms of funds distribution. From their perspective, right-wing oriented and more conservative organizations were underfunded under previous, more liberal governments.

Prior to that, Poland's accession to European Union provided Polish women's organizations and other CSOs with opportunities to apply for EU funds for projects focused on women's empowerment and inclusion. Despite complaining about the bureaucratization of the EU funds, these were important sources for financing civil society initiatives, especially in case of larger and more experienced organizations. Before Poland entered the EU, Polish women's organizations and CSOs were financed mostly by American (e.g., USAID) and Western European funding programs and agencies, especially in early 1990s, shortly after the systemic transformation from the communist regime to democracy.

#### 1.6 Situation concerning migration.

It is estimated that since the beginning of the recent Russian aggression, over 8 million Ukrainian refugees, mostly women and children crossed the Polish-Ukrainian border, and about 1,3 million currently remain in Poland. The special act of 12 March 2022 on assistance to Ukrainian citizens in connection with the armed conflict on the territory of that state entered into force. It originally covered only Ukrainian nationals and their spouses who came to Poland directly from Ukraine because of the ongoing war. Citizens of Ukraine covered by the special act are entitled to stay up to 18 months. A set of rights accompanies the right to stay under the Temporary Protection Directive. These include access to healthcare, accommodation, meals, the labour market, primary and secondary education, kindergartens, nurseries, and social benefits. The EU Temporary Protection Directive covers non-Ukrainian citizens who fled Ukraine. They had to apply for refugee status or other forms of legal residence, such as a residence permit issued for work if they wanted to stay in Poland.

However, the Polish state approach towards refugees at the Poland-Belarus border is strikingly different. The crisis started in July 2021, when Alexander Lukashenko, a dictator ruling Belarus, threatened to destabilize EU by "flooding" it with migrants. It was provoked by the severe

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<sup>24</sup> <https://www.hrw.org/report/2019/02/06/breath-government-my-back/attacks-womens-rights-poland> (accessed on April 14, 2023).

deterioration of EU-Belarus relationships following the Belarusian presidential election a year earlier, when falsified results triggered massive protests of Belarusians. The regime's repressions against protesters and civil society were condemned by EU which imposed the first round of economic sanctions on Belarus. There was an influx of tens of thousands of immigrants, mostly from Iraq, Afghanistan, and Syria, but also Asian and African destabilized countries. The immigrant groups included women with small children and pregnant women. The Polish law enforcement reaction to the crisis at the border was harsh with a regular violation of the "non-refoulement" rule and push backs of migrants to the Belarusian side. Many immigrants were refused the opportunity to seek asylum in Poland and left alone in the woods in the borderland area or detained in closed, jail-like centres for refugees. The state of emergency imposed by the Polish government in the borderland area prevented civilians and civil society organizations from helping refugees and journalists from reporting about the situation at the Poland-Belarus border. Thus far, the crisis resulted in more than 200 victims, who died mostly due to lack of medical assistance, exhaustion, and harsh weather conditions. Despite the construction of wall by the Poland's government, over a dozen or several dozen immigrants try to cross the Polish-Belarusian border daily.

### 1.7 Other relevant issues

In March this year, Justyna Wydrzyńska, a human rights activist and co-founder of Abortion Dream Team was convicted of illegally providing abortion pills and sentenced to eight months of community service. A woman who Justyna sent pills to, was prevented by her husband from terminating her pregnancy in Germany. The stress of the investigation led her to miscarry. The husband found Justyna's address on the envelope and reported her to the police, as performing an abortion or helping somebody to do it is a felony in Poland. The goal of the Dream Team is to provide women with information about how to safely terminate their pregnancies. The Abortion Dream Team was established in reaction to further limiting the already strict abortion laws in Poland. Justyna Wydrzyńska will continue her human rights and women's reproductive rights activity. Her case was broadly commented on in the European and American media. In the case of the latter, it resonates strongly with the recent overturning of Roe vs. Wade by the U.S. Supreme Court dominated by conservative judges.<sup>25</sup>

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<sup>25</sup> Kasia Strek, Kate Brady and Claire Parker, „Polish court convicts activist of providing abortion pills in landmark case”, the Washington Post, published March 14, 2023.

The restrictions of Poland's abortion law has resulted in unnecessary deaths of pregnant women. In September 2021, 30-year-old Izabela Sajbor died of septic shock at a hospital because medical workers refused to treat her until her fetus died. In January 2022, a second woman died in a first trimester of a twin pregnancy when doctors afraid of acting against the law, refused to carry out an abortion when the heartbeat of one fetus stopped.<sup>26</sup>

## **2. LABOUR MARKET POLICY (WAGES)**

### 1.1 Legal context

As a member of the European Union and the United Nations, Poland is obliged to foster conditions that not only ensure equal access to the labor market to all individuals, but also to guarantee that they are treated equally in the workplace. This results primarily from international treatise such as the Treaty of Amsterdam (article 141) and the Treaty of Lisbon (article 157). On the national level, how discrimination at work should be understood from the legal standpoint is specified in article 183a of the Labor Code, a document regulating conditions of employment in Poland. That particular article clarifies that all employees should be treated equally when starting and terminating their employment, they should be offered the same work conditions, as well as the opportunity to develop their careers, get a promotion and access appropriate trainings. However, the article does not apply specifically to gender, but lists a number of unacceptable sources of discrimination, including age, disability, race, nationality, political beliefs, and gender among others. The legislation also provides a distinction between direct and indirect discrimination. The only excerpts that make a direct reference to gender discrimination are paragraphs 6 and 7, which refer to sexual harassment in the workplace. Therefore, it is worth noting that on the legislative level, little attention is paid to the issue of gender discrimination at work. What is more, although the EU law allows for affirmative action in professions where women have been historically underrepresented, there is no mention of that possibility in the Polish law.

### 1.2 Practices and implementation (local, regional, national)

As far as the presence of women in the workforce is concerned, it is vital not only to analyze the situation of women on its own, but to situate it in a larger context and also provide information on the

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<sup>26</sup> Kasia Strek, Kate Brady and Claire Parker, „Polish court convicts activist of providing abortion pills in landmark case”, the Washington Post, published March 14, 2023.

situation of men. Only once the picture is complemented by that knowledge, can conclusions be drawn on the question of potential gender discrimination. Therefore, where possible, data on both women and men shall be provided.

On the national level, women's economic activity rate has remained relatively stable over the past 20 years, though a slight decrease is noticeable – compared to 50,1% of women in working age who were either employed or willing to undertake employment in 2000, in 2020 this rate fell to 47,1%. As far as men are concerned, however, the rate stayed practically the same – 64,1% in 2000 and 64,7% in 2020. When it comes to employment rate, 40,9% of women in working age remained in an employment relationship in 2000 and this number rose to 45,7% in 2020. For men, this rate was 54,8% in 2000 and 62,6% in 2020. In both instances the numbers have always been higher for men (economic activity: 14% in 2000 and 17,6% in 2020; employment rate: 13,9% in 2000 and 16,9% in 2020), but what is worth noting is that while the employment rate increased for both men and women in the past 20 years, the growth rate is more dynamic for men – it rose by 7,8%, while in case of women it rose by 4,8%. Compared to other European countries, the employment rate for women in Poland is lower than the European average.

Next, let us look at specific groups in terms of age and education. Both the level of economic activity and the level of employment are highest among individuals aged between 25 and 49. For men, average employment rate in this cohort is 90,5%, while for women it is 75,4%. Still, the difference between both genders is 15,1%, which is higher than when all age groups are considered. As far as education is concerned, the employment rate is highest among those individuals with higher education. For women with higher education, it is 75,3% and for men – 81,5%, which makes the difference reach only 6,2%. Interestingly, the opposite can be observed for women with primary level of education, as the employment rate reaches only 8,7% in that group (22,9% for men). This may suggest that for women, acquiring education is also a means to guaranteed employment.

It is also worth noting that the level of unemployment for both women and men has dropped significantly within the last 20 years. In 2000, 18,3% of women and 14,6% of men were unemployed, while in 2020 this rate equalled 3,1% for women and 3,2% for men. Some studies show that given the low rate of unemployment among women and the falling level of employment in comparison to 2017-18, women's decision not to undertake any form of work can be influenced by the money transfers that families receive for each child under the governmental program "Family 500+".

Another point worth mentioning is the problem of wage gap. Analyzing data gathered by Eurostat, we can observe that wage gap in Poland is relatively low – it was at the level of 8,8% in



2018, when the average for EU-27 countries was 14,8%. However, the methodology of this measurement is problematic, as it delivers the unadjusted wage gap, that is the total for all industries, not accounting for years of professional experience, level of education, or type of industry, as is the case of the adjusted index. Therefore, data provided by the Institute for Structural Research is more reliable. According to their report, the adjusted wage gap is higher than the unadjusted one, attaining the level of 19%, which has not changed in the past 20 years. Moreover, the gap is wider in the private than the public sector and it is especially pronounced in those salary components that are subject to change, such as awards and bonuses, where it reaches up to 30%. This difference also proves relatively stable in time, as data shows that between 2004 and 2018 men earned on average 20% more than women. As far as particular groups are concerned, the difference remains regardless of age, the level of education, or the type of job. It is highest among managerial staff, reaching the level of 26% and lowest among office workers – with only 6% difference. Additionally, although higher education was identified as a means to employment, it does not guarantee equal salary, as women with higher education degrees earn 31% less than men with the same level of education. According to past research, wage gap is a result of gender discrimination and is an issue that should be systemically addressed by the authorities.

Last but not least, let us take a look at the phenomenon identified as the glass ceiling effect. According to EU recommendations regarding the desired percentage of women in Boards of Directors, this level should have reached at least 40% by 2020. However, while the average for EU-27 countries was 29,5% in 2020, which meant an increase by 17,7% since 2010, this number for Poland rose only by 11,2% and reached 22,8% in 2020. There is also a vast disproportion when it comes to women Chief Executive Officers, as in 2020 they constituted only 10,5% of all such positions in Poland, in EU-27 it was 7,5%. A series of factors contributes to this state of affairs, but needless to say, they are an effect of gender discrimination in the workforce.

### 1.3 Political discourse

Overall, although female presence in the Polish workforce is slowly increasing, it still falls short of the level represented by men, which may lower women's quality of life and cause their social marginalization. Several mechanisms contribute to that situation, but it has been argued that the so-called "conservative backlash" plays a major role in the process. The current Polish government, in power since 2015, promotes a traditional division of social gender roles both through specific policies, as well as political discourse present in the public sphere. Social transfers forming part of the "Family 500+" program, which guarantee financial support for each child regardless of income,

discourage women from working, especially if they have a large family. Women's role as a mother and primary caregiver is being underlined by politicians at every possible opportunity, be it a discussion regarding birth rate and pro-natal policies, or educational curricula. For instance, in July 2021, advisor to the Polish Minister of Education and Science claimed that integrity of the family is being threatened because women have deviated from the traditional role of wives and mothers, which he believed was related to the fact that they became vain and egotistic. This line of reasoning is further consolidated by references to Christian morality. This type of rhetoric, strengthening patriarchal social relations, leads to a devaluation of women's work by depreciating their contribution to the labor market and overemphasizing their role within the family.

Interestingly though, despite highlighting women's role as mothers and caregivers, the dominating political discourse lacks the recognition of that role as work. Unpaid work, that is time spent on routine housekeeping chores, childcare, shopping, and taking care of the elderly or other family members requiring assistance, is women's responsibility. According to data gathered by the United Nations, women spend on average 2,5 times more time on unpaid work than men, which in the global scale could add up to more than the economic contribution of commerce. In Poland, women still perform the majority of these tasks, even if both partners are professionally active, and according to data from the Central Statistical Office this has not changed significantly in the last 20 years. Moreover, when asked how employment affected women's family life, 40% of respondents answered that it was beneficial and 9% that the influence was disadvantageous.

In line with theory, supply of female workforce grows under several conditions. Most notably, when it is possible to gain a higher income from professional activity and receive little financial support from other sources, such as state-funded child support or other social benefits. Additionally, when the cost of taking up employment is relatively low, including aspects such as the cost of transport, childcare, or housework. Moreover, apart from including anti-discriminatory laws in the Labor Code, the situation will not change without political will. Regular evaluation of different indices related to the situation of women in the workforce is needed, as well as reacting to these results by creating conditions enabling equal access and treatment in the labor market. As for now, the current government does not seem to recognize women's lower presence in the workforce as a problem, hence no particular steps aimed at eliminating sources of gender discrimination have been announced, let alone implemented.

### 3. EDUCATION POLICY

#### 1.1 Legal context

Time of deep systemic state changes and transformation to democratic political system and free market economy in Poland after 1989 also included transformation in the education area. In general, the most important changes in Polish education after 1989 were: task transfer of the school management from central ministry to local governments, the emergence of the private schools and the external examinations implementation.

In 1991 the Sejm (lower chamber of Polish parliament) passed the Act on the Education System, which replaced the regulations governing the education system in the period of the People's Republic of Poland and in following years prepared and carried out two major reforms. The first one from 1999 introduced the core curriculum, in which also left the room for a certain freedom for teachers of curricula based on it. It also changed in the mode of conducting matriculation examinations, which replaced the entrance examinations for studies (previously, each facility had their own internal exams). The structure of education had also been changed. Education in primary schools was shortened from 8 to 6 years and the mandatory 3-years lower secondary school (a new type of school) was implemented. Thus, the total period of mandatory basic education for children and youth was extended from 8 to 9 years. Learning period in secondary schools was shortened: in high schools from 4 to 3 years, in technical secondary schools from 5 to 4 years. In basic vocational schools learning period remained 2-3 years old.

The 1990s was the time of decentralisation of public education and the gradual transfer of the running of schools to local authorities. Kindergartens were also handed over. Finally, the running of schools by local governments was confirmed in 1999 with the introduction of four reforms, including the local government reform and the education reform. At that time, it was decided that poviats would run secondary schools, while municipalities would run primary schools and the then completely new lower secondary schools.

The first non-public schools began to be established in September 1989. The education superintendent's office granted permission to create the 32 such schools at the time. Two years later, in the Act on the Education System the Sejm adopted provisions which allowed the development of independent education. In the 2020/21 school year, there were more than 4,500 non-public schools for children and young people (approximately 20 per cent of the total) (GUS 2020). Nearly 538,000 pupils attended them (just over 11 per cent). The majority of non-public schools for children and young people were primary and lower secondary schools. There is great diversity among non-public

schools. These include community schools whose founding body is an association (including parents' organisations), public schools and schools run by religious associations. Some of them have an enrolment fee and tuition fees. Like public schools, they receive funds from the state budget through the educational subsidy. Non-public schools paved the way for other changes that were later introduced into the public school system, such as the right for teachers to choose their own curricula and to create their own.

The 2017 reform (Education Law, 2016) abolished lower secondary schools and restored the previous educational structure. Major changes were made to basic vocational schools. Instead of them, 3-year lower secondary vocational schools were introduced, and for their graduates 2-year upper secondary vocational schools were introduced, which made young people's educational paths clearer. After passing the vocational exam, graduates of upper secondary vocational schools can obtain a diploma at technician level and, after passing the matriculation exam, obtain a matriculation certificate and then continue their studies at university.

In the Polish education system, the gradual lowering of the mandatory school age began in 2009. For five years - until September 2013. - the decision on whether a child would start school at the age of six or seven was made by the parents. The 2016 Act reverted to a higher school starting age by adopted a provision that 'A child's compulsory education starts at the beginning of the school year in the calendar year in which the child turns seven' (Article 35).

The 1999 reform introduced compulsory, external and uniform throughout the country examinations at the end of the three stages of education: a test for sixth graders, a lower secondary school exam and the new baccalaureate, which were conducted by the Central Examination Commission. The test and lower secondary school exam were conducted for the first time in 2002. The uniform for all baccalaureate according to the new rules was conducted 3 years later. The system of external examinations was maintained with subsequent changes to education law. At present, the Central Examination Commission is responsible for conducting the eight-grade examinations, matriculation examinations and vocational examinations. The aggregate results of the examinations are made public on the Commission's website.

## 1.2 Practices and implementation (local, regional, national)

Statistics on education in Poland show that young people are making more and more ambitious educational choices. In the 1990s, after completing primary education, most of the young people continued their education in basic vocational schools (in 1990/91: 43.0% of pupils were students of

ZSZ, the equivalent of today's industry first degree schools). Education in general secondary schools was the least popular (23.5%). Today, the reverse is true, with only 12.9% of young people studying in lower secondary sector schools in 2019/20. General secondary schools (46.1%) were very popular. The 1999 education reform aimed at extending the duration of general education was not favourable to basic vocational schools. Nor were they favoured by the economic changes during the transformation period - the collapse of large production plants of which under the auspices vocational schools prepared new staff. Today, basic vocational schools (trade schools) are struggling with many issues: underfunding, lack of laboratories, workshops for apprenticeships, experienced staff teaching the profession, and the negative selection of students. The deficit of 'professionals' felt increasingly by the labour market has not been reduced by the Year of the Vocational School programme (2014/2015), which promoted vocational schools. The renaming of vocational schools as trade schools in 2016 was supposed to erase negative opinions about this type of school and its students. There are claims that the adopted educational policy of massification of secondary and higher education is questionable. Some young people fail to cope with the programme and do not graduate from their chosen schools. The massification also leads to a lower level of learning.

Looking at the education system from a gender perspective, two patterns are clearly visible. Firstly, girls make different educational choices in terms of the type of schools. Secondly, there is a gender segregation of occupations.

In the 2019/2020 school year, more than 714,000 girls and boys started education in lower secondary vocational schools, technical schools, and general secondary schools for youth (not including special schools). Of these, vocational education was chosen by slightly more than half of the young people (39.7% technical schools and 14.2% lower secondary schools), while general secondary schools were chosen by 46.1%. Among girls, secondary schools are the most popular (59.5%), much less popular are technical schools (31.8%) and trade schools (8.7%). Boys most often continue their education in technical schools (47.3%), less often in secondary schools (33.3%), and much more often than girls choose trade schools (19.4%). The effect of such choices is the feminisation of general secondary schools and the masculinisation of vocational schools. The most masculinised are trade schools (70.0% of students in these schools are boys), slightly less so technical schools (60.8%). The interpretation of this phenomenon can be sought in the unattractive for girls offer of vocational schools, which more often offer education in technical professions. Cultural stereotypes of professions suitable for women and men are still present in Polish society, also among primary school teachers, vocational counsellors and young people themselves.

The gender difference in education is marked above all in the occupational segregation of the sexes - in the education of girls and boys for different professions. In vocational schools, boys are mainly educated in engineering and technology (16.4 thousand, i.e. 60.0% of them receive a school-leaving certificate in this field), much less so in architecture and construction (15.8% respectively) and production and processing (10.9%). In contrast, the majority of girls receive a graduation diploma in human services (7.7 thousand, or 61.9%) and business and administration (24.1%).

The share of girls and boys among graduates in the various fields of study shows a very strong masculinisation of engineering and technical, architecture and construction faculties (the percentage of girls in construction faculties is only 0.6%). Boys also dominate in agricultural classes (83.3%). Classes in the fields of study most favoured by girls are in turn feminised, but to a lesser extent. Every seventh person in business and administration and every fourth person in human services is a boy. The proportion of girls and boys in the individual fields of study has not changed significantly over the last decade.

We observe slightly less gender segregation in technical schools, but the pattern of differentiation remains the same. The engineering and telecommunications technology faculties are highly masculinised (more than 90% of graduates in these faculties are boys). The most feminised faculties are veterinary, human services, medical and social sciences (more than 75% of graduates in these faculties are girls).

The female/male divide also persists in higher education. In the 2021/22 academic year, almost 1,174,000 people studied at higher education institutions (HEIs) in Poland (Kobiety na politechnikach, 2023). Public HEIs hosted over 800,000 students. Pedagogical and medical HEIs are more popular among women than men: at the former, women constituted 77% of students; at the latter, 73%. At public technical HEIs, women comprised 35% of students. The most female-dominated degree programmes were early childhood pedagogy and animal physiotherapy; the most male-dominated ones were engineering applications of information technology in electronics, and industrial automation and robotics. In all four fields of study, the share of the minority sex did not exceed 5%.

### 1.3 Political discourse

Religious lessons in public schools is the topic that emerged at the beginning of the transformation period and recurs from time to time, constantly stirring up strong emotions. Religion

was brought into schools in 1990 at the public request of the Episcopate. The then Prime Minister Tadeusz Mazowiecki, fearing a lack of support from the Church and losing the upcoming elections, had introduced it quickly on 3 August by decree of the Minister of Education (Beczek, Słowik, 2020). Finally, religious lessons in schools had been adopted in the Article 53. § 4. of the 1997 Constitution. It states: "The religion of a church or other legally recognized religious organization may be taught in schools, but other peoples' freedom of religion and conscience shall not be infringed thereby".

Whether this subject should be paid for out of the state budget is still a contentious issue. As the "Secular School" initiative calculated several years ago, religious lessons at school cost citizens one billion 350 million zloty a year. Activists believe that these funds should be used, for example, to pay for additional foreign language lessons for pupils or to create new IT labs in schools. Another issue raised by liberal and feminist circles is the content taught in religion lessons, which promote the traditional role of women in marriage, the ban on contraception and abortion.

In Poland, sex education is mainly realised in the form of the optional school subject "Family Life Education", which was introduced in 1999 as a result of the implementation of the Act on Family Planning, Protection of the Human Foetus and the Conditions of Permissibility of Abortion (art.4.1). According to the Ministry of National Education, the teaching of this subject has been a priority in the directions of the educational policy of recent years. Topics covered in the classes serve to strengthen the process of identification with one's sex, "prepare for fatherhood and motherhood" and teach "respect for life from the moment of conception until natural death". Sex education implemented in Polish schools corresponds to type A sex education (abstinence-only sex education). It promotes the view that sexual abstinence until marriage is the only safe method to avoid pregnancy and sexually transmitted diseases (STIs). It pays particular attention to the importance of 'family values' and excludes other types of sexual and reproductive health education, such as birth control and safe sex.

Polish schools do not promote gender equality. The report 'Gender in textbooks' published in 2016 makes it clear that harmful stereotypes for girls and women are still perpetuated in school textbooks. In career guidance (which is underdeveloped), there are no programmes in place to encourage people to enter non-traditional gender professions.

There is greater awareness of gender equality issues at the higher education level. The campaign *Dziewczyny na politechniki! / Dziewczyny do ścisłych!* (Women to polytechnic!/Women to the Science!) initiated in 2007 by the Conference of Rectors of Polish Technical Universities and the *Perspektywy Educational Foundation* - is the largest project promoting technical, engineering and science faculties among young women. Since the launch of the campaign, the proportion of women



(students) at polytechnics has steadily increased. In the longer period of 2013-2022, at public technical HEIs, the share of women increased from 13% to 15%.

To achieving gender equity on labour market it is important to enhance the presence of women in new technologies and innovation. Degree programmes in new technology range from technology manufacturing to advanced data analysis. Between 2017 and 2022, the proportion of women among new technology students remained at 16%.

Within the group of new technology courses, degree programmes in information and communication technology (ICT) are of key importance. Empowering women in ICT is conducive to the economy growing and to societies becoming more inclusive. Between 2017 and 2022, the number of women majoring in ICT increased by 26%, while the number of men increased by 15%. The share of women among ICT students grew modestly over the period analysed (from 15% to 16%).

In Poland, in the 2021/2022 academic year, women constituted 44% of the total number of students at technical HEIs (both public and nonpublic), but constituted 49% of the graduates. The share of women among graduates in new technology was only 18%; in ICT, it was 17%.

To strengthen women's participation in engineering and technical sciences, both as students and as academic teachers, many universities are implementing gender equality plans., catalysed in particular by the Horizon Europe (an eligibility criterion for participation in the programme). The purposes of these documents are to prevent gender discrimination, and to promote equality and diversity.

## **4. HEALTH POLICY**

### 1.1 Legal context

Under Polish law (Bill from August 27, 2004) citizens are entitled to benefit from the services provided by the public health insurance system, which includes the coverage of both routine and specialist care. Individuals contribute to the insurance system based on their employment status, mostly through an obligatory fee deducted from their contract, though it is also possible to include an unemployed member of the family in one's programme or pay a voluntary contribution enabling access to health care services. For example, an unemployed, stay-at-home mother can benefit from health insurance from her husband's contribution. Groups covered by public health insurance

regardless of their employment status are individuals under the age of 18, women during pregnancy, childbirth, and the postnatal period, migrants undergoing official procedures of status recognition, and individuals who have been issued the Karta Polaka (eng. Polish Charter, i.e. an official document confirming one's belonging to the Polish nation). Patient's rights are regulated by the Bill from November 6, 2008.

According to article 68 of the Polish Constitution, each individual covered by public health care insurance has the right to benefit from the services provided by the system, regardless of their financial status. However, groups entitled to special treatment are children, pregnant women, individuals with disabilities and the elderly. Pregnant women are also entitled to free medication from the day the pregnancy was confirmed until 15 days after the planned delivery date. It is worth mentioning that in recent years the quality of maternity care did indeed improve as a result of a series of Regulations issued by the Health Minister, though it is still rather low, especially when it comes to access to labor pain relief.

Moreover, there exists a series of medical examinations and procedures that women are guaranteed by law, listing gynaecological care and specific prevention programmes, under the Regulation of the Health Minister from November 6, 2013, such as breast cancer, cervical cancer, and postpartum depression. Specifically, women between the ages of 50 and 69 are entitled to free mammography every 2 years (every year if there are medical indications) and women between the ages of 25 and 59 can undergo cervical screening every 3 years. Moreover, a new program titled "Prevention 40+" was launched on January 1, 2021 and grants patients aged between 40 and 65 medical examinations diagnosing cardiovascular and oncological diseases, as well as diabetes.

In terms of reproductive health, the main topics that need to be highlighted are access to information about family planning, contraception, IVF programs, and pregnancy termination. Article 2, paragraph 2 of the Family Planning Bill states that citizens should have unhindered access to means and methods of conscious procreation, but the infrastructure providing such services is limited. While there are no state-funded centers catering to the needs of those who would like to receive information on family planning, sexual education courses at school are voluntary and offer only basic knowledge about the biology of the human reproductive system.

As far as access to contraception is concerned, the only method available free of charge, though not easy to acquire in this way, are condoms. Hormonal and emergency contraception are only available under prescription and only two out of six types of hormonal contraceptive pills sold in Poland are partly refunded by the state (at the rate of 30%). No other hormonal or emergency

contraceptive method is refunded, but the procedure of IUD insertion can be covered by insurance if the patient pays for the coil itself. According to data gathered by the European Contraception Policy Atlas, access to contraception in Poland is estimated at 35,1%, which is the lowest result in all of Europe.

Poland also has one of the most restrictive abortion laws in Europe, resulting from a legislative change that followed the November 22, 2020 Constitutional Tribunal's ruling stating that ending a pregnancy when the fetus is diagnosed with irreversible birth defects is against the law. Therefore, the only two instances in which one may currently terminate a pregnancy is when it endangers the health and/or life of the gestating person (the procedure can be carried out at any time of the pregnancy) and when there is a justified suspicion that it resulted from rape (possible to do until the 12th week of the pregnancy). In these cases the medical procedure necessary to perform an abortion should be covered under health care insurance, according to the Regulation of the Health Minister from November 22, 2013.

Finally, when it comes to the national legislation regarding infertility treatment, which has been officially recognized as a medical condition by the WHO, the state only offers methods based on the so-called NaProTechnology, based on natural ways of monitoring the menstrual and the fertility system, though the effectiveness of these methods has been called into question. The nationwide programme refunding IVF procedures introduced on July 1, 2013 was cancelled in December 2015, so currently there is no possibility to receive state funding for this type of treatment.

## 1.2 Practices and implementation (local, regional, national)

Despite the legal framework in place, there are several obstacles hindering implementation. These are mainly related to infrastructural deficiencies and the issue of conscientious objection, which then lead to the exclusion of not only specific social groups but certain regions as well.

As far as infrastructure is concerned, Polish health care system is affected by the lack of specialist medical personnel, training, and medication. Moreover, the resources are not evenly distributed across the country, which causes serious differences between urban and rural areas. The domain especially affected is gynaecological care. According to a report issued by the Polish Supreme Audit Office, in rural areas a single gynaecology clinic serves 10 thousand women, while in urban areas one clinic caters to 4 thousand women, which is still more than what WHO recommends. Moreover, only 10% of clinics with gynaecology and maternity units, which cater to

patients with national health care insurance, perform the official procedure of pregnancy termination, of which there were 1076 in 2018. At the same time, non-profit organizations estimate that between 80 and 120 thousand abortions are performed every year in Poland, which suggests that a vast majority is carried out in unofficial, i.e. illegal clinics, or abroad. Some countries, for example Denmark, deem the situation regarding abortion rights in Poland to be so disturbing, that they are considering allocating special funds to aid Polish women seeking to terminate their pregnancy.

In any case, several groups are particularly affected by the above mentioned problems. First, individuals with disabilities, facing barriers such as communicational (for example due to an intellectual disability), architectural (as many clinics are not adapted for wheelchairs), organizational (since some require assistance to attend a medical facility), or financial (as they may not have the resources to travel to a specific clinic). Second, migrants, especially due to a language barrier or when the center they were placed in lacks medical staff. Third, members of the LGBTQ+ community, as Polish medical staff lacks training in communication with and attention to the needs of non heteronormative individuals.

When it comes to conscientious objection, this is especially relevant to the questions of abortion and contraception. In line with article 39 of the Bill from December 5, 1996, doctors and dentists have the right to decline performing a medical procedure that goes against their conscience. According to data gathered by the Foundation for Women and Family Planning FEDERA, some doctors refer to this principle to decline prescribing contraception, which is actually against that particular law, as it states that it does not apply to procedures that are morally neutral, such as writing a prescription. In any case, patients also report that they are being denied the right to have an IUD inserted or to have themselves permanently sterilized if they have not given birth yet. Oftentimes patients are not aware of that this information is incorrect, as they trust the doctors' authority, and they have limited means to appeal against that decision, especially since it is hardly ever officially noted by doctors in the patients' medical documentation. Moreover, some doctors also cite that law to refuse performing an abortion, even when the case falls under the two instances approved by the Polish law. Others fear that as a result of the changes that followed the infamous Constitutional Tribunal's Ruling from 2020, they may be put on trial for terminating a pregnancy. This situation may lead to serious consequences for the patient's physical, as well as psychological wellbeing. So far there have been several cases in which the patient died, which are currently undergoing judicial review.

Finally, it is worth mentioning that as a result of the termination of the national in vitro program, local authorities in several cities (Warsaw, Cracov, Łódź, Częstochowa, Gdańsk, Słupsk, Szczecin,

Szczecinek, Chojnice, Ostrów Wielkopolski, Poznań, Bydgoszcz, Wrocław, Sosnowiec) decided to fund this procedure from the municipal budget. Although this may be seen as a positive outcome, given the location of these places, it also leads to a further deepening of the already existent geographical differences across Poland, especially between the more conservative East and more liberal West, as well as between rural and urban areas.

### 1.3 Political discourse

As far as women's healthcare is concerned, the dominating political discourse situates it within the framework of a traditional, family-oriented worldview and Christian values. Interestingly, despite the international consensus to discuss reproductive health within the framework of women's and, by extension, human rights, visible for instance in the publications of the WHO, Poland refrains from adopting this approach. At least as far as the ruling authorities are concerned. Since the current, right-wing government rose to power by winning parliamentary and presidential elections in 2015, women's reproductive social role has been repeatedly highlighted and maintaining good health is seen as a means ensuring that this role can be dutifully fulfilled. The present government seems particularly concerned with this topic because of the low fertility rate in Poland (1,4 births per woman in 2020), which poses a threat to the future of the national economy. Therefore, Law and Justice party has been dedicated to implementing pro-natalist policies aimed at creating a social environment in which citizens were encouraged to have more children. However, when it comes to family planning and childbirth, the emphasis has been placed on natural methods, with as little medical intervention as possible. This logic, together with references to Christian morality, have influenced a series of laws that have been introduced since, such as the previously mentioned termination of the publicly funded in vitro program, the need to provide a prescription should one require hormonal or emergency contraception, or the restrictive abortion legislation. As a result, no significant increase in the number of births has been observed. If anything, the effect was opposite, as women began fearing the potential consequences of the pregnancy if complications arose.

Additionally, what stands out is the language of contempt present in the dominating political discourse in relation to in vitro, contraception, and pregnancy termination, in which the individuals who have resorted to these methods are being dehumanized. Especially scandalous were fragments of a textbook to a recently-created school subject History and the Present, in which the author described in vitro as a "breeding industry", doubting that no one would really love its "products". Parents of children conceived with IVF were outraged and several lawsuits were filed against both the author of that textbook and the current Minister of Education and Science.

Similarly, during the 2020 public debate on abortion law, conservative politicians argued that allowing to terminate a pregnancy because of fetal malformations was an expression of discrimination against people with disabilities, therefore it should not be allowed. Moreover, some insisted that restricting access to abortion would protect people with disabilities, while legalizing it would be an attack on the rights of this already marginalized group. However, recent research showed that it was actually the opposite; those who scored higher on a scale measuring the level of prejudice towards people with Down syndrome were more likely to support the 2020 Constitutional Tribunal's ruling banning abortion. It is also worth noting that abortion is currently presented as an impermissible act that should be criminalized. Although there were no changes to the penal code in this respect, the Minister of Justice announced that those who assist in this procedure shall be persecuted without mercy. Indeed, two recent cases seem to prove that point. On January 9, 2023, officers of the Central Anticorruption Bureau entered a private gynaecological practice and secured the medical documentation of all patients from the past 30 years. No specific explanation was provided, though the gynaecologist running that practice has been previously questioned in relation to an allegation that she performed abortions. However, she has never been charged. The case was unprecedented and demonstrated that the authorities are ready to disregard patients' rights to persecute those who might aid women in the process of pregnancy termination. Next, on April 8, 2023, an Abortion Dream Team activist was put on trial and deemed guilty of helping in performing a medical abortion against the Polish law. In that case, the activist sent an abortifacient to a woman that contacted her through the organization's helpline. To sum up, as a result of the current legislation and political discourse, both doctors and activists are increasingly hesitant to assist individuals requiring assistance in acquiring contraception or terminating a pregnancy, as they may face legal consequences, and women fear they may not be provided with medical help during the pregnancy should they require it.

## 5. FAMILY POLICY

### 1.1 Legal context

The state's pro-family policy is implemented through a system of leave, tax benefits and allowances for those who have children.

**Maternity leave** in Poland is a mandatory leave to which every employee who has given birth is entitled. Its length depends on the number of children born at one birth and ranges from 20 weeks

(in the case of giving birth to one child) to 37 weeks (in the case of giving birth to five or more children).

Before the expected date of childbirth, a female employee may take no more than 6 weeks of maternity leave. After giving birth, the mother must compulsorily take 14 weeks of leave. She may forgo the remaining 6 weeks of leave and return to work, provided that the remaining maternity leave is taken by the working father raising the child.

The is special protection for employees taking maternity leave - during the period of pregnancy and maternity leave, the employer may not terminate or dissolve the employment relationship with this employee. He is also obliged, at the end of the leave, to allow the employee to work in her current position, and if this is not possible - in a position equivalent to the one held before the start of the leave. For the period of maternity leave, a maternity benefit of 100% of the benefit base is payable.

**Tax credits.** It was only in 2007 that child tax credits were introduced into the tax system. Prior to that, our tax system did not differentiate between those who were working and had dependents and those who were free of such obligations.

Currently, in general, the child tax credit is available to residents of Poland regardless of nationality and citizenship, as long as their income is fully taxable in Poland.

In 2022, the child tax credit per year was: PLN 1,112 (about €250) for the first and second children, PLN 2,000 (about €450) for the third child and PLN 2,700 (about €607) for the fourth and subsequent children. In the case of one child, the relief was available as long as the combined income of the married spouses for the entire year did not exceed PLN 112,000 (about €25,200), and that of an unmarried person did not exceed half of this amount.

**Family 500 plus program.** This is a state program to help families raise children implemented since April 1, 2016. The law adopted in 2016-2019 the solution that the benefit of paying monthly PLN 500 per child is not for the first, but only for the second and subsequent children in the family. In 2019, the program was expanded - the benefit is available for each child regardless of income criterion.

**Abortion.** The 1993 Law on Family Planning, Protection of the Human Fetus and the Conditions for the Permissibility of Abortion restricted women's access to abortions. The law provided for legal abortion when: the pregnancy poses a threat to the life or health of the pregnant woman (without restriction based on the age of the fetus); when prenatal testing or other medical indications point to



a high probability of severe and irreversible fetal disability, or when there is a reasonable suspicion that the pregnancy resulted from an illegal act (up to the 12th week of pregnancy).

A 1996 amendment to the law liberalized the act by allowing termination of pregnancy also if the pregnant woman is in dire life circumstances or a difficult personal situation. By Constitutional Court rulings, the law allowing abortion in Poland was tightened. In May 1997, the Court declared unconstitutional the termination of pregnancy for social reasons, and in 2020 the termination of pregnancy when prenatal testing or other medical indications point to a high probability of severe and irreversible fetal disability.

Currently, abortion in Poland is allowed only in two cases: 1) when the pregnancy poses a threat to the life or health of the pregnant woman (without restriction due to the age of the fetus) or 2) when there is a reasonable suspicion that the pregnancy was the result of a criminal act (up to 12 weeks from the beginning of the pregnancy). The law defining the conditions for abortion in Poland is considered the most restrictive in Europe.

## 1.2 Practices and implementation (local, regional, national)

An important pillar in family policy is institutional care for the young child. In Poland, childcare tasks for children up to the age of 3 (nurseries) and 3-5 (kindergartens) are the responsibility of municipalities. Although the system of institutional care is getting better and better in Poland, it still does not meet the basic needs of families in this regard, especially in terms of care for children under 3.

The main barrier to access to nurseries is their small number in relation to the reported needs.

At the end of 2020 (data from a report by the Ministry of Family and Social Policy) care institutions - crèches, children's clubs and day care providers - were operating in 1,131 municipalities, or 47% of all municipalities in Poland.

At the end of 2020, a total of about 25.6% of children over the age of 1 were covered by care. Children under the age of 1 covered only 1.7% of the total.

In 2020, crèches run by municipalities accounted for only 24% of the total number of crèches (the rest were non-public crèches). Municipalities also operate only 13% of the total number of children's clubs (the rest are non-public facilities).

In the 2021/2022 school year, the rate of dissemination of preschool education for children aged 3-5 covered by preschool education was 89.7%. Pre-school institutions in cities are attended by

significantly more children aged 3-5 (92.9%) than in villages, where 85.3% of children benefit from pre-school education.

### **Domestic violence**

Poland has a 2005 law on preventing domestic violence, but according to feminist circles, the state does not pay due attention to domestic violence, whose victims are primarily women and children. In 2020, the conservative Law and Justice (PiS) government came up with ideas, fortunately unrealized, to denounce the Council of Europe Convention on preventing and combating violence against women and domestic violence (the so-called anti-violence or Istanbul Convention).

The "Blue Card" procedure, developed by the Police Headquarters together with the Capital Police Headquarters and the National Agency for Solving Alcohol Problems, has been in effect since 1998. It specifies, among other things, how police officers should act during an intervention concerning domestic violence. "Blue Cards" are also significant evidence in criminal proceedings. In 2022, police officers filled out a total of 61645 "Blue Card" forms. The number of people suspected of being affected by violence totaled 71,631, of whom 51,935 were women, 10,982 were minors, and 8,714 were men. The Center for Women's Rights, a women's non-governmental organization dealing with violence against women, draws attention to the barriers to the effective use of the "Blue Card," including the lack of awareness among women experiencing violence of the existence of this procedure or the reluctance of some police officers to set up "Blue Cards."

First aid can be sought by victims of violence on telephone lines. Adults can use the National Emergency Service for Victims of Family Violence "Blue Line." There has also been a Helpline for Children and Youth for 8 years. Its service was undertaken by the Dajemy Dzieciom Siłę Foundation (then the Nobody's Children Foundation). The functioning of the Helpline for Children and Youth was threatened in early 2022, when the government completely stripped it of financial support. The operation of the phone was then saved by an online collection - Internet users managed to achieve this goal in a dozen hours after the start of the collection the amount of more than a million zlotys (243,000 euros).

**Abortion.** For a long time since the current law regulating abortions came into effect, according to official statistics, the number of legal abortions performed annually has not exceeded 1,000 (except for a brief period when it was permitted for social reasons). The Federation for Women and Family Planning estimates that the actual number of abortions per year is between 80,000 and 200,000 abortions. About 15% of the procedures are performed outside the country.

Feminist circles emphasize that the current abortion law in practice is more restrictive than the law states due to the practice of doctors refusing abortions to women because of the conscience

clause. In some regions, because of the conscience clause, there are no hospitals where women can have legal abortions.

Women who want abortions are supported by the Abortion Dream Team, which has been operating since 2016. Since 2019 it has been in the association of feminist organizations "Abortion Without Borders". The association's goal is to spread knowledge about the method of pharmacological termination of pregnancy and promote positive messages about abortion, based on the real experiences of those who have had abortions and those who support them.

### 1.3 Political discourse

There are many discourses on the family in Poland, among them it is worth mentioning the discourse on same-sex families and the impact that pro-family policies implemented by the government have on the social situation and fertility of women.

The Polish constitution (from 1997) in Article 18 states that "the Polish Republic grants the protection and support to couples as a union of a woman and a man, to family, to maternity and to paternity."

According to some, accepting the heterosexual nature of marriage precludes the possibility of legalizing same-sex marriage in Poland. Of a different opinion, however, are representatives of sexual minorities insisting on recognition of their rights to form families. The conservative government does not even allow work on legalizing the rights of same-sex couples to marry.

The solutions introduced by the government so far (restrictive abortion law, extension of maternity leaves, Family 500 plus program) have not increased the fertility rate of Polish women.

The performance evaluation of the Family 500 plus program, a flagship for the conservative Law and Justice (PiS) government, emphasizes that while it has not (as assumed) affected female fertility, it has reduced the scale of poverty among families with children. According to those in power, the program was also supposed to promote labor activation, as the funds raised by the program could be used for child care during working hours. The facts are that the number of economically inactive mothers increased from 877,000 to 918,000. In the survey, only 3% of beneficiaries declared that the 500 plus program "encourages them to work."

Discussions of family policies conducive to increasing women's fertility rates point out that they should adopt solutions that provide secure conditions for women in terms of housing (cheaper loans for the purchase of housing, more social housing), material conditions (facilitating the reconciliation

of professional and family roles), pregnancy and childbirth (free contraception, legal abortion), child care (improving the operation of institutional care).

## 6. GENDER REPRESENTATION IN POLITICAL, ECONOMIC AND SOCIAL ELITES

### 1.1. Context

**Tradition of having political rights by women** (when they were granted the right to vote and to stand for election) in different countries is not correlated with recent number of women in parliaments and type of political regime. Poland was among the early receivers in Europe (1918). After World War II the undemocratic communist system played an important role in hampering women’s real access to politics. The process of deciding on the candidate lists ensured the control of governing communist party over the final list of candidates. Women present in the parliaments did not represent women’s interests. They have been picked up to show that the ruling party is sensitive to women’s issues and supports their presence in politics. Those women usually have been less educated than men and occupied marginal positions in society. The type of politics has been called “state feminism or feminism from above”. The communist government decided about rights to abortion, women’s presence in politics, on labour market, type of support for family etc. no consulting society (Siemienska 1990; Weinert, Spencer 1996; Rueschmeyer 2008).

**Women in parliament.** After the change of political system in 1990 when democratic electoral mechanisms started to decide about the number of candidates and success to get into the parliaments, number of women decreased in East European parliaments.

Table 1. Percentage of Women in Selected Parliaments During and After Communism in Eastern Central Europe

Country	Last communist election	Elections (Sept. 2006)	Elections (May 2014)
Bulgaria	21.7		24.6
Czech Republic	29.4	15.5	19.5
Estonia	32.8	18.8	19.0
Hungary	8.3	10.4	9.5
Latvia	32.8	21	25.0
Lithuania	32.8	22	24.1

Poland	20.2	20.4	24.3
Romania	34.4	11.2	13.5
Russia	32.8	9.8	13.6
Slovakia	29.4	16	18.8
Slovenia	17.7	12	33.3
Ukraine	32.8	7.1	9.7

Source: Rueschmeyer 2008: data for “the last communist election” and “Elections (Sept. 2006). Data for 2014: *Women in National Parliaments. Situation as of 1<sup>st</sup> May 2014* [nup://www.ipu.org/wmn-e/world.num](http://www.ipu.org/wmn-e/world.num)

(The World’s Women 1970-1990. Trends and Statistics. United Nation. New York 1990: 33).

During next 25 years women’s representations in national parliaments are slowly growing in majority of the countries (Table 1).

As Dahlerup concluded at the beginning of the 2000s “The electoral and party systems that emerged during the transition had a significant impact on the political participation of women in Central and Eastern Europe. All countries in the region use some kind of proportional representation (PR) or a mixed electoral system, combining an element of PR with majoritarian/plurality elections. Much scholarly research shows that PR systems tend to promote women’s representation more than majoritarian systems. In those countries that use PR, the electoral prospects of women highly depend on their position on the lists. In general, the proportion of women on party lists for national elections in Eastern Europe is low, averaging between 13 and 16 percent. However, the percentage of elected women indicates a relatively high success rate among nominated women. Regional research also reveals that more women are reelected than men.” (Dahlerup 2004:14). The same conclusion has been reached by Matland and Montgomery (2003).

### 1.1 Practices and implementation (local, regional, national)

**Quota.** Recently, to increase number of women in parliaments in several countries in the region, legislated candidate quotas have been included to electoral law or some parties established number of women on their candidates’ lists (voluntary quotas<sup>27</sup>). According to the quota study project, in 30 European and West world countries quota systems exist at the beginning the 2000<sup>th</sup> including 11 post-communist countries. In Poland legislated quota (35%) to lower house was introduced in 2011.

Poland (Republic of Poland) has a Bicameral parliament with the use of voluntary party quotas and legislated candidate quotas for the single/lower house and at the sub-national level. 130 of 460 (28%) seats in the Sejm / Parliament are held by women after the last election in electorate system PR list in 2019.

<sup>27</sup> [www.quotaproject.org](http://www.quotaproject.org)

If a list falls short of meeting the quota requirement, ‘the commission shall request the person notifying the list to remove [the defect] within 3 days. In the case of defects not removed within the specified time, the commission decides to refuse to register the list in its entirety’ (Article 215 (5)).

In Senat / Senate: 24 (24%) women among 100 members of Senate were elected in 2019 on PR lists. No legislated quota type exists.

### At the Sub-National Level Legislated Candidate Quota

	Electoral law	‘The number of candidates who are women cannot be less than 35% of all candidates on the list. The number of candidates who are men cannot be less than 35% of all candidates on the list’ (Article 425 [3]). ‘For lists that include 3 candidates, there must be at least one candidate of each gender’ (Article 457 [2]).
Legal sanctions for non-compliance	Electoral law	If a list falls short of meeting this requirement, ‘the commission shall request the person notifying the list to remove it within 3 days. In the case of defects not removed within the specified time, the commission decides to refuse to register the list in its entirety’ (Article 431).
Rank order/placement rules	Electoral law	For lists that include 3 candidates, there must be at least one candidate of each gender (Article 1 (3) of the Amendment Act 134, January 2011).

### Voluntary Political Party Quotas\*

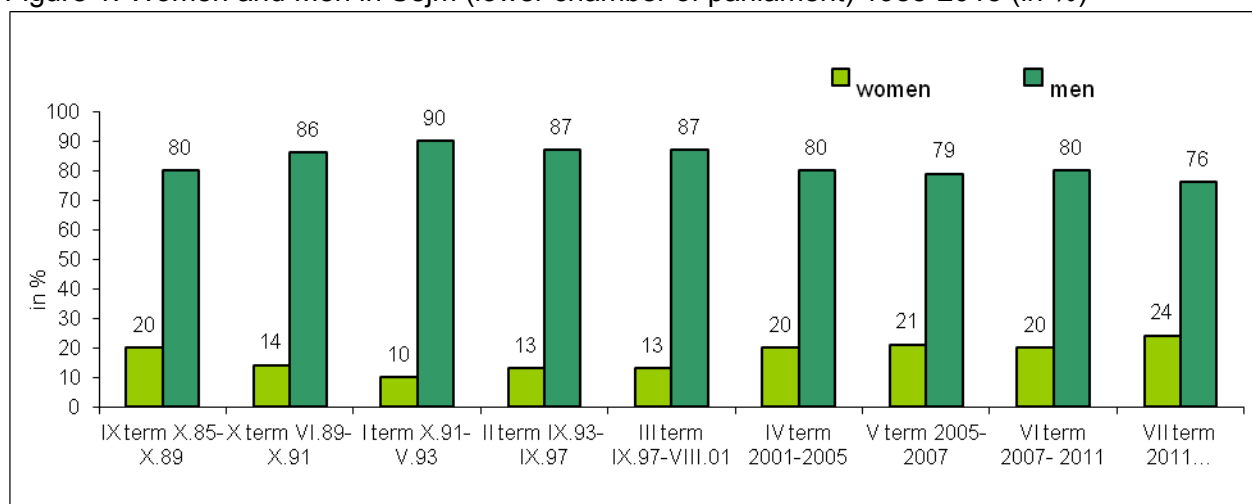
The Greens	Partia Zieloni [PZ]	All elected bodies of the Green Party are made up of an even number of members and female members. Men may not constitute more than 50% of the composition of the governing bodies, unless the statute provides otherwise. Lists of candidates and candidates of the Party in elections to the Sejm, the European Parliament and in local elections, held according to the proportional system, are filled alternately with persons of different sex until all representatives of one sex are exhausted. Men receive no more than 50% of the first places on electoral lists (Art. 15, PZ Statutes).
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The new regulations adopted in 2011 applied to any elections, including parliamentary elections (except the Senate), European Parliament elections and municipal elections, called after a six-month period from the date of entry into force of the new law.

Parliamentary elections. Numbers of female candidates in the subsequent elections after the political transformation of 1989, both in the Sejm (lower chamber of Parliament) and the Senate (the upper chamber) are growing what is not followed by the proportional increase number of those, who succeed. Number of female candidates in elections to Sejm grew up from 902 women (12,9% of the

total number of candidates) in 1991 to 3063 women (43.5% of the total number of candidates) in 2011. In the period, number of female candidates increased more than three times, number of female deputies only more than twice (Figure 1). In the last election to Sejm in 2019 female candidates constituted 42.1%. It means less than earlier. Women constitute 37% of elected deputies in current Sejm. Number of female candidates in elections to Senate grew up from: 54 women (8,8% of the total number of candidates) in 1991 to 70 women (14% of the total number of candidates) in 2011. The highest number of elected women to Senate was 23 (23%) in 2001. In the election in 2011 number of elected women as senators was 13% like in elections of 1993, 1997, 2001. In 2019 16.2% women was among candidates. Number of elected women -24.

Figure 1. Women and Men in Sejm (lower chamber of parliament) 1985-2015 (in %)



### Women elected on regional and local levels

The number of women elected to local self-government bodies grew from 1 per cent in 1990 up to 25 per cent in 2010. Number of women in local councils became higher than in the lower chamber (Sejm) of the parliament (according to the State Electoral Commission). The number of female candidates in the local elections is growing faster than number of the elected women like in the case of the national parliamentary elections. The growth from 21% in 1998 to 31% in 2010 demonstrates increasing interest of women in the elections as well as changing attitudes of politicians toward women's presence in politics. Women are mostly present on the lowest level - in commune councils. Warsaw (capital of the country) has been an exception: the number of female candidates and elected women is definitely higher (more than 30%) due to large number of highly educated women in the city.

Table 2. Candidates and elected men and women in different sizes of communities in 2018

	<b>candidates</b>	<b>Elected</b>
<b>Municipality up to 20 thousand</b>		
<b>Women</b>	0.35	0.31
<b>Men</b>	0.64	0.68
<b>Municipality above 20 thousand</b>		
<b>Women</b>	0.45	0.27
<b>Men</b>	0.54	0.72
<b>m.p.p.</b>		
<b>Women</b>	0.45	0.26
<b>Men</b>	0.54	0.73
<b>Counties</b>		
<b>Women</b>	0.46	0.23
<b>Men</b>	0.53	0.76
<b>Voivodeship</b>		
<b>Women</b>	0.45	0.28
<b>Men</b>	0.54	0.71

The number of those voting for both men and women in local elections has increased over time (Sieminska 2005). A social “class” (defined as a combination of the level of education and income) mostly differentiates the behaviors of voters. This synthetic indicator shows that women and men belonging to the highest classes (the most educated and the most well doing in financial sense)



differ significantly in the level of support granted to women and men during election; men are much less eager to vote for women (Siemienska 2005).

## 1.2 Public discourse

In general, societies find it easier to accept equal rights between women and men on the labor market than in politics. The attitudes are changing fairly fast after the change of political system in 1990. In Poland in 1990 50% of women and 63% of men share the opinion “When jobs are scarce, men should have more right to a job than women”. In 1999 respectively 34% of women and 35% of men.

Attitudes toward women’s participation in politics change much slower. The opinion “Men make better political leaders than women do” was shared in Poland in 1990 by 46% of women and by 57% of men. In 1999 respectively by 32 % of women and 51% of men (Data WVS/EVS in Source: Galligan Y. et al, 2009 *Gender Politics and Democracy in Post-socialist Europe.*)

Up to now, certain parallelism of changes in women’s and men’s attitudes has been maintained, men tend to be more traditional than women. Both men and women find it easier to accept equal terms of work for women and men than to accept the presence of women in politics.

The causes for differences in the level of acceptance of equality in access to work and to politics are worth considering. Women have worked for a long time and the society has had the time to get used to their presence on the labor market. Moreover, the sources of differences in the level of acceptance for participation of women in these two spheres are partially rooted in the differing relations to the existing – broadly understood – resources. Work is a way to obtain additional material resources when the pool of these is not strictly limited or is not perceived as such. While in politics number of influential positions (e.g., number of seats in parliament and local councils, number of positions in national and local governments) are fixed. The entering women in a world of politics – unlike in the sphere of work – indicates an entirely new distribution of limited, fungible goods, which may/ must become a source of conflict. Therefore, acceptance for the presence of women in politics, is causing growing pressure for creation of effective mechanisms (e.g. quotas, alternate women’s and men’s positions on candidate lists in elections, more governmental nominations for women) to equalize their chances when they are as candidates competing for positions, which cannot be freely multiplied.

## **Women in government**

Three women were prime ministers since 1990 (time of change of political system). They represented parties of different political orientations. Recently 3 women are ministers among 27 in the government created by ruling Zjednoczoną Prawicę (Unified Right-coalition of party Law and Justice and few smaller parties). They are: Marlena Maląg - minister of Family and Social Policy, Anna Moskwa- minister of Climate and Environment, Magdalena Rzeczkowska -minister of Finance, and Agnieszka Ścigaj – member of Ministry Council.

### **Women in top positions in political parties**

In general, women are underrepresented, they occupy deputy positions. Below description of main parties. In the ruling conservative rightist party Law and Justice one women (Beata Szydło) is among 7 vice presidents of the party. 11 women are among 39 members of Political Committee of the party. In the liberal Civic Platform 5 women are among 10 vice presidents of the party. One woman is deputy of general secretary among 4 persons occupying the position. In the party Poland 2050. Szymon Hołownia Party like in the Civic Platform women constitute half of vice presidents (3 out of 6).

They are significant differences in number of female candidates on national lists of different political parties or coalitions in parliamentary election in 2019. The highest number 46.6 % was on the list of Lewicy (KW Sojusz Lewicy Demokratycznej; Leftist Alliance of Democratic Left). Above 40 % of women was on the list of Koalicja Obywatelska (Civic Coalition)-43% and PSL (Polish People's Party)-41.4%. 39% women was on the list of PiS.

### **Women in business elite**

According to study conducted by Deloitte in 2019 women constituted only about 16% of members supervisory boards, 13% of board directors of listed companies and 6% of heads of companies. Only 1 woman was head of large company among 100 of the biggest companies (Jablonski - **Przywódstwo w polskich molochach nie dla kobiet (leadership in large Polish companies not for women<sup>28</sup>)**).

According to Eurostat Polish women constitute 21% of board members and 13% of members of board of trustees of the biggest listed companies. It is less than European mean.

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<https://www.forbes.pl/biznes/kobiety-w-najwiekszych-polskich-spolkach-prezeski-czlonkinie-rad-nadzorczych/4pv1rrp>

*Attitudes toward women in leadership positions in business* In the study LiveCareer conducted in 2021 in Poland on 747 respondents 78% of them stated that leader's gender is not important when candidates for the position are selected. Persons who have women as supervisors consider their relationship with them better than the whole studied population. Men even better than women.

82% of respondents whose supervisors are women consider their work efficiency as good or very good, especially young people (in age below 26). According to the newest data Polish women are occupying 47% of managerial positions (what place them high in comparison to other European countries) but usually in smaller companies. 67% respondents declare that women should be hired as leaders in their work places. 46% of Poles is opting for higher number of female managers in the country. 31% of interviewed women stress that they would feel more relaxed having female boss.

### **Women in academic elite**

**According to THE World University Rankings 2022** the percentage of women among the leaders of top universities exceeded 20%. These changes are also observed in Poland. Among the rectors of the term 2020-2024 in 123 Polish universities there are 23 women – more than ever before. Comparing only 93 universities supervised by the Ministry of Education and Science, in the previous term women held the position of rectors in 9 of them and now in 15. Seven of them have title of professor (the highest scientific position in academic world), other degree of doctor habilitated. They used to have positions of rector in universities occupying rather low positions in ranking of universities. In 2021 47.8 th. of women and 52.1 th. of men were academic teachers. Their structures were different. Men have higher scientific degrees than women. 23.7 th. women and 22.8 thousand of men had completed PhD, 12.3th. of women and 9 thousand of men did not have any degree or scientific title, 8.9 thousands of women and 12.7 thousands of men were habilitated doctors, 2.7 thousands of women and 7.4 thousands of men had title of professor.

Since 1980 women constitute majority among students. In 2021 708 thousand of women and 499 thousand of men were studying. Up to now, it exists a strong division for female and male fields of studies<sup>29</sup>.

### 1.3 Political discourse

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<https://strefaedukacji.pl/w-polsce-jest-27-tys-kobiet-profesorow-i-74-tys-mezczyzn-z-tym-tytulem-z-czego-wynika-roznica/ar/c5-17351359> [accessed 13.04.23].

The reasons of women's marginalization are various. They have lower and different cultural and social capitals (as defined by Putnam 1993) than had by men. Institutional tradition of patriarchal system in public and private spheres are making men main actors in public sphere, especially in politics, while women are responsible for activities in private one with limited role in public sphere mainly as employees on labor market. Lack of tradition of civic activities, relatively more traditional conceptions of women's and men's roles in society have to be considered as additional main factors hampering women's access to decision making positions in the countries. However, from the longer time perspective than observed by Schmitter (the late 1990s) we may say that women's empowerment is progressing after decreasing their role immediately after the change of political system. It does not mean that they achieved the same positions as women in leading West European countries in this respect. But the countries in Western Europe also vary in respect of women's level of education, inequality on labor market and access to power.

The empirical research conducted in many countries showed at the present stage of history, the increasing emphasis on gender equality has become a central component of the democratization process. The same authors pointed out that support for gender equality is not a simple consequence of democratization. It is a part of a broad cultural change, which has been transforming the industrial societies and bringing increasing mass demands towards the increasingly democratic institutions (Inglehart, Norris, Welzel 2003:91). Emergence of democratic institutions as such does not mean that the number of women in public life – in the bodies functioning on the basis of elections, as well as those based on nominations - is automatically increasing. Intercultural analyses show that in the process of changes the level of economic development – in many democratic countries higher in comparison with non-democratic countries - is of significance. As a rule, it is associated with the increased education level, which, on the other hand, indicates a change in the system of values, including the perceived need for equalization of the status of women and men. This does not mean that the new elites are always eager to accept such changes (Siemieńska 2004). Implementation of gender equality in social life, both in the private and public sphere, requires increased perception of the need for implementation of this principle and existence of the appropriate institutions, standards, „rules” of collective activity, which will allow to bring it to life. The democratic system used to create the conditions facilitating the changes. WVS and EVS data from several dozen countries (Inglehart, Norris 2003; Inglehart, Welzel (2005), Welzel, Inglehart (2009) indicate that attitudes towards gender equality and roles played by women and men are among the „emancipation” values that condition democratization of countries, development of liberal democracy, intensification of demands in terms of creation of institutions that would function in accordance with the emancipation attitudes (Welzel and Inglehart 2009). „Gender equality dominant over patriarchalism” is one of the four components

of „emancipation values”, apart from „Tolerance dominant over conformism”, „Autonomy dominant over authority” and „Participation dominant over security” (postmaterialist values). „Gender equality dominant over patriarchalism” includes among others non-acceptance of the view that men are better political leaders, that education is more important for boys than for girls and that men have more right to employment than women, when jobs are scarce. The authors underline that the high level of internalized support for democracy may emerge and has emerged e.g. in non-democratic countries of Central and Eastern Europe (Czechoslovakia, Poland, Estonia and Hungary) prior to the systemic transformation and democratization. The emancipation values are not endogenous for democratic institutions. According to cited authors the causality surely runs from values to institutions and not in the opposite direction (Inglehart. Welzel 2009). In this context, the attitudes concerning roles of women and men in the sphere of public life are viewed as the immanent part of processes that determine the course of democratization. Later, existence of the democratic institutions is facilitating process of growing consciousness of women’s rights in public and private spheres.

## **7. MIGRATION AND MINORITY POLICY**

Over the last three decades, Poland’s migration context underwent important changes. From a sending and rather homogenous country Poland transformed into an increasingly diverse society and a prominent destination for refugees and foreign workers. In the past Poland was merely a transit country, a gateway to European Union and a stop in the way to Western countries that could afford higher wages and social benefits. Recently, however, we can observe an increase of long-term migrants residing in Poland. This includes more than 1.5 million refugees – predominantly women and children – from the ongoing conflict in Ukraine.

Despite those developments, there is no coherent and reliable statistical system showing the scale of the presence of foreigners in Poland as well as their gender composition. First of all, it is estimated that a proportion of migrants remain in Poland illegally or at least works in the grey zone, without official permit. Also, the lack of a system for collecting and verifying data at EU level makes it impossible to monitor the movements of persons under temporary protection granted because of the war in Ukraine. Therefore, we can only talk about estimates when discussing the scale and gender dimension of migration in Poland.

### 1.1 Legal context

## MIGRATION POLICY

Poland, as a member of the European Union, has implemented various policies to regulate migration flows into and out of its borders. The main legal documents regulating migration policy include the Act on Foreigners, the Act on granting protection to foreigners within the territory of the Republic of Poland, and the Act on the entry into, stay in, and exit from the Republic of Poland. These laws outline the procedures for obtaining visas, residency permits, and asylum, as well as the conditions for employment and the rights and obligations of foreigners residing in Poland. Additionally, there are numerous regulations and administrative decisions issued by various government ministries and agencies that specify the implementation of migration policy.<sup>30</sup>

Poland currently lacks a formal strategic framework for immigration and integration, as the 2012 migration policy (developed in consultation with CSOs) was cancelled by the Law and Justice government in 2016 and was never replaced (Okolski and Wach, 2020; Klaus, 2020). The justification for cancelling the policy was that it was outdated due to the 2015 refugee crisis. The Ministry of Interior shared a new, security-oriented draft strategy in 2019, which was met with criticism and was not adopted. This lack of a formal policy has hindered the coherence and effectiveness of Poland's overall approach to immigration, exacerbated by competing interests across different government departments that are poorly coordinated and dispersed between different institutions and ministries (Okolski and Wach, 2020).

As a result, integration in Poland has only been addressed through a specific programme aimed at recognised refugees, with local authorities and CSOs left to manage the integration process for migrants due to a lack of central institutions or frameworks. Concerns have been raised about the exploitation of foreign workers, particularly those working informally, such as Ukrainians who have stayed beyond their permitted term (Szulecka, 2016).

There are two Acts adopted in 2003, which constitute separate regulations regarding foreigners seeking protection and other foreigners. Article 3 of the Act of 13 June 2003 on granting protection to foreigners within the territory of the Republic of Poland stipulates the following forms of protection: granting refugee status, granting asylum, permit for tolerated stay or temporary protection. The solutions grant certain rights to persons who do not meet the conditions to be granted refugee status, and in accordance with the principle of non-refoulement promoted by UNHCR and contained

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<sup>30</sup> The Act on Foreigners was first introduced in 1962 and has undergone several revisions since then, with the latest version coming into force on May 25, 2018. The Act on granting protection to foreigners within the territory of the Republic of Poland was enacted on April 13, 2016, replacing the previous Refugee Law from 2003. The Act on the entry into, stay in, and exit from the Republic of Poland was enacted on July 12, 2019, replacing the previous Act on Foreigners from 2013.

in the Geneva Convention, they cannot be returned to their country of origin, where their safety would be at risk. They receive state aid, the right to employment and family reunification. The second act was introduced to limit the gray zone of employment by allowing illegal migrants living in Poland since 1 January 1997 or earlier to legalize their stay for a year. Those who settled in the country after this date could leave without being recorded in the register of undesirable foreigners.

Poland has been on the migration route from the East to the West of Europe since the early 1990s, and it mainly played the role of a transit country, which for most migrants was only a stage on their journey to the destination country. What strengthened the isolation of foreigners was that they were located in the refugee centers where they had little contact with Poles. Isolation was exacerbated by the fact of economic dependence. Status-seekers received little pocket money, but were not entitled to work, so they took up illegal jobs. They also often encountered a language barrier that is difficult to overcome. Learning Polish language is very difficult for foreigners, and more importantly, immigrants often do not show willingness to take it up, despite courses conducted in refugee centers. The reason for the above is primarily treating the stay in Poland as a transitional stage in the journey to Western European countries. However, the Ukrainian and Belarussian migrants differ in that respect as many of them prefer to remain in Poland due to similarities in spoken language, opportunities for free education and closeness to home.

The current government has also demonstrated a willingness to address labour shortages in Poland's ageing population by adopting policies that are particularly permissive towards labour migration from Eastern Europe (Klaus, 2020). Regulations introduced in 2007 (and then subsequently liberalized) allow citizens from selected Eastern European countries to work in Poland for up to 24 months without requiring a work permit. Ethnic Poles who are citizens of post-Soviet countries can also apply for a Pole's card that provides streamlined access to visas, citizenship, and residence, as well as the ability to conduct business and access education on the same terms as Polish citizens. The government has also implemented specialized programmes encouraging labour migration from Poland's eastern neighbours, such as the Business Harbor Programme for information technology specialists.

Since February 2022 Poland has adopted an open policy towards refugees from Ukraine since the recent outbreak of conflict in the country, with the Interior Minister confirming on 24 February 2022 that Poland's borders would remain open to Ukrainians. This policy is part of a unified approach across EU Member States, which has included support to Ukraine's armed forces and wide-ranging sanctions on Russia (Council of Europe, 2022). The EU Member States activated the 2001 EU Temporary Protection Directive for the first time since its creation on 4 March, requiring Member States to grant temporary protection to all Ukrainians escaping the conflict, as well as

persons with protection status in Ukraine, without requiring individual asylum claims (Motte-Baumvol et al., 2022; UNHCR, 2022b).

In Poland, the Special Law on Assistance for Ukrainian Citizens was passed on 12 March 2022, giving immediate legal status for a period of 18 months to all Ukrainians escaping the conflict and providing them with a streamlined pathway to apply for a temporary residence permit for up to three years. It also guarantees Ukrainians access to the Polish labour market and provides the basis to apply for a Polish national identification number (PESEL), which can be used to access healthcare and social benefits on the same basis as Polish citizens (ACAPS, 2022; Office for Foreigners, 2022a; 2022b).

However, the response has encountered several challenges, including the exclusion of third-country nationals and members of Roma community escaping Ukraine from the provisions contained in the Special Law as well as the onus of support falling on local authorities, CSOs, and ordinary citizens (MEDAM, 2022). The estimated cost of supporting Ukrainian refugees in 2022 is €5.45 billion, equivalent to 1% of gross domestic product (GDP), over a third of which is made up of private donations (Polish Economic Institute, 2022). Polish city authorities and CSOs have played a key role in the response, and have expanded their services significantly to meet the needs of Ukrainian refugees. National efforts are supported by a \$1.85 billion UNHCR-led interagency regional response plan, over \$740 million of which is allocated to the refugee response in Poland (FTS, 2022).

Foreigners who are legally residing in Poland (as employees or refugees) are entitled to social assistance, if they are in a difficult life situation and meet the criteria for being supported by social assistance institutions, may use cash and non-cash social assistance benefits on general terms, just like Polish citizens. Additionally, they can receive support to cover the costs of living and Polish language lessons.

In the long-term perspective, foreign migrants will be able to take advantage of the offer going beyond social assistance within the Centers for Integration of Foreigners. The Ministry of Family and Social Policy is implementing the project "Building structures for the integration of foreigners in Poland - stage II - pilotage of Centers for Integration of Foreigners" - a project under the Asylum, Migration and Integration Fund (AMIF). The aim is to set up two Centers for Integration of Foreigners on a pilot basis in partnership with voivodship governments. Integration activities carried out in the Centers will be addressed to third-country nationals in terms of integration with Polish society through: labor market advice, learning Polish, cultural assistance (e.g. help in enrolling children to school), specialist advice (e.g. psychological, legal).



Women and men have different experiences and face unique challenges when it comes to migration, and therefore, gender should be an important consideration in the design and implementation of such policies. While there are no specific regulations on migration that solely focus on gender issues, there are several legal provisions and policy documents in Poland that address gender equality in relation to migration. For instance, the Act on granting protection to foreigners within the territory of the Republic of Poland provides specific provisions for the protection of women, children, and other vulnerable groups, including victims of gender-based violence, human trafficking, and exploitation. Furthermore, the government's National Action Plan for Gender Equality 2021-2030 includes specific actions aimed at improving the situation of migrant women, such as ensuring access to health services and promoting the participation of migrant women in social and economic life. Poland has also ratified international agreements and conventions on gender equality, including the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Additionally, in 2020 the government adopted the Migrant Integration Strategy, which aims to promote the social, economic, and cultural integration of migrants in Poland, including women migrants.

Despite these policies, there are still challenges faced by migrant women in Poland, such as discrimination, lack of access to education and healthcare, and vulnerability to violence and exploitation. Therefore, there is a need for more targeted policies and interventions that address the specific needs and challenges faced by migrant women in the country.

## **MINORITY POLICY**

Three stages of the evolution of minority policy in Poland should be mentioned. The first, lasting until the end of the 90s, was the formation of legal regulations of minorities, the second the adoption of a special law on minorities (January 2005), and the third the implementation of this law. In addition to international obligations resulting from bilateral international agreements, Poland also adopted a number of obligations resulting from ratified multilateral conventions on the protection of human rights and minorities within the framework of the United Nations (UN) and the Council of Europe. Poland was also an active party within the Organisation for Security and Cooperation in Europe (OSCE), whose standards for the protection of national and ethnic minorities have been used in the system of bilateral treaties.

The most important act in which the rights of national and ethnic minorities in Poland are regulated is the Constitution of the Republic of Poland. The Constitution prohibits discrimination and the existence of organizations whose program or activities presuppose or encourage racial and

national hatred. It also extensively describes the rights related to the freedom of religious beliefs. In parliament, the issues of national and ethnic minorities are dealt with by a separate committee, the Sejm Committee on National and Ethnic Minorities. Its main tasks include the preservation of the cultural heritage of national and ethnic and linguistic minorities, as well as their rights. Within the government, there is an Interministerial Team for National Minorities, within which there is a Sub-Team for Education of National Minorities, a Team for National Minorities. It continues the activities undertaken by the previous organization, within which operates the Sub-Team for the Education of National Minorities, the Department of National Minorities of the Department of Religions, the Ministry of the Interior and Administration – the scope of its activities includes a number of initiatives, the Department of Culture of National Minorities of the Ministry of Culture.

In accordance with the Act of 6 January 2005 on national minorities and ethnic and regional language in Article 2 point 1, “a national minority is a group of people who meets the following conditions: is less numerous than the rest of the Polish population; is significantly distinguished from other citizens by language, culture or tradition; seeks to preserve its language, culture or traditions; is aware of its own historical national community and is focused on expressing and protecting it; its ancestors have lived in the present territory of the Republic of Poland for at least 100 years; equates with a nation organized in its own state”.

In article 2(2) of the abovementioned Act, the following minorities are considered to be national minorities: Belarusian, Czech, Lithuanian, German, Armenian, Russian, Slovak, Ukrainian, and Jewish. On the other hand, it considers the Karaims to be ethnic minorities, along with Lycovska, Roma, and Tatar.

In Europe, the most important act regulating the rights of national minorities is the Council of Europe Framework Convention for the Protection of National Minorities of 1 February 1995. Poland signed it in 1995 and ratified it on 10 November 2000, and the Polish State became a party to the Convention on 1 April 2001<sup>26</sup>. On 12 May 2003, Poland also signed the European Charter for Regional or Minority Languages, drawn up in Strasbourg on 5 November 1992, which has been in force since 1 June 2009<sup>27</sup>.

## 1.2 Practices and implementation (local, regional, national)

## TRENDS IN MIGRATION

At the end of 2022, there were approx. 3 million foreigners in Poland, which accounted for approx. 8% of the society. This confirms that Poland in a very short time became an immigration country. At the same time, there are still very few reliable sources regarding actual immigration to Poland which makes it difficult to make informed decisions in the field of migration policy and other public policies.

Employment is the main reason for the arrival of foreign migrants – both men and woman – to Poland. A liberal policy in this area causes a dynamic increase in foreigners who obtain work permits in Poland or take up employment based on a simplified system – employers' declarations of intention to give employment to a foreigner. Apart from the already mentioned Ukrainians, the main groups of non-EU foreigners residing in Poland include citizens of Eastern European countries: Belarusians, Georgians, and Moldovans. The number of Filipinos, Indians, Nepalese, Turks, Uzbeks, and Bangladeshis is also growing dynamically. In 2021, almost 2 million employers declarations were registered (including 1,635,000 for Ukrainians) and over 570,000 work permits were issued (including 325,000 for Ukrainians).

Despite the influx of migrants from eastern countries, the gap in Polish labor market was growing in the last ten years, and the entrepreneurs were increasingly reaching for employees from countries several thousand kilometers away. As a result, since 2017, there has been a sharp increase in residence permits issued to citizens from countries like Nepal, Bangladesh, India, the Philippines, and Indonesia (Klaus, 2020; Ministry of Family and Social Policy, 2021). According to Work Service report (2019) only in the first half of 2019, the number of work permits for employees from Vietnam amounted to 91% of all permits in 2018, and for employees from Indonesia 76%. Migrants from Asia are mostly men (87%) and often work as industrial workers and craftsmen (37%), elementary workers (31.7%) and machine and equipment operators and assemblers (7.1%). Employees from this region are most often employed in the administrative and support services sector (36.8%), manufacturing (25.2%), less often in construction (9.5%) and accommodation and food services (7.4%).<sup>31</sup>

Women migrants in Poland work in a variety of sectors, but tend to be concentrated in low-wage, labor-intensive industries such as domestic work, care work, and agriculture. According to data from the Central Statistical Office (GUS, 2020), the largest numbers of female migrant workers in Poland came from Ukraine, Belarus, and Moldova, and were employed in manufacturing (25%), trade (15%), agriculture (12%), and accommodation and food services (11%). However, those official

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<sup>31</sup> <https://kresy.pl/wydarzenia/tani-i-wytrzymali-jak-w-polsce-reklamuje-sie-pracownikow-z-bangladeszu/>

statistics do not reflect the importance of the domestic work and care work, which are among the sectors with the highest numbers of women migrants in Poland. Many migrant women work as domestic workers, providing cleaning, cooking, and other household services for Polish families. These women often work long hours for low pay and lack legal protections, leaving them vulnerable to exploitation and abuse. Similarly, many migrant women work in care homes for the elderly or disabled, providing personal care and assistance to patients. These jobs are often low-paying and offer limited job security or benefits.

Agriculture is another sector with a significant number of women migrant workers. Many migrant women work on farms, picking fruits and vegetables or tending to livestock. These jobs are often seasonal and offer low wages, and many workers live in temporary housing or accommodations provided by their employers. Women migrants also work in the service industry, including hospitality and retail. However, these jobs are often low-paying and offer limited opportunities for advancement, leaving many migrant women stuck in low-wage jobs with few prospects for improvement.

Many women migrants work in low-skilled and low-paid jobs in the service and care sectors, which often lack job security, social protections, and opportunities for career advancement. It is important to note that many women migrants in Poland work in the informal economy, without legal status or employment contracts. This makes it difficult for them to access basic labor protections or seek redress for workplace abuses, and leaves them vulnerable to exploitation and abuse by employers.

One of the key challenges for women migrants in Poland is the lack of access to healthcare services. While all foreigners are entitled to emergency healthcare, accessing regular healthcare can be difficult or costly, particularly for those who are undocumented or in irregular situations. Another significant challenge for women migrants in Poland is accessing affordable and safe housing. Migrants are often excluded from the formal rental market, leaving them vulnerable to exploitative housing arrangements and homelessness. This is particularly problematic for women migrants who may face additional risks of violence, harassment, or sexual exploitation in informal housing arrangements.

Despite these challenges, women migrants in Poland have also been active in organizing and advocating for their rights. A number of CSOs work specifically with women migrants, providing services such as legal advice, healthcare, and shelter, as well as organizing workshops and training programs to build women's skills and networks. Women migrants have also been involved in broader social and political movements, advocating for policies that address their specific needs and experiences.

However, many women migrants and advocates argue that these efforts are insufficient, and that more needs to be done to address the root causes of discrimination, violence, and exclusion faced by women migrants in Poland. This includes ensuring access to affordable and safe housing, promoting decent work and social protections for all workers, and addressing the structural inequalities that underpin gender-based violence and discrimination.

Various civil society organizations in Poland work on gender-specific issues related to migration, such as access to healthcare and legal aid, combating gender-based violence, and promoting women's empowerment and leadership. CSOs usually provide language courses, legal assistance, and vocational training to help women gain independence and improve their economic prospects. Additionally, programs to combat gender-based violence among migrant populations, provide shelters and counseling services for victims of domestic violence. While these initiatives are steps in the right direction, more data and research are needed to understand the effectiveness of these policies and the experiences of migrant women and men in Poland.

Apart from labor migration, we observe several significant groups of migrants in Poland – citizens of the Russian Federation of Chechen nationality, citizens of Vietnam as well as Syrian and Ukrainian refugees – whose situation highlights different aspects of Polish migration policy.

Since the late 1990s, a wave of forced migration has been observed from Chechnya, as a result of warfare and the resulting destruction. Consequently, many Chechens ended up in Poland, where they sought legal protection. In case of majority of Chechen refugees, Poland is not a preferred receiving country, but due to international regulations, people who entered the European Union through the territory of Poland remain “attached” to our country and are unable to apply for refugee status in other EU countries.<sup>32</sup>

On the other hand, the Vietnamese are one of the largest immigrant groups in Poland, whose number is estimated from about 25,000 to about 60,000 people. Till recently, Vietnamese children and youth constituted the largest group among all foreign students in Poland and many second-generation Vietnamese immigrants define themselves as Poles.

Poland has not been a popular destination for Syrian refugees, and the number of Syrian migrants in the country is relatively small compared to other European countries<sup>33</sup>. One of the challenges that Syrian migrants in Poland face is the language barrier, which makes it difficult to

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<sup>32</sup> This means that many foreigners who treat Poland as a transit country on their way to the Western countries are eventually deported to Poland, which has had a significant impact on the increase in the size of the refugee phenomenon in our country over the last few years. This regulation also concerns many of the Syrian refugees who do not wish to remain in Poland. At the same time, Ukrainian refugees receive preferential conditions for obtaining the right of residence or exemption from public transport fees, as well as benefits (e.g. 500+ in Poland).

<sup>33</sup> As of 2021, there were around 5,000 Syrian refugees in Poland.

access services and find employment. Additionally, some Syrian migrants face discrimination and prejudice, which limit their opportunities and hinder their integration into Polish society. Polish right-wing government has not been as active in providing support for refugees as in some other European countries, and many Syrian migrants in Poland struggle to find housing and employment. There have also been concerns about the conditions in some of the reception centers and shelters for refugees in Poland.

Since August 2021, large number of migrants and refugees from Middle East and Africa started gathering on the Belarusian side of the border, with some attempting to cross into Poland. The Polish government responded by deploying additional border guards and declaring a state of emergency in some areas along the border. It has accused Belarus of intentionally encouraging migrants to cross the border in an attempt to create a crisis and put pressure on Poland and the European Union. Some experts have suggested that the situation may be linked to wider geopolitical tensions between the European Union and Russia, with Belarus serving as a proxy for Russian interests (Grupa Granica, 2021; Council of Europe Commissioner for Human Rights, 2022). The resulting humanitarian crisis on the Belarusian border, where the refugees are being arrested or pushed back to Belarus is in stark contrast with the situation at the Ukrainian border where refugees are receiving full support from public as well as private institutions and special laws are created to facilitate their settlement in Poland.

Differences in response to Syrian and Ukrainian refugees have a strong gender and cultural aspect. Willingness to support white Christian women and children from the attacked neighboring country was much higher than openness to predominantly male and Muslim Arabic refugees from Syria, which is geographically and culturally very distant from Poland. As a result, public support for Ukrainian refugees is much higher and special policies are put in place granting them preferential treatment. In case of Syrian refugees, it's mainly human rights organizations and volunteers that support them. Some are organizing language courses and employment programs aim at helping refugees to integrate into Polish society.

## **SITUATION OF MINORITIES**

After joining NATO in 1999, Poland's foreign policy shifted towards developing better relations with neighboring countries in Eastern Europe. This was done to enhance Poland's security and economic interests, while also promoting geopolitical pluralism in the region and supporting the independence of former Soviet states. Furthermore, Poland had a keen interest in fostering a

pro-European approach in the internal and foreign policies of Ukraine and Belarus, with the aim of building strong bilateral relationships with these countries.

During the period of European Union integration, the government attempted to balance traditional and modern values, while also acknowledging the importance of regional and local diversity. The government aimed to broaden the understanding of Polish history and traditions, including those of national and ethnic minorities, without attempting to emulate foreign cultures. In this line, the coalition governments that lasted in power continuously between 2007-2015 developed a common position on the issue of national minorities, supporting the equality of all citizens regardless of gender, origin, beliefs, etc.

However, in recent years, we can observe a worrying increase of racist and xenophobic crimes that has been growing in Europe, including Poland. Right-wing government, which is in power since 2015, either ignore or quietly supports the emergence of nationalist groups and behaviors, which seems to flourish under the umbrella of new conservative policies strengthening the role of tradition and patriotism (Aneta Bąk-Pitucha).

The situation of women from minorities in Poland can be complex and varied depending on the specific minority group they belong to. Women from Eastern European minority groups, such as the Ukrainian, Belarusian, and Lithuanian communities, integrate much easier due to cultural and racial similarities as well as shared history of the region. However, as long as they remain active in low-skilled and low-paid labor groups, their position in the Polish society remains precarious.

One of the largest minority groups in Poland is the Roma community, which is estimated between 10,000 to 30,000 people. Due to its complicated legal status and strong stereotypes, many women from Roma community face discrimination and marginalization, as well as challenges in accessing education, employment, and healthcare. They are also at risk of domestic violence and other forms of abuse.

Another minority group in Poland is the Muslim community, which includes both Polish-born Muslims and immigrants. Until recently, Poles had little knowledge about Islam, as well as the causes of refugeeism and their opinions were based on stereotypes and media stories. The schools and workplaces are still not prepared for culturally diverse children or employees. Due to cultural and religious differences, Muslim women in Poland may face prejudice and struggle with access to education, employment, and healthcare, as well as experience other barriers to social integration. The political campaign of 2015 increased the fear of potential terrorism and “islamization” of Poland by Syrian refugees, which together with low level of multicultural awareness created new barriers to Muslim integration.

Overall, while there are legal protections in Poland against discrimination and prejudice, women from minority backgrounds in the country still face challenges and obstacles in many aspects of their lives. There are also efforts being made to address these issues and promote greater equality and inclusivity. For example, there are organizations and initiatives working to improve access to education, employment, and healthcare for women from minority groups. Additionally, there are legal protections in place to combat discrimination and prejudice. As Poland continues to diversify, there is increasing recognition of the importance of promoting diversity, equity, and inclusion, which can create more opportunities and a brighter future for all women in the country, regardless of their background.

### 1.3 Political discourse

Throughout time, there has been a shift in public attitudes towards refugees and migrants in Poland. According to the recent report<sup>34</sup>, Poland has been historically portrayed in opinion polls as one of the most favorable societies towards refugees in Europe. However, this changed drastically in 2015 when the European migrant crisis emerged, and over a million refugees from Middle Eastern and African countries, mainly Syria and Afghanistan, arrived in Europe seeking asylum. In Poland, these individuals were not seen as legitimate refugees but rather as irregular migrants, causing public opinion to turn against them.

More recently, there has been a wave of support and solidarity towards Ukrainian refugees. In 2022, the report notes that public attitudes towards some refugees have improved with the arrival of people displaced by the war in Ukraine.

The report highlights a contrast in how migrants are perceived in Poland: those from the Middle East and Africa are not regarded as authentic refugees and are often viewed as a security threat to the state, whereas those from Ukraine are seen as genuine refugees deserving of support. However, the authors of the report caution that the positive attitudes towards Ukrainian newcomers may shift in the future due to concerns about rising living costs.

Starting from 2015, the political discourse surrounding refugees has been mainly focused on a division between "us" and "them". Refugees from Africa and the Middle East have been viewed as a

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[https://ec.europa.eu/migrant-integration/library-document/poland-public-narratives-and-attitudes-towards-refugees-and-other-migrants\\_en](https://ec.europa.eu/migrant-integration/library-document/poland-public-narratives-and-attitudes-towards-refugees-and-other-migrants_en)



threatening group while Ukrainian refugees are considered to be a part of "us" standing together with Poles against Russian aggression.<sup>35</sup>

This duality is explained by one of the right-wing leaders in Poland who said: "We do not want to become like the West, we want Poland to remain Poland. It cannot become a multicultural, multinational state – because we will endlessly argue which religion, civilization, custom is right in any matter. We don't have to transplant Asia and Africa to Poland to get to know other cultures. You can travel around the world for this" (Krzysztof Bosak, MP of the Confederation, in an interview with rp.pl). Bosak also argued that the migration policy should serve the nation, not the economic indicators or business interests. As another politician remarked: "No problems on the labor market, however serious and difficult, can blind us to the fact that maintaining cultural, ethnic and religious cohesion is the most important challenge for our nation" (Robert Winnicki on his Facebook page).<sup>36</sup>

Parts of Poland's influential Catholic Church have echoed negative narratives about these newcomers. In 2015, when the Pope called for the acceptance of Muslim refugees, the Polish episcopate issued a non-committal statement, stating that the issue was primarily the responsibility of the government. However, individual members of the clergy took different positions, with some showing support while others were openly opposed. Those who opposed were affiliated with prominent media outlets, particularly Radio Maryja, a conservative radio station founded by a Catholic priest, Tadeusz Rydzyk.

Refugees from the Middle East and Africa are often labeled as economic migrants rather than genuine refugees. This idea, which has gained significant traction, is based on the belief that true refugees are visibly needy, poor, and vulnerable, with women, children, and the elderly being the most fitting examples. In 2015, television coverage and social media discourse regarding the arrival of individuals from the Middle East and Africa to Europe often portrayed young men wearing Western clothing and talking on mobile phones. (Goździak and Marton, 2018; Narkowicz, 2018).

The dominant narratives around refugees in Poland, largely promoted by the right-wing government and conservative media, tend to distinguish between "good" and "bad" refugees. According to interviewees, "good" refugees (often overlapping with "good" migrants) are considered deserving of Poland's support and include refugees from Eastern European countries that are viewed as culturally or ethnically similar to Poles, or when Poland's support for refugees aligns with

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<https://odi.org/en/publications/public-narratives-and-attitudes-towards-refugees-and-other-migrants-poland-country-profile/>

<sup>36</sup> <https://kresy.pl/wydarzenia/bosak-wazne-jest-przetrwanie-naszego-panstwa-i-naszego-narodu/>

the government's foreign policy objectives, such as in the case of Belarus or more recently Ukraine. In contrast, "bad" refugees are those from the Middle East and Africa, particularly from predominantly Muslim countries of origin, and arriving spontaneously.

## **Conclusions**

The issue of Poland's migration policy is becoming more complex with growing influx of migrants and increased ethnic and cultural diversity, which is in contrast to the governing right-wing party focus on national history and tradition, including traditional gender roles.

The migration policies focuses on attracting labor migrants, which in case of women include mainly nurses and caregivers, to address labor shortages in the healthcare sector. However, this approach has been criticized for perpetuating gender stereotypes and reinforcing the notion that women are primarily suited for caregiving roles.

Furthermore, the policy fails to address the challenges faced by women refugees and asylum seekers. The distinction made between 'good' and 'bad' refugees, based on cultural and ethnic similarities with Poland, reinforces xenophobic and Islamophobic attitudes, which disproportionately affect women from the Middle East and Africa. These women face multiple forms of discrimination and marginalization, including gender-based violence and restricted access to healthcare and education.

While the policy claims to support family reunification, the process can be complex and time-consuming, leading to prolonged separation and family breakdown. Moreover, the policy does not account for the needs and experiences of LGBTQ+ migrants, who may face additional challenges and discrimination.

Overall, while gender empowerment is ostensibly part of Poland's migration policy, a more critical analysis reveals that the reality is far from ideal. The policy reinforces gender stereotypes and fails to address the challenges faced by marginalized groups, particularly women refugees and asylum seekers.

## **8 ROLE AND POSITION OF CIVIL SOCIETY IN GENDER EMPOWERMENT AND INCLUSION**

1.1 Role of women CSOs in the political system / addressing the gaps, family, education, equal pay, managerial positions, political positions (local – regional- central level) - CSOs dedicated to women's situation (national, women-immigrants)

There are 138,000 registered non-governmental organisations, including 107,000 associations and 31,000 foundations in Poland, according to the REGON Register, as of the end of 2021. New NGOs have registered every year and about 5,000 new NGOs did so in 2021. Voluntary Fire Brigades, of which there are 16,500, are also formally 'associations' but have not been included in this survey as they have unique funding sources. Not all registered NGOs are actually active. According to Statistics Poland, approximately 50% of registered organisations conduct operations. This report shows statistics representative of the population of active foundations and associations (excluding Voluntary Fire Brigades), i.e. of approximately 70,000 foundations and associations in Poland.

Polish civil society is largely feminized, with 60% of staff being female and 47% of the managerial board as well. However, women as a social group are not among the top beneficiaries of CSOs in Poland, as these include mainly children and youth, local residents, individuals with health conditions and the elderly. 35% of all activity conducted by CSOs in Poland is focused on sport and recreation, 15% on culture and art, and 14% on education.

However, there does exist a number of active CSOs working in the area of gender empowerment and inclusion, focusing on reproductive rights, social policies related to health and family, but also the workforce and politics. They engage in different kinds of activities, organize workshops, support groups, run campaigns aimed at raising awareness regarding different systemic forms of gender discrimination, and many more. In recent years, the most burning issue related to women's rights was the abortion ban introduced in 2020, which led to massive street protests across the entire country. The organizations responsible for the mobilization of these protest proved an important public actor capable of uniting the society in an unprecedented opposition to a restriction to women's rights. This issue is still relevant and CSO-led protest continue.

Additionally, in the wake of the war in Ukraine, many Polish CSOs have engaged in activities aimed at helping female war refugees and their children by providing not only immediate support, but also long-term help with legal, psychological, educational and maintenance issues. As a result of the war, Polish CSOs re-shaped their activities in order to accommodate the needs of a new group of people.

## 1.2 Short description of selected organizations (selected because of their activities, successes)

**Rural Women's Associations.** The oldest women's organization in Poland, founded in 1877, associating women from rural areas across the entire country. Currently its activity is officially centred around 5 main aspects: aiding in the area of upbringing, education, and provision of free time activities for children and adolescents inhabiting the countryside; developing women's entrepreneurship; increasing the engagement of the rural population in cultural activities and promoting local folklore; streamlining and promoting local produce; working to promote healthcare and social wellbeing. In 2022 there were around 11 thousand Rural Women's Associations in Poland, coordinated at the central level by the Rural Women's Association Council.

**Centre for Women's Rights.** Founded in 1993, it is a feminist, non-profit, women's organization aimed at promoting gender equality and supporting women's rights. The organization's activity is centred around the issue of violence against women and providing assistance to women affected by this problem. The repertoire of the Centre's services mainly includes offering legal and psychological help to victims of different types of violence, as well as providing information about instances of women's rights breach.

**Feminoteka.** Active since 2005, it is a feminist, non-profit women's organization working towards the elimination of gender inequalities in Poland. Its activity focuses around projects aimed at eliminating all forms of violence against women and it runs an anti-violence helpline for all individuals, regardless of their sexual orientation or identity. The organization also provides legal and psychological assistance to victims of violence and serves as a source of information related to that problem. So far it has also initiated or been involved in numerous other projects related to such issues as maternity leave, architectural barriers for mothers with pushchairs, and promoting the use of endings pertaining to female gender in the Polish language. Recently it also introduced a line of cosmetics, sold to generate funds to support victims of violence.

**Foundation for Women and Family Planning FEDERA.** Founded in 1991, the mission of the organization is to guarantee that each woman could make independent decisions regarding reproductive health. Apart from running informative campaigns about current legislation in the area of reproductive rights, directed both at adults and teenagers, FEDERA monitors and issues expert opinion on this topic. Through a telephone helpline, the organization offers legal, as well as practical advice to those in need, especially as far as access to contraception and pregnancy termination procedures are concerned. Moreover, it intervenes in cases where there is a suspicion that patients'

rights have been broken, also as a legal party. It cooperates internationally with a number of both non-governmental, as well as supranational entities, to develop policies on reproductive health within the framework of human rights.

**The Ponton Foundation.** Branch of the FEDERA Foundation, dedicated to working with adolescents in the area of sexual education. The organization's mission is to support young people in the process of discovering and understanding their own sexuality, to provide them with scientifically-based, reliable knowledge, and create a safe space for the exchange of information. It works with schools, youth and cultural centres, children's homes, theatres, and many other private and public institutions, organizing workshops, disseminating materials about sexual education, but also reviewing other publications on that topic. The organization also conducts research and publishes own reports about the quality and access to sexual education in Poland.

**The MaMa Foundation.** Founded in 2003 to draw attention to the situation of mothers in the public sphere, especially to identify and raise awareness about different barriers hindering access to public facilities. The organization is responsible for numerous social campaigns and projects aimed at eliminating said obstacles. It also provides workshops, as well as legal, civic, and psychological assistance to mothers affected by this problem.

**The Congress of Women Association.** Established in 2009, it operates both at the national, as well as local level, where it has 35 regional representatives. Its mission is to ensure equal rights and opportunities for women and men in the political, social, and economic spheres. It was responsible for the preparation of the Parity Bill, adopted by Parliament in 2011. It also organizes the annual Congress of Women, an event gathering around 5 thousand participants each year, where issues related to gender discrimination and empowerment are discussed.

**The Amazons.** A federation of associations supporting women who have been diagnosed with breast cancer and underwent the procedure of mastectomy. It was started in 1993 with the idea to collect and disseminate available information on different methods of rehabilitation following breast removal and to support women after that procedure. Currently these associations organize trainings for women after mastectomy, their close ones, as well as other volunteers. Moreover, they run awareness-raising campaigns, produce materials on the topic of breast cancer, and participate in different projects aimed at raising funds for these activities.

**Polish Women’s Strike.** Emerged as a response to the 2016 “Stop Abortion” project, calling for a total ban of pregnancy termination, which was submitted for consideration to the Polish parliament by a number of anti-choice organizations, led by the Ordo Iuris Institute for Legal Culture. Leaders of Polish Women’s Strike were responsible for the organization of the Black Protest, held on October 3, 2016, and later formed a nationally recognized initiative that opposed further attempts to limit access to abortion in Poland. The 2016 project was ultimately rejected by the parliament and this was considered a major success of the October mobilization and, by extension, of the Polish Women’s Strike. However, the topic of restricting abortion rights returned in 2020, when a group of 119 Polish Members of Parliament, of right-wing, conservative affiliation, filed a request to the Constitutional Tribunal to revise the then binding abortion legislation. Immediately members of the Polish Women’s Strike called for further protest and were answered with mass attendance during subsequent events, which lasted until January 2021, when the ruling came into force.

### 1.3 Events offered to members

The repertoire of activities and events that women CSOs offer to both members and non-members is very wide. Some are open to anyone who might be interested in a given event, while others are dedicated to specific groups, based on the issue that is being covered. The main channels through which individuals are notified about the different activities that organizations offer are: newsletters and emails (though sent only to those who previously expressed the will to receive them), social media posts, posters and flyers, and direct communication in traditional media. Anyhow, the following types of events can be distinguished:

- mass protests and marches: these are usually organized in response to a particular political decision or proposal by a conjunction of organizations and is available to everyone to attend; however, there is also an annual march held to celebrate the International Women’s Day, called “The Manifa”, which is organized by the Feminist 8<sup>th</sup> of March Agreement, an independent coalition of different women CSOs;
- trainings: these are usually directed at specific groups willing to acquire knowledge about a given topic; they may cover different aspects of the labor market or the legal system, childcare, self-care, health and safety, and any other topic that a particular organization specializes in;
- workshops: similarly to trainings, they can be organized on any topic that a specific organization is dedicated to, most frequently used for educational purposes, though the scope of civil society organization’s activity has been recently limited by the legislation described in 3.2. of the current report; moreover, these may take the form of creative or sports workshops, during which

participants may be taught new skills, such as pottery or embroidery, practice yoga or meditation, or take part in cultural events;

- webinars and talks: these are usually lead by organizations in conjunction with experts in a given field, be it a lawyer specialising in family law, a sex educator, or a psychologist, invited to speak on a given topic, share their knowledge and answer any queries that participants may have;
- debates: aimed at reviewing a specific public policy or political proposal related to the area of a given women organization's interest, these events are usually organized in the form of moderated panel discussions, in which invited guests express expert opinion and other participants may ask further questions;
- individual consultations: some organizations provide specialist expertise on a regular basis, in the form of individual meetings during which specialists answer specific questions related to different legal or health issues among others; these are usually offered at the organization's premises upon earlier registration;
- charity events: mainly fundraising campaigns that are accompanied by a fair or an artistic performance, nowadays often supported by a campaign in social media; the funds collected during a given event serve to support the maintenance of the organization's regular activity, such as running hotlines and consultations, or fulfil immediate needs – the most recent example includes helping Ukrainian war immigrants;
- exhibitions: as a means of promoting both contemporary and historic women artists, organizations curate exhibitions of their works in conventional spaces, such as art galleries and museums, but also in schools or at universities, as well as outdoors.

It is also worth noting that many of the events offered by women CSOs, especially trainings, workshops, and talks, are now also available online. The use of modern technology for educational and social activities increased during the COVID-19 pandemic and this trend has remained even after the restrictions have been lifted. Computer literacy is considered a vital element lowering people's social exclusion and eliminating barriers of the so-called info-exclusion, so choosing an online form of information transmission offers women CSOs the chance to reach out to a larger portion of the society.

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