

Committee on the Elimination  
of Discrimination against Women  
Thirty-seventh session  
Consideration of reports submitted by States parties  
under article 18 of the Convention on the Elimination  
of All Forms of Discrimination against Women

## **INTRODUCTORY STATEMENT**

by

the Head of the Delegation of Poland

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I am honoured and pleased to present to the distinguished Committee the combined 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> periodic Report of the Government of the Republic of Poland on its implementation of the provisions of the Convention on the Elimination of All Forms of Discrimination against Women.

The Constitution of the Republic of Poland states that a ratified international agreement, upon being published in the Journal of Laws of the Republic of Poland, becomes a part of the domestic legal order and is directly applied.

By becoming a party to the Protocol, Poland has recognised the propriety of the Committee on the Elimination of All Forms of Discrimination against Women to receive and review individual written complaints from people subject to Poland's jurisdiction against the violation of their rights guaranteed by the Convention on the Elimination of All Forms of Discrimination against Women.

On 1<sup>st</sup> May 2004, Poland became a full member of the European Union. From that moment on it has been implementing one of the EU's horizontal policies: gender mainstreaming – the systematic inclusion of gender-equality issues in all political strategies and endeavours with the use of special EU-funded resources. In accordance with international agreements following the UN Conference on Women in Beijing in 1995, the states that signed the final document known as the Beijing Platform (which has been binding in the EU since 1996) are obliged to equalize the status of women and men in twelve sensitive areas: poverty, education, health, violence, armed conflict, economy, power and decision-making processes, institutional mechanisms for the advancement of women, women's rights as human rights, media, environment and girls. The purpose of promoting gender equality in the EU countries is to achieve a balanced division of obligations between women and men. Through the use of legal and financial measures as well as other of the Community's possibilities, the EU countries are building balanced relations between women and men in all areas of public life. The implementation of gender mainstreaming in Poland is coordinated by the Department for

Women, Family and counteracting Discrimination, subordinated to the Ministry of Labour and Social Policy.

The Department is the successor to the Government Plenipotentiary for Equal Status of Women and Men, abolished by the Prime Minister's directive of 3<sup>rd</sup> November 2005. The Department has taken over the entire scope of the Plenipotentiary's duties. It has been positioned within the Labour Ministry, because one of the most serious problems of Polish women is their difficult access to the job market. We can speak of dual discrimination – due to gender as well as age, because older Polish women are especially hard-pressed to find employment. That situation adversely affects many areas of life in Poland including the condition of the family and the low birth rate.

Through the use of EU money, the Department is conducting 11 projects pertaining to **1.6 b Action, the European Social fund's Occupational Integration and Reintegration**. These are:

- ‘The Promotion of anti-discriminatory regulations of labour law’
- ‘Multi-aspect diagnosis of women in the job market’ and the ‘Diagnosis of the socio-occupational situation of rural women in Poland’ (a large-scale research endeavour).
- ‘Between family and job’ – reconciling women’s social and occupational roles’ is a media campaign addressed chiefly to employers and women, both those entering the job market after giving birth to a child as well as those returning to work following maternity and/or child-care leave.
- ‘Partnership in the Family – women’s chance in the job market’ is an information and educational campaign combating stereotypes in the perception of female and male roles in occupational and family life by promoting the partnership model of family.
- ‘Various roles, same opportunities. Monitoring the implementation of gender equality.’

- ‘**STEREOTYPES and equal opportunities of women and men in rural communities**’ addressed to women living in rural areas in view of their especially difficult situation and living conditions.
- ‘**How good it is to be an enterprising woman!**’ has as its goal the animation of active socio-economic attitudes amongst women by presenting good practices and making available broad and understandable information on various aspects of business practice.
- ‘**Flexible forms of employment - combining occupational life and parenting**’ has as its purpose promoting information on flexible forms of employment amongst women, thereby increasing their motivation to maintain and expand their contacts with the job market during their temporary absence.
- ‘**45+ Wanted: reliability, involvement experience**’ –is meant to help eliminate the stereotypical perception of female employees over 45 and foster the implementation of planned systemic solutions aimed at the gradual equalization of the retirement age of women and men and equal access of both genders to employment and permanent training.
- ‘**The ‘Woman – Family – Job’ media campaign**’ is aimed at creating a social climate promoting broader access of women to the job market.

Moreover, the Department’s specialists participate in the work of many **European Commission Committees and working groups**. Worth mentioning are:

- The Advisory Committee on Equal Treatment of Women and Men
- The High Level Group on Gender Mainstreaming
- The Advisory Committee on implementing 2007 as Equal Opportunity Year for All
- The Working Group to Implement Equality Directives
- The Support Committee within the PROGRESS Community Programme for Employment and Social Solidarity
- The Advisory Committee for Equal Opportunities of Women and Men

- The Committee to implement the Common Framework Strategy for Gender Equality programme.

The Department's representative is also a member of the Council of Europe's Working Group for the Equality of Women and Men.

The Department is also in charge of implementing 2007 as Equal Opportunity Year for All. The European Year will involve six types of discrimination: due to gender, race or ethnic origin, religion or worldview, disability, age or sexual orientation as well as repetitive discrimination and broadly conceived equal opportunities. We are preparing both the domestic strategy and the priorities of the European Year in full cooperation with NGOs defending and representing the interests of individuals potentially threatened by discrimination and unequal treatment.

Intensive work is also under way on the draft of a horizontal law implementing directive 2004/113/WE introducing the principle of equal treatment of men and women in access to goods and services and in providing goods and services. This also applies to the supplementary implementation of directive 2000/78/WE (establishing general framework conditions for equal treatment in employment and the workplace) and 2000/43/WE (introducing the principle of equal treatment regardless of race or ethnic origin).

The Department also gives legal advice to private individuals who feel discriminated against. It informs them of the rights they are entitled to and, in more complicated situations, undertakes intervention.

It also supports non-governmental organizations whose activities include combating discrimination against women. It organizes contests providing financial resources to

organizations to carry out such activities. On 16<sup>th</sup> August 2006, the results of yet another financing contest were announced.

The Department has developed a network of Plenipotentiaries for Women's and Family Affairs in individual voivodships (provinces): Śląskie, Lubelskie, Opolskie, Podkarpackie, Pomorskie, Zachodniopomorskie, Warmińsko-Mazurskie, Kujawsko-Pomorskie and Mazowieckie. They conduct numerous activities benefiting women and families in their areas and are in constant touch with the Department.

- **Violence against women**

Regulations pertaining to counteracting domestic violence are contained in the **2005 Law on Counteracting Violence in the Family**. From the standpoint of the victim of domestic violence, the most important is the provision ordering the perpetrator out of a jointly inhabited dwelling and banning that individual from approaching the victim or witness to the violence.

Cognisant of the scope and weight of the phenomenon of domestic violence, including that against women, the Polish Government has been undertaking systematic endeavours of an inter-institutional and often international nature to strengthen cooperation of all institutions able to contribute to the limitation of violence and lend support to the crime victims. In recent years, a number of initiatives have been launched including:

### **1. The National Programme to Counteract Domestic Violence**

In the implementation of the Programme five priorities have been set:

- / Systematic diagnosing of the phenomenon of domestic violence;
- / Enhancing social awareness of and sensitivity towards domestic violence;
- / Training staff dealing with domestic violence;
- / Efforts to protect and assist individuals affected by violence;
- / Exerting influence on the perpetrators of violence.

The programme bolsters the protection of victims of domestic violence by such measures as:

- / Developing victim-protection programmes in cooperation with the police, prosecutor's office and court guardians;
- / Developing corrective-educational programmes for the victims of domestic violence;
- / Ensuring proper conditions for questioning children (blue rooms);
- / Developing recommendations, procedures and instructive materials for intervention proceedings in violence-related crisis situations for those working with the victims of domestic violence.

## **2. Government Programme to limit crime and asocial behaviour ‘Safer together’**

The Ministry of Interior and Administration has developed a programme to limit crime and asocial behaviour known as ‘Safer together’. It combines the activities of the police, central and local government administration and social partners interested in improving public security and order. One of its cornerstones is to persuade citizens to establish permanent partnerships with the police and other organs protecting public security and order. Domestic violence, including that directed against women, has been targeted as one of the programme’s priorities.

**3. The Ministry of Justice has set up a team to develop a national programme aiding crime victims.** It calls, among other things, for the development of standards of conduct towards specific groups of crime victims (including women). Proposals of conduct towards the victims of domestic violence and rape during contacts with the police, prosecutor, court, court guardian, physician and other institutions have been drawn up. The creation of structures of a network of local support groups to aid crime victims has been envisaged. As a group of crime victims, women will presumably be the first to be covered by the programme.

## **4. EU programme ‘Counteracting violence against children, juveniles and women – Daphne III’**

The programme ‘Counteracting violence against children, juveniles and women – Daphne III’ covers the period from 1<sup>st</sup> January 2007 to 31<sup>st</sup> December 2013. Its most important

objectives include combating all forms of violence (physical, sexual and mental) towards children, juveniles and women. This includes preventing and combating sexual abuse, domestic violence and school violence as well as providing support for victims of violence and risk groups. One of the basic elements of the ‘Daphne III’ programme is support for institutions implementing the programme’s objectives. Subsidies are granted for concrete supranational projects of interest to the EU, submitted for consideration by entities in at least two member states. The Daphne III programme is open to all public and private organizations and institutions involved in preventing and combating violence against children, juveniles and women.

**The Polish Government**, under the Daphne III programme to counteract violence against children, juveniles and women, will participate in the planning of annual schedules of its implementation (including Poland’s important priorities in this area). It will support efforts to enhance public awareness of violence, disseminate the results of European Commission research as well as information among authorized Polish entities on the possibility of applying for EU funds under Daphne III.

**Preventing domestic violence, including that directed against women** as well as prosecuting its perpetrators is one of the priority statutory tasks of the police. Statistics show that the number of home interventions connected to domestic violence has been systematically growing. The number of detained and temporarily arrested perpetrators of violence has also increased, although the number of suspects has remained at a similar level. This is the result of media campaigns, educational efforts and the development of institutions and organizations extending assistance to the victims of violence. Both the actual victims of violence as well as other members of society are reporting instances of physical and mental violence with increasing frequency.

Since 1998, the Polish police have been using a special ‘Blue Card’ procedure during interventions involving violence against close individuals.

- **Trafficking in women**

The Polish Government attaches great importance to the issue of combating and preventing trafficking in humans. The Polish Government has concluded a number of bilateral agreements to cooperate in combating, preventing and prosecuting organized crime and other forms of crime, in particular as regards trafficking in people and their sexual exploitation. **Moreover, on 16<sup>th</sup> May 2005, a Council of Europe Convention on efforts against trafficking in humans was adopted in Warsaw.** (Preparations are now under way to ratify the Convention.)

The Polish police belongs to Europol and cooperate with police forces in other EU countries in combating trafficking in humans, including women. The European Police Bureau has developed a strategy to combat human trafficking for member states. The Polish police also participate in the ‘Baltcom’ Task Force on Organized Crime of the Council of Baltic Sea States. As part of that Task Force’s Organizing Committee, a Group of Experts devoted to combating human trafficking has been set up to coordinate operations by the services in the Baltic Sea region.

Since 2004, an inter-ministerial Team to Combat and Prevent Trafficking in Humans has been functioning within the Polish Government. Representatives of the government administration, law-enforcement organs and non-governmental organizations involved with human trafficking comprise its membership. The Team has drawn up a *National Programme to Combat and Prevent Trafficking in Humans for 2005-2006*. Work is under way on a *National Programme to Combat and Prevent Trafficking in Humans for 2007-2008*.

With regard to combating human trafficking, a very important change occurred in Polish legislation with the adoption on 22<sup>nd</sup> April 2005 of a *Law Amending the Law on Aliens, a Law on Protecting Aliens in the territory of the Republic of Poland and certain other laws*. The changes involve the possibility of granting a residence visa to an alien (victim of human trafficking) for the time needed to consider cooperation with law-enforcement organs or to reside for a definite period of time in connection with his/her cooperation with law-enforcement organs.

The Ministry of Interior and Administration and the La Strada Foundation have developed a Programme to support and protect the victims of human trafficking. It includes attending to the needs of victims of human trafficking (aliens) by providing them with safe shelter as well as medical, psychological and legal care.

**The project, ‘IRIS – Partnership for Development - the Social and Occupational Reintegration of Female Victims of Human Trafficking’,** is an important effort of international scope being implemented in Poland since June 2005. The project is co-financed by the European Social Fund as part of the EQUAL Community Initiative Programme for Poland 2004-2006. The objective of the IRIS – Partnership for Development is:

- to facilitate the return to, or entry into, the job market of women who have for extended periods been outside the job market by virtue of being victims of human trafficking (and therefore face the risk of long-standing unemployment and social exclusion);
- to develop a model of socio-vocational reintegration for female victims of human trafficking;
- to raise public awareness, especially amongst what are known as risk groups, of the threats associated with such crimes as: trafficking in humans, forced labour and slavery practices.

#### • Women’s health

- / The right to health protection, including equal access to health care financed with public funds, is guaranteed by the Constitution (Article 68), and children and pregnant women are entitled to particular health care.
- / Successively introduced laws regulating health care in Poland and the way it is financed guarantee equal access to benefits regardless of gender, age or origin.
- / The state of health of people in Poland has been systematically improving since 1991, and the life expectancy of both women and men has grown.
- / The adoption and construction of the National Health Programme for 1996-2005 has made it possible to concentrate on improving health by influencing health determinants and preventing threats to health. The preventive programmes have included those addressed to the female part of the population: a screening programme for early detection of breast cancer,

a screening programme for early detection of cervical cancer and combined treatment of ovarian cancer.

- / According to data collected during research on the State of Health of Poland's Population in 2004, more than 65% of women aged 15-49, who admitted to engaging in sexual intercourse, made use of contraceptives. In 2006, 38 different medicaments used as contraceptives were permitted on the market, the cost of three of which was refunded (30%).
- / All women in Poland are encompassed by prenatal care and, according to studies, only 1% of women do not consult a physician during pregnancy.
- / The reasons for registered terminations of pregnancy were: a threat to the life or health of the pregnant woman, the result of prenatal testing and a pregnancy resulting from a crime. The number of spontaneous miscarriages has remained stable for a number of years.

- **The situation of women in the social-welfare system**

- **The Social Welfare Act of 2004** defines the measures taken in crisis intervention as a complex of interdisciplinary activities undertaken to benefit individuals and families in crisis. The purpose of crisis intervention is to restore mental equilibrium and an ability to independently cope. Mothers of underage children and pregnant women affected by violence or finding themselves in other crisis situations may find shelter at crisis-intervention centres, and support in homes for mothers with underage children and pregnant women.

**The Law of 13<sup>th</sup> June 2003 on social employment** has as its objective the social and occupational reintegration of individuals, including women, threatened and afflicted by social exclusion. The institutions carrying out these tasks are social-integration centres and social-integration clubs which may be set up by the regional authorities and non-governmental organizations. Some social-integration clubs are mainly geared to setting up various types of self-assistance groups for women living in rural communities or small provincial towns. Child care, group outings, skill-improvement courses and other activities aimed at the socio-occupational activation of women are organized.

**The Law of 27<sup>th</sup> April 2006 on social cooperatives** regulates the principles by which social cooperatives are set up and function as a way of promoting the socio-occupational activation of

the unemployed, including women. As practice to date has shown, the first cooperatives are set up by women from small localities.

In addition, the Minister of Labour and Social Policy is now conducting several government and ministerial programmes designed to improve such things as the quality of life of women within the social-welfare system. These are:

- / The Government's National Programme to Counteract Domestic Violence, adopted by a resolution of the Council of Ministers on 25<sup>th</sup> September 2006;
- / The Government Programme 'Community Centre, Work, Traineeship' – socio-therapy in the rural community;
- / The ministerial programme 'Active Forms of Counteracting Social Exclusion';
- / The ministerial Programme 'Supporting the development of social cooperatives';
- / The ministerial programme 'Counteracting the social exclusion of the homeless and those threatened with homelessness'.

**The Polish Government** recognizes the need to introduce solutions extending the occupational activity of women and men. At present, women retire at the age of 60 and men five years later. In 2007, an information campaign has been planned to point up the need to extend the occupational involvement of women, allowing them to obtain higher retirement benefits. The above-mentioned campaign would be addressed to the media (press, radio and television), members of parliament, trades union and women's social, political and religious organizations.

- **Participation of women in the armed forces**

The most important issues pertaining to women in the armed forces are:

1. The opening of military schools and academies to women. Women are recruited according to the same principles as men. Previously they had been accepted for professional military service on special terms, mainly to medical and logistics units. At present (in 1999), the scope of service positions to which women are assigned has been considerably expanded.

2. Creation (in 1999) of an advisory organ to the Minister of National Defence on the military service of women — Council on Women in the Armed Forces of the Republic of Poland.
3. A new law on the military service of career soldiers has come into effect (in 2004) defining identical terms of recruitment, service and discharge from career military service for women and men, including identical retirement age.
4. Since women are being prepared for military service in the same way as men, (in 2003) there has emerged a new group of women that is significantly changing the stereotypical perception of the role of women in the army — commanders of sub-units (platoons, companies).
5. The Minister of National Defence has appointed a Plenipotentiary in charge of women's military service (in 2006), whose task it is to monitor all aspects of women's military service.

- **Women in sports**

On 29<sup>th</sup> July 2005, an anti-discrimination provision was introduced to the Qualified Sports Act. The provision enables sportswomen to engage in further development shortly after giving birth. Female members of national teams unable to compete as a result of pregnancy or childbirth receive a sports stipend in the full amount for the duration of their pregnancy and half the amount of the sports stipend for six months following childbirth.

Before that provision was introduced, the overwhelming majority of sportswomen abandoned further involvement in sport after giving birth to a child. Thanks to this provision, Polish competitive sports will no longer be forced to lose outstanding sportswomen.

**Thank you for your attention.**