

THE SPEECH
OF THE HEAD OF THE DELEGATION OF THE POLISH GOVERNMENT

during defending of 7th and 8th Periodic Reports
Of the Government of the Republic of Poland on the implementation of the Convention
on the Elimination of All Forms of Discrimination against Women

Geneva, 22 October 2014

I have the honour and pleasure to introduce to the eminent Committee a combined *seventeenth and eighteenth Periodic Reports of the Government of the Republic of Poland on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women*, covering the period from 1 June 2002 to May 2010.

I would like to begin by ensuring that the Polish Government, taking into account the importance of the provisions of the Convention, shall endeavour to implement the present Convention in all areas indicated therein.

The equality between men and women constitutes one of the fundamental principles of the European Union guaranteed in its Treaties and remains one of the principal objectives and goals of the European Union, while the incorporation of the principle of equality between men and women into all its activities constitutes one of the general objectives of the EU.

In accordance with the horizontal social policy of the European Union and the recommendations of the UN Beijing Platform for Action, the principle of equality between men and women is to be incorporated into mainstream actions at the central, regional and local levels.

In the reporting period as well as subsequent years, the Polish Government has undertaken a number of initiatives to strengthen legal guarantees of equality between women and men and inadmissibility of discrimination. Creation of an efficient system of institutional anti-discrimination and ensuring equality between women and men is an integral part of activity of the Polish Government.

In 2008, by a regulation of the Council of Ministers, the Government Plenipotentiary for Equal Treatment at the Chancellery of the Prime Minister has been appointed. The Plenipotentiary is responsible for the implementation of government policy on equal treatment, including the counteracting of discrimination, including on the grounds of gender, race, ethnicity, nationality, religion or faith. The task of the Plenipotentiary is, primarily, to coordinate government action aiming at elimination of discrimination and to monitor the situation and giving opinions on legal acts - applicable and planned. This is one of the institutional changes that have taken place in recent years.

Among the new solutions of the Polish law, in the scope of ensuring the widest possible protection of women against discrimination the particular importance has the Act on the implementation of certain EU regulations in the field of equal treatment dated 3 December 2010. The entry into force of this Act has supplemented the already existing regulations on the principle of equal treatment. The Act specifies the areas and methods of counteracting violations of the principle of equal treatment not only with regard to sex, but also race, ethnicity, nationality, religion, faith, outlook, disability, age or sexual orientation. Pursuant to this act, the performance of tasks pertaining to the implementation of the equal treatment principle were entrusted to the Government Plenipotentiary for Equal Treatment, as yet appointed under an act of lower rank, and the Ombudsman. The Government Plenipotentiary for Equal Treatment as the authority responsible for the implementation of government policy on equal treatment and non-discrimination undertakes ongoing efforts to ensure equal opportunities for women and men. Authorisation of the Plenipotentiary by an act of a statutory rank has significantly strengthened its position and ensured the stability of its existence. Actions on improving the protection of rights of women and vulnerable people from violence, efforts to increase gender equality in participation in decision-making bodies, looking for the best solutions to reduce the wage gap and the reconciliation of private and professional life are the priorities of the Plenipotentiary's activities. It is also planned to develop a concept of activity of the Plenipotentiary's office, so that it could operate in the most efficient way. For this purpose, it is planned to organize a Round Table of former plenipotentiaries of the Government responsible for equal opportunities of genders and equal treatment and non-discrimination. Many years of experience in actions for gender equality and equal treatment, carried out in different structures, will be a valuable contribution that will help to develop the concept of activity of the office.

The principle of equal treatment presupposes the respect for the dignity of every citizen and objective, free of bias, treatment of each person. To make that rule a constant element of social life, actions that will serve its implementation in different responsibility areas of the state must be systematically and consistently undertaken.

An important tool that is used for the implementation of the policy of equal treatment, and thus the policy for equal opportunities for women and men, is *The National Action Plan for Equal Treatment*, adopted by the Government in December 2013. This Plan is the first document to raise the problems of equal treatment of multiple groups exposed to discrimination. The program assumes the cooperation between many government institutions and makes it possible to monitor the actions taken for the implementation of the principle of equal treatment and non-discrimination in Poland.

In order to create an effective mechanism for institutional cooperation within the government administration at central and provincial level, in the framework of The National Programme of Action for Equal Treatment, Plenipotentiaries for Equal Treatment have been appointed in voivodeships, and Coordinators for Equal Treatment have been appointed in all ministries and selected subordinate units. Activities of Plenipotentiaries and Coordinators contain in, among others, promoting the principle of equal treatment, cooperation with non-governmental organizations on issues of equal treatment and non-discrimination and the systematic evaluation for the observance of the principle of equal treatment in the office. The steps to create a network of both Plenipotentiaries and Coordinators in order to work together for equal treatment have also been taken at the government level.

It should also be noted that regardless of the above, the Minister of Internal Affairs has appointed the Plenipotentiary for Equal Treatment in the subordinate to him or supervised uniformed services.

I would like to emphasize that through the functioning of all of these entities, the issue of non-discrimination and equal treatment, including equality between women and men has become one of the important elements of the Polish Government policy.

In relation to the fact that the Polish Prime Minister has become the President of the European Council, a woman has taken the office of the Prime Minister for the second time in the history of Poland. The last time a woman served as a Prime Minister in 1992-1993. The current Prime Minister previously served as Speaker of the Polish Parliament and previously as a Minister of Health. The number of female ministers has also increased. Currently, there are 5 female ministers, whereas in the previous government there were 4 women. Currently, women are ministers of: national education, science and higher education, culture and national heritage, internal affairs, and infrastructure and development.

Recognizing the low representation of women, both in the local authorities and in the Polish Parliament, in 2011, for the first time, the legal regulations which guarantee a specific percentage share of women on electoral lists have been implemented. In the years covered by the reporting period, the number of women in the local authorities and the Polish Parliament has grown, however, in spite of the implemented electoral law mechanisms of equal opportunities for men and women in the electoral process, the representation of more than half of the population in the Polish authorities is still insufficient. In the commune, county councils or voivodeship assemblies women now represent only approx. 25%. As a result of last elections women constitute 24% of Members of Parliament and 13% of Senators.

In the context of the upcoming local and parliamentary elections in Poland the Government Plenipotentiary for Equal Treatment takes action to improve the representation of women in authorities at all levels. For that purpose, the Plenipotentiary performs promotional and educational activities directed to female candidates in the forthcoming elections, as well as joins activities undertaken by the NGO community working to increase the women's presence in the decision-making process. The Plenipotentiary also undertakes initiative in order to make political parties aim at balanced participation of women and men in the electoral process by conducting educational and information activities, and most importantly, through the introduction of internal regulations of parties that take into account the mechanisms ensuring equal opportunities for women and men in the elections.

The legislative work is being undertaken by the Polish Parliament on the introduction of so-called slide mechanism on electoral lists (alternating the positions of men and women on electoral lists). Government Plenipotentiary conducts lobbying for the adoption of these solutions.

The Polish Government undertakes action to increase the number of women in decision-making positions by, among others, striving for a balanced participation of men and women in supervisory boards of state-owned companies. Unfortunately, the level of participation of women in decision making positions in the Polish economy is low. The largest Polish companies, including listed companies and state-owned public companies, have less than 15% of women in their management boards and supervisory boards, and there is about 7% of female chairmen of the boards.

The constitution of the advisory team "Women in the uniformed services" by the Government Plenipotentiary for Equal Treatment in April 2014 has been an important initiative. The team gathers representatives from different services. The team tasks include: analysis of existing legislation and procedural solutions, in order to indicate proposed changes in terms of equal treatment between women and men and the dissemination and promotion of gender equality and protection of women's rights in the uniformed services.

The members of the team are officials with many years of professional experience in the uniformed services, having extensive knowledge with particular emphasis on the resource management.

A key role in the implementation of the tasks related to the elimination of inequality and discrimination is played by the social partners - non-governmental organizations, scientific and educational institutions.

Non-governmental organizations are embedded in regional contexts, and often provide assistance to people at risk of discrimination. Thanks to that they have a unique understanding of problems faced by discriminated groups of people, which is important for effective implementation of anti-discrimination policy. Their actions not only support the activities of the Polish Government, but through a process of monitoring and evaluation of government policies also indicate which areas need to develop new solutions or find other instruments to more effectively equalize opportunities for women and men. This action will contribute to increasing the efficiency and effectiveness of anti-discrimination policy.

Recognizing the crucial suggestion of the Committee on the consultations with non-governmental organizations in the process preparation of the subsequent reports on the

implementation of the Convention, a draft of the report presented today has been uploaded on the website of the Chancellery of the Prime Minister and the Government Plenipotentiary for Equal Treatment, which coordinated the preparation of reports. At the same time a consultation meeting took place.

A significant factor of the social change of women's rights in Poland is an active women's movement. Congress of Women, the largest women's lobby in Poland, bringing together more than 9,000 members, has a great importance in this regard.

This movement engaged various social and political environments, including representatives of the Government. Its status as a politically-relevant social force has been increasing year after year.

It should also be emphasized that Poland as a Member State of the European Union is currently participating in the negotiation process of obtaining EU funds in the new financial perspective, covering the period of 2014-2020. The Polish government has attempted to provide funds for the implementation of activities in the field of gender equality.

In my speech I have to relate to the Council of Europe Convention on preventing and combating violence against women and domestic violence. In December 2012, Poland has signed the said Convention, and since then, intensive work to develop a proposal for ratification has taken place.

In April this year, the Polish Government has submitted a draft law ratifying the Convention to the Parliament.

The final element of adopting the Convention will be the signing of the ratifying act by the President and its publication in the relevant gazette. I hope for a quick execution of this task.

In relation to the issue of violence against women and domestic violence, the Polish government has undertaken significant measures of a legislative nature as well as other promotional and educational activities.

The problem of preventing the violence is also at the centre of interest of government control services. In 2012, The Supreme Chamber of Control has carried out a control of the efficiency of the implementation of the tasks (defined in the Act on Counteracting Domestic Violence of 2005) of public administration in the scope of actions against domestic violence, including procedures for persons affected by violence and violent people.

In this part of my speech the information on the activities of the Plenipotentiary and the National Broadcasting Council on changing a discriminatory image of persons belonging to groups vulnerable to unequal treatment in media coverage. We're talking about discrimination on the grounds of gender, age, national and ethnic origin, disability or sexual orientation. The Regulatory Strategy for the years 2014 - 2016 prepared by the National Broadcasting Council provides a number of actions on gender equality and against the stereotyping of social roles of women in the media.

A competition for viewers and media broadcasters for the best scenario in the form of reportage concerning the subject of equal treatment is also planned.

A seminar in the form of a public debate on issues of equal treatment in the media will be organized in 2015. Its aim is to develop guidelines and recommendations to be introduced by all media broadcasters.

With regard to the situation on the labour market it should be noted that Polish women are better educated than the Polish men - around 95% of young women aged 25-34 years have at least a secondary education, and 76.8% of all working women has a secondary and higher education (compared to 59.8% of men), which places them among top positions in Europe.

The employment rate of women aged 15-64 years increases: from 46.7% in 2002 to 52.6% in 2010, and 53.4% in 2013. A relatively constant difference in the employment of men and women is maintained and currently it is approx. 13 percentage points.

The Polish government supports women in the labour market, among others, by introducing solutions for reconciling work and family life and sharing of caring responsibilities with partners.

Therefore, we are improving access to institutional childcare. In April 2011, the Act on the care of children below the age of 3, which introduced new possibilities for the organization of care has entered into force. As a result of changes in the law, in the last three years (2011-2013) the number of institutions providing care for children below the age of 3 has tripled. In addition, the program of development of childcare institutions for children aged less than 3 - "MALUCH" ("toddler") is being implemented, it has contributed to the creation of new

childcare places. In 2011-2014, a total of 316.8 million PLN from the state budget has been spent on the actions in the area of childcare for children aged less than 3 years.

It is worth noting that in 2010 changes have been made to the Labour Code concerning parental leaves, including the introducing of paid paternity leave. The duration of paid leave for the care of new-born baby has been extended to one year through the introduction of parental leave (26 weeks), which can be used by both parents. Fathers can also benefit from additional maternity leave, which means that parents can share the childcare within the paid leave.

Current government has announced the possibility of using parental leave also by unemployed parents, parents working under a contract of work, students and farmers from 2016. They will receive the new parental benefit for one child for a period of 12 months.

The Polish government is also introducing a variety of incentives to recruit parents of young children such as (since 2009) exemption, for a period of 36 months, from the paying a part of the mandatory contributions on salaries for employees returning from maternity or parental leave. Changes in the labour code, facilitating a more flexible organization of work may also help the working parents (from 2013 it is easier to use flexible working time, telework is also promoted).

The Government has announced that from 2016 there will be changes implemented in the way of accounting for benefits payable to parents. In case of exceeding the income threshold parents will not lose the entire benefit, but it will only be reduced by the amount by which they have exceeded the threshold. This solution aims at counteracting not working because of the fear of losing benefits.

Another solution of the Polish law introduced in order to ensure the fastest protection of women against discrimination is the process of systematic increase and equalization of the age required to obtain a retirement pension - up to 67 years for women and men. The change will increase the benefits paid to women during their retirement. It is also a reaction to the recommendation of the CEDAW Committee in this regard.

The Government of Poland has completed or is implementing a number of projects promoting the participation of women in professional and social life and the gender equality in the labour

market, including, among others, information campaigns (e.g. on women entrepreneurship, the principles of gender equality in the labour market, supporting the promotion of women into higher positions, reconciling professional and family roles, supporting paternity leave).

Recognizing the still persistent pay gap between men and women, the Government is taking action aimed at changing the situation in this regard. These are both awareness actions, as well as the monitoring the pay gap. Introduction of control measures on remuneration for men and women may be an example. The action was performed by the Supreme Chamber of Control. In addition, the National Action Plan for Equal Treatment envisages an action to develop a methodology for the assessment of the wage gap in enterprises.

Referring to the issue of reproductive health it should be noted that the Act of 7 January 1993 on family planning, human foetus protection and preconditions for the admissibility of abortion, states already in the preamble that it recognises the right to responsible deciding about having children and imposes on the State the duty to allow taking decisions in this regard. The provisions of other regulations ensure to women healthcare covering specialist health services of gynaecology and obstetrics, these include two types of benefits: gynaecological and obstetric consultation and gynaecological and obstetric consultation for girls. As part of these consultations, reproductive health care is ensured in particular, including the selection of appropriate contraceptives.

Pregnant women as well as women during the childbirth and postnatal periods benefit from special legal protection in the Republic of Poland. Women during the period of pregnancy, childbirth and the postnatal period who reside within the territory of the Republic of Poland and

- a) hold a Polish citizenship, or
- b) have obtained a refugee status in Poland or subsidiary protection or temporary residence permit

shall have the right to receive healthcare services financed from public funds.

In 2014, as a result of changes in regulations, the right to receive healthcare services financed from public funds, on the basis of and within the scope defined for the insured has been granted, among others, to women during the period of pregnancy, childbirth and the postnatal period who reside within the territory of the Republic of Poland or who have obtained a refugee status in Poland or subsidiary protection or temporary residence permit.

An important and noteworthy action in the area of reproductive health is a program titled "Program - Infertility Treatment using the IVF method for the years 2013 - 2016" developed in the Ministry of Health and approved by the Minister of Health. It should be noted that the method of extracorporeal treatment is applied in Poland for 25 years, yet access to it was limited, mainly for financial reasons. For the first time the program provides for the financing of this method of treatment from public funds.

At the same time it must be emphasized that the method of assisted reproduction - IVF - in many cases is the only chance to have children. It is estimated that 15 thousand couples affected by infertility can procreate only through the use of extracorporeal treatment techniques.

So far, 10,311 couples have used the program and 598 children were born.

In relation to education it should be emphasized that a free primary education coursebook was introduced in 2014. All the children who started education this year have received it. The coursebook has been prepared taking into account all aspects of equality.

Event of very significant importance for the protection of, among others, a woman was the introduction, in 2010, the definition of trafficking to the Polish Criminal Code, which is the fulfilment of the recommendations of the Committee. Under this amendment, a definition of slavery has been introduced and the punishability of preparation to commit the crime of human trafficking has been extended.

An important government document defining priority areas of action against trafficking in human beings is a National Plan of Action against Trafficking in Human Beings for 2013-2015 and the resulting programs.

The effectiveness of these programs, i.e. both the reasonableness of the tasks covered hereby, and the effectiveness of their implementation has been corroborated by, among other things, external evaluations of the Polish system for the prevention of human trafficking conducted in recent years by, among others, a UN Special Rapporteur on Trafficking in Persons, experts from the Council of Europe's Group of Experts (GRETA) or the University of Warsaw's Human Trafficking Research Centre.

The main element of Polish support system for victims of trafficking is the National Intervention-Consultation Centre for Polish and foreign victims of trafficking that exists since 2009.

Additionally, the following actions were taken in this regard:

- facilitation the identification of victims of human trafficking, including victims of sexual exploitation;
- developing specific indicators to be used to identify sexual exploitation, forced labour and begging; they are designed for officers who are prepared to ensure a comprehensive support to alleged victims of trafficking.

A new Act on Aliens has entered into force in 2014. It contains a number of solutions aimed at simplifying the procedure of legalisation of stay of a potential victim to human trafficking in Poland and a more effective implementation of the obligations arising from international instruments, such as:

- granting a permit for permanent stay for the victims of human trafficking,
- extending the duration for which the permit for temporary stay for the victims of human trafficking could be issued,
- providing a victim of human trafficking with a Polish identity document,
- simplifying the procedure governing the legalisation of stay of victims of human trafficking within the period assigned for making a decision.

By carrying out the task of ensuring safety of persons affected by domestic violence, the Government together with the police and NGOs have developed algorithms and questionnaires used to assess the risk of danger to life and health in relation to domestic violence against adults and children.

A very important change in the Polish legal regulations is a change of the Criminal Code and the Code of Criminal Procedure, which entered into force in June 2013. It changed completely a current mode of prosecution of the crime of rape. Currently, the crime of rape which previously required the victim to submit the motion for prosecution, is prosecuted *ex officio* - the whole responsibility lies on the state authorities. If the victim informs law enforcement authorities about the crime, then, under the new rules, the notice may be limited only to indicating the most important facts and evidence.

The change has significantly increased the protection of victims of sexual crimes, mostly women, also during the hearing - the questioning takes place now in, so called, friendly interview room. The accused does not participate in the questioning (but his advocate does). The hearing is recorded and during the trial it is sufficient to play it. The purpose of these amendments is to eliminate the phenomenon of secondary victimization of people already affected by crime.

The Polish Government, in recent years, has strengthened its efforts for victims of crime working closely with NGOs. In the last two years specialized organizations have received nearly \$ 9 million from a special fund to help crime victims. The fund comes from receivables adjudged from the persons convicted of a crime. At present, 31 non-governmental organizations in Poland provide comprehensive assistance to victims, mostly women - from legal, psychological or alternative methods of conflict resolution assistance to material help (in the form of e.g. providing shelter, financing housing fees or medical rehabilitation). The aim of these activities is to provide a comprehensive support to the victim.

In the field of the prison system Poland also has significant achievements in terms of protection of women's rights.

Poland is one of the few countries that guarantee jailed women-mothers a unique system of imprisonment that allows them to stay safe with child until it reaches the age of 3. Imprisoned women in Poland are placed in special homes for mother and child, in which there are no visible elements typically associated with restriction of liberty - bars, uniformed guards or closed cells, and in which the mother and child benefit from exceptional care, including medical, nutritional and psychological care. Poland assumes that the contact with a child is one of the most effective means of social rehabilitation of women and, at the same time, that the detention of mother cannot have a negative impact on the best interests of her little child. This system is used in Poland for years, it has proofed to be effective and will be continued.

In the following part of the speech, let me present information on national and ethnic minorities in Poland.

Data are derived from censuses of 2002 and 2011. According to these data national and ethnic minorities, according to the statutory definition - groups historically linked with Poland for a minimum of 100 years, constitute slightly more than 1% of the citizens of the Republic of Poland. Comparison of socio-demographic characteristics of the whole population with data

relating to these minority groups indicates that the situation of women coming from national or ethnic minorities, or from the community using the Kashubian language does not differ in any way from the situation of women from the majority group.

The only exception to this rule is the Roma minority in which women and girls are particularly affected by marginalization. The most common reason is due to the patriarchal model of the Roma culture in which the only role of women is to look after the house and children. This determines the fate of women and girls, also in the context of intra-group consent to early marriage and early motherhood. In practice, in the community as traditional as the Polish Roma the education of Roma women and their entry into the labour market becomes culturally limited.

However systematic activities of state for that community, conducted since 2001, are slowly bringing first positive effects. It should be stressed that Roma families are clearly changing their approach towards formal education. Although it is still not sufficient, as it currently concerns mainly primary education, which has clearly become common within the Roma community. But a positive educational trend can be seen. Increasing women's education level in the future may result in increasing the level of education of this group at all.

Due to the strong patriarchy and the lack of mechanisms of democracy in the Roma community, it is not possible to use a typical narration regarding the female equality. This would make any activity of women impossible as it would be regarded as contrary to the gypsy tradition. Thanks to this strategy a large number of women actively participates in the process of assuring equal opportunities across the Roma community. The result of a greater involvement of Roma women in upgrading their skills through continuing education is steadily growing number of female civil servants and social workers of Roma origin.

Although women form a symbolic percentage of presidents of organizations, in practice, most often it is them who animate the activities of Roma NGOs.

The emancipation of Roma women is a new phenomenon, however, is often associated with ostracism of a group from which a person originates. Therefore, there are rare examples of Roma women who choose professions such as nurse or policewoman, as those professions are perceived as “unclean” in traditional Polish Roma groups. Educational sphere of activity, most often chosen by Roma women, which is associated with the education of their children,

for example Roma education assistants or teachers, is the most acceptable in groups of traditional Roma. Just several years ago, this state of affairs was difficult to achieve, as school was perceived by the Roma as an instrument of repression of the communist state.

Poland makes efforts towards the legal and information support of vulnerable people. With respect to foreigners seeking protection and, in particular, women there are various educational, information and awareness and knowledge-raising activities carried out, that cover: rights, regulations in force in Poland, the ways of application of these rights - including the social and healthcare areas.

These activities are carried out by the government administration, including the Office for Foreigners, as well as by NGOs working for the foreigners and immigrants. It is also worth mentioning that the care of foreigners in Poland is subject to supervision by a series of control institutions, such as the Ombudsman and the Office of the High Commissioner for Refugees in Warsaw.

Gender is the primary distinction for presentation of the results of social research and of the development of the population conducted by the official statistics. In the scope of research carried out by the representative method, for which the sample size and its completeness permits it, information about women in combination with other variables, such as age, place of residence (urban/rural), disability, education level, economic activity, etc. are published. These include regularly conducted Labour Force Survey and Research on Income and Living Conditions. In 2010 the Agricultural Census and in 2011 the National Population and Housing Census have been carried out, the results of which allow for a wide demographic and socio-professional population characteristic that takes gender into account. Moreover, in recent years, the Central Statistical Office has conducted modular surveys that additionally allow to identify the situation of women and men in the labour market.

In addition, the Central Statistical Office has undertaken several new research initiatives that allow you to obtain comprehensive data describing the situation of women in Poland. In 2011 a "*Social cohesion study*", which brought, among others, data on the sense of discrimination on various grounds, including gender, has been implemented.

In conclusion, I would like to emphasize once again how much attention the Polish Government pays to obligations under the UN Conventions, to which Poland is a party, as well as under the Polish membership in regional organizations, including the Council of Europe and the European Union. Regardless of the international obligations, the Government not only recognizes the need for full implementation of the principle of equality and anti-discrimination on grounds of sex, but also recognizes the need to strengthen and effectively coordinate activities in this area. We recognize the educational and social campaigns as especially important.

Presenting to the eminent Committee a combined seventh and eighth *Periodic Reports of the Polish Government on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women*, I would like to declare that the delegation of the Government of the Republic of Poland is at your disposal and will make every effort to provide any information to clarify any doubts related to the report.

Thank you for your attention.