

15 years
of Beijing
Platform
for Action

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The 1997 Treaty of Amsterdam stipulates that:

Article 2 "The Community shall have as its task (...) to promote (...) equality between men and women."

Article 3 "In all the activities (...) the Community shall aim to eliminate inequalities, and to promote equality, between men and women."

In the light of the Polish Constitution

men and women shall have equal rights in family, political, social and economic life in the Republic of Poland. Men and women 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 offices, and to receive public honours and decorations.

(Article 33 of the Constitution of the Republic of Poland).





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95 INTRODUCTION

In September 2010 it will be 15 years since the adoption of the Beijing Declaration and Platform for Action by the UN Member States. The principles of the Beijing Declaration and Platform for Action have been present in the official European Union documents for the last ten years. Poland has been an active member of the Community for five years.

What has been done for the improvement of women's situation in Poland, as well as in the European Union and the UN during the last fifteen years?

First of all, the issue of domestic violence, violence against women and trafficking in persons has finally become a public and social matter and not just a private problem of a victim. The issues of women's employment, reconciliation of work and family life, founding crèches, kindergartens and extending the women's retirement age are now included in the Lisbon agenda. These are points of great significance for the problems of economic growth and GDP, not just for national economies, but also for the EU common market.

GENDER MAINSTREAMING IS NOW CONSTANTLY PRESENT IN THE POLITICAL DISCOURSE and the issue of gender equality does not make the discourse participants surprised; it has become part of the political correctness. Just as in the European Union, the issue of gender equality perspective is not just the problem of women any more.

Fifteen years after the Beijing Conference it is clear that **THE EQUALITY OF MEN AND WOMEN IS THE PROCESS OF THE CIVILIZATION DEVELOPMENT**. This process is conditioned by the presence of a social dialogue, civil society and budget surplus. As shown by the recent Congress of Women, organised twenty years after the political transformation, some processes cannot be stopped, the only possibility is to move on. There are plans to guarantee the gender parity (participation of women in decision-making groups and electoral rolls) by law. The fact that from 2010 a paid paternity leave will be possible, is one of the steps undertaken in this direction.

THE REPUBLIC OF POLAND ALSO SUPPORTS THE PURSUIT OF EQUALITY OF MEN AND WOMEN, by the introduction of legal regulations as well as policy and actions to ensure access to employment, including professional advancement and training, work conditions and social security.

IN THE LAST SEVERAL TENS OF YEARS THE SITUATION OF WOMEN BOTH IN POLAND AND IN THE ENTIRE EUROPE HAS IMPROVED. Nevertheless, they are still discriminated in many fields, especially on the labour market. Gender stereotypes make their wages smaller than those of men, and their access to advancement at work is hindered. Regardless of their profession, women still have to bear the burden of raising the children and running the household. Simultaneously, more and more women are successfully establishing their own enterprises: one third of companies is run by women. Women's participation in the Polish parliament is over 20 per cent, and more than 30 per cent of managerial positions in the private sector are held by women.

THE LEGISLATION HAS SIGNIFICANTLY IMPROVED SINCE POLAND'S ACCESSION TO THE EUROPEAN UNION IN 2004: the Labour Code is systematically amended, according to the EU directives. In 2005 an act on counteracting family violence was introduced, as well as related action plan. There is an act on teleworking in force since 2007, regulating the flexible forms of employment. A so called "family policy package" is being implemented, which is supposed to improve the situation of women who want to combine their motherhood with career.

WOMEN MAKE 60 PER CENT OF STUDENTS COMPLETING THE STUDIES, INDICATORS OF WOMEN'S EMPLOYMENT ARE GROWING, although it does not mean that they take up well-paid jobs. Women still tend to work part-time and predominate in poorer-paid economy sectors. It is the women who are at risk of a job loss or threatened by poverty in the context of the current crisis.

There are a lot of things to do to improve the situation of men and women both in Poland and in all the European Union and United Nations countries. The latest Communication from the Commission for Economic and Social Policy of the Committee of the Regions ("The Future of the Lisbon Strategy Post 2010") *calls for greater recognition of the key contribution of women in the workforce and women as entrepreneurs and innovators. Europe has a long way to go on gender equality as a recent report by the European Commission demonstrates which highlights in particular the gender pay gap as a persistent problem, as well as difficulties in addressing work-life balance and gender stereotypes.*



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GENESIS OF THE BEIJING PLATFORM FOR ACTION

There were events that took place in the UN which lead to the adoption of the most important document in the field of women's status improvement – the Beijing Declaration and Platform for Action. These were the World Conferences on Women.



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1 The First World Conference on Women Mexico City (1975)

In 1972 the United Nations General Assembly, pursuant to Resolution 3010 (XXVII) proclaimed the year 1975 the International Women's Year. The Conference in Mexico City, which was held at the same time "was the beginning of international efforts for the improvement of what had been wrong in the history", as we can read in the report on *Situation of Women in the World in 1975*. The aim was to enhance actions for the promotion of equality between men and women in order to ensure the women full participation in development and to increase their contribution to the world peace. The Conference adopted the World Plan of Action for the Implementation of the Objectives of the International Women's Year. It also resulted in proclaiming the period from 1976 to 1985 United Nations Decade for Women (Resolution 3520 (XXX) of the GA)).

2 The Second World Conference on Women Copenhagen (1980)

In Resolution 33/185 the United Nations General Assembly decided that the subtheme of the next, Second Conference on Women in Copenhagen should be employment, health and education of women. Additionally, the Conference reviewed and evaluated the progress that had been made in the first half of the Decade for Women. Programme of Action for the Second Half of the United Nations Decade for Women was adopted: Equality, Development and Peace. It focused on further identification of existing obstacles and works on international agreement concerning measures to be undertaken for the improvement of the status of women. The conference interpreted the idea of equality not only as a need to eliminate de jure discrimination, but also opportunities for the participation of women in development, both as beneficiaries and as active agents.

3 The Third World Conference on Women Nairobi (1985)

The aim of the Nairobi Conference that was held from 15 to 26 July 1985 was to appraise the achievements of the past Decade for Women

entitled Equality, Development and Peace. The participating countries adopted Forward-looking Strategies for Advancement of Women. They called for, among others, legal changes that would cover the rights of women in greater extent, actions for full and equal participation of women in all the fields of social life, including also politics and decision-making.

4 The Fourth World Conference on Women Beijing (1995)

The Fourth World Conference on Women took place in Beijing from 4 to 15 September 1995, pursuant to the General Assembly Resolutions 45/129 and 46/98. 16 plenary sessions were held during the Conference.

The Conference referred to the previous arrangements of the **NAIROBI CONFERENCE** (1985), which determined the strategies of action for equality, advance and extending the participation of women in social, political and economic life.

Representatives of 189 countries (including Poland) adopted the **BEIJING DECLARATION AND PLATFORM FOR ACTION** (BDPfA) which is an action plan identifying twelve areas of key significance for raising the status of women who, during the coming years, should to this end address governments, international institutions, non-governmental organisations and private sector.

The Conference and the programme document with the declaration of the status of women improvement are of crucial significance: for the first time documents of such importance have comprised the expression of **GENDER MAINSTREAMING** – i.e. including the gender perspective into all policies and international, national and regional programmes.

From 1999 to 2005 (until the tenth anniversary of BPfA) the European Union was preparing each year one report with indicators on a certain field of BPfA actions and conclusions. The conclusions are presented in the form of political declaration adopted by ministers under the Employment, Social Policy, Health and Consumer Affairs Council (EPSCO). This process has been enhanced since 2005. On the EPSCO Council meeting in Luxemburg in 2005, EU countries adopted a Ministerial Declaration on strengthening implementation of the Beijing Platform for Action, and since then similar reports are prepared twice a year, during each presidency.

Since 2007 the EU has launched reviews of indicators developed in the past. This was the case during the Slovenian and French presidencies in 2008 (Slovenia – women and political decision making, and France – combining career and private roles), which, apart from the review of



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previous report, prepared two new ones: Slovenia – concerning girls, and France – on women in the armed forces.

In 2009 only three points of BPfA were not covered – mass media, environment and human rights. The development of these three points for various reasons seems to be more difficult than of the remaining nine.

The Polish government tries to take up the problem of gender mainstreaming in many ways. The actions of the Ministry of Labour and Social Policy focus around works on the status of women improvement and eradication of gender stereotypes in the Polish society, and also promotion, dissemination and popularisation of issues concerning counteracting any forms of discrimination and ensuring equal treatment and equal chances to people exposed to discrimination.

The majority of the Ministry's projects and mass media campaigns is about stimulating women on the labour market and reconciliation of work and family life, as well as counteracting discrimination.

More information is available on the web-site www.kobieta.gov.pl

The Beijing Declaration and Platform for Action highlights the diversity of women, their roles and environments they live in and recognises that, though the status of women in many important aspects of life has been raised during the last decade, the inequalities between men and women still exist and result in serious consequences for all the mankind.

THE BPFA STATES that *the situation [of women] is exacerbated by the increasing poverty [and the Declaration signatories] dedicate [themselves] unreservedly to addressing these constraints and obstacles and thus enhancing further advancement and empowerment of women [...] and [they] reaffirm [their] commitment to the equal rights and inherent human dignity of women and men.*

The participants of the Fourth World Conference on Women declared that women's empowerment and their full participation on the basis of equality in all spheres of society, including participation in the decision making process and access to power, are fundamental for the achievement of equality, development and peace. They also confirmed that women's rights are human rights. Equal rights, opportunities and access to resources, equal sharing of responsibilities for the family by men and women, and a harmonious partnership between them were deemed critical to their well-being and that of their families as well as to the consolidation of democracy.

The Beijing Declaration emphasizes that eradication of poverty based on sustained economic growth, social development, environmental protection and social justice requires the involvement of women in economic and social development and offering them equal opportunities. One of the key issues is the promotion of women's economic independence, including employment, and eradication of the increasing burden of poverty on women by ensuring equal access for all women, particularly those in rural areas, to productive resources and public services. Another problem is the equal access of women to economic resources, including credit, science and technology, vocational training. The Declaration signatories expressed their determination to prevent and eliminate all forms of violence against women and girls.

5 Beijing + 5

Five years after the Beijing meeting, the twenty-third special session of the UN General Assembly on "Women 2000: gender equality, development and peace for the twenty-first century" took place in New York from 5 to 9 June 2000. The aim of the conference, named





'Beijing + 5' was to assess the progress of implementation of the Beijing Platform of Action and to identify the existing obstacles and challenges. The participants not only reviewed the achievements but also adopted a programme of further actions and initiatives for the advancement of status of women on local, national, regional and international level. The session was prepared by the Commission on the Status of Women, responsible for monitoring the implementation of the Beijing Platform for Action.

6 Ten years after the Beijing Conference

2005 was the year of celebration of the 10th anniversary of the **BEIJING DECLARATION** and **PLATFORM FOR ACTION** and the **30TH ANNIVERSARY OF THE FIRST WORLD CONFERENCE ON WOMEN** that was held in Mexico in 1975. The achievements of the "Beijing +10 Review and Appraisal" session were considered during the 60th session of the United Nations General Assembly in September 2005, which was dedicated to the assessment of works on the Millennium Declaration implementation.

QUOTATIONS FROM THE BPFA:

The Platform for Action upholds the Convention on the Elimination of All forms of Discrimination against Women.

Chapter III of the Beijing Platform for Action determines twelve critical areas of concern:

- » The persistent and increasing burden of poverty on women;
- » Inequalities and inadequacies in and unequal access to education and training;
- » Inequalities and inadequacies in and unequal access to health care and related services;
- » Violence against women;
- » The effects of armed or other kinds of conflict on women, including those living under foreign occupation;
- » Inequality in economic structures and policies, in all forms of productive activities and in access to resources;
- » Inequality between men and women in the sharing of power and decision-making at all levels;
- » Insufficient mechanisms at all levels to promote the advancement of women;
- » Lack of respect for and inadequate promotion and protection of the human rights of women;



» Stereotyping of women and inequality in women's access to and participation in all communication systems, especially in the media;

» Gender inequalities in the management of natural resources and in the safeguarding of the environment;

» Persistent discrimination against and violation of the rights of the girl child.

The Platform for Action recognizes that women face barriers to full equality and advancement because of such factors as their race, age, language, ethnicity, culture, religion or disability, because they are indigenous women or because of other status. Many women encounter specific obstacles related to their family status, particularly as single parents; and to their socio-economic status, including their living conditions in rural, isolated or impoverished areas. Additional barriers also exist for refugee women, other displaced women, including internally displaced women as well as for immigrant women and migrant women, including women migrant workers. Many women are also particularly affected by environmental disasters, serious and infectious diseases and various forms of violence against women.

7 Critical areas of action determined in the Beijing Platform for Action

THE FIRST CRITICAL AREA OF CONCERN: POVERTY OF WOMEN

The Beijing Platform for Action states (full text of the BPfA is available on the www.kobieta.gov.pl web-site): *More than 1 billion people in the world today, the great majority of whom are women, live in unacceptable conditions of poverty, mostly in the developing countries. Poverty has various causes, including structural ones. Poverty is a complex, multi-dimensional problem, with origins in both the national and international domains. The gender disparities in economic power-sharing are also an important contributing factor to the poverty of women.*

While poverty affects households as a whole, because of the gender division of labour and responsibilities for household welfare, women bear a disproportionate burden, attempting to manage household consumption and production under conditions of increasing scarcity. Poverty is particularly acute for women living in rural households.

STRATEGIC OBJECTIVE DETERMINED IN THE BEIJING PLATFORM FOR ACTION IS TO: *review, adopt and maintain macroeconomic policies and development strategies that address the needs and efforts of women in poverty.*



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✓ GOOD PRACTICE:

“Jak dobrze być przedsiębiorczą kobietą!” (How good to be an enterprising woman!) — The aim of this project, implemented by the Ministry of Labour and Social Policy, was to promote entrepreneurship among women and their activity in social and professional life. Actions implemented as part of the project aimed to equip women with the necessary knowledge of how to start a business and to help them solve problems which they can face by providing individual professional advice. Thanks to the project, women had an opportunity to stop being passive and to undertake actions towards creating jobs for themselves. The motto of the project was “SpełniONA w biznesie” (A woman fulfilled in business).

The aim of the project was to provide women with comprehensive support. Thirty 15-minute film blocks were produced. One of the films showed a short account presenting a woman who started her own business and found fulfilment in it. The account was followed by accessible instructions concerning issues connected with enterprise (depending on the issue presented by the woman in the account, these were: legal and institutional issues, basics of economics, management and marketing, adjusting one’s business to local conditions, obtaining funds necessary for running a business). In addition, the project included TV and radio spots, press advertisements and articles promoting female entrepreneurship, as well as billboards.

The campaign also included an interactive Internet portal for women, containing various information concerning entrepreneurship and advice on how to run a business and how to complete all the formal requirements of setting up a business.

It was a comprehensive source of information covering all aspects of economic activity, and addressed to different groups of women. The Internet forum provided an opportunity to share experiences in business. An important element of the portal was the opportunity to ask questions of the experts working on the project. A database of useful addresses has been created, containing contact details for self-government institutions, organisations supporting entrepreneurship, non-governmental organisations and business financing institutions, as well as legal regulations and accessible interpretations of them together with a detailed description of procedures, etc.

The project included a free telephone information line created for persons in need of advice on starting or running a business, and a Business Bus, which visited 16 towns. The Business Bus team organised

meetings with project experts, and provided practical and individual advice concerning entrepreneurship.

At the end of the project, a compendium on entrepreneurship was issued in print and in multimedia form.

HOW TO OBTAIN FUNDS FOR FINANCING ENTREPRENEURSHIP AMONG WOMEN IN THE YEARS 2008–2013?

Within EU funds for the years 2008–2013, under the Human Capital Operational Programme Measure 6.2 “Support and promotion of entrepreneurship and self-employment”, subsidies are granted to women who intend to start business activities. Women receive preference under this aid scheme, especially single mothers and those returning to or entering the job market for the first time.

FOR MORE INFORMATION PLEASE VISIT:

<http://www.nowe-dotacje.pl/>

<http://www.efs.gov.pl/>

or European Funds Information Points of the Ministry of Regional Development

for example in Mazowieckie Voivodeship

<http://www.funduszeuropejskie.gov.pl/dzialaniapromocyjne/aktualnosci/Strony/mazowieckie.aspx>

or the nearest Office of the Voivode or Office of the Marshal.

SECOND CRITICAL AREA OF CONCERN: EDUCATION AND TRAINING OF WOMEN

Beijing Platform for Action states that: *Education is a human right and an essential tool for achieving the goals of equality, development and peace. Non-discriminatory education benefits both girls and boys and thus ultimately contributes to more equal relationships between women and men. Equality of access to and attainment of educational qualifications is necessary if more women are to become agents of change.*

Enrolment of girls and women in tertiary education has increased considerably. Access for and retention of girls and women at all levels of education, including the higher level, and all academic areas is one of the factors of their continued progress in professional activities. Nevertheless, it can be noted that girls are still concentrated in a limited number of fields of study.

Creation of an educational and social environment, in which women and men, girls and boys, are treated equally and encouraged to achieve their full potential, respecting their freedom of thought, conscience, religion and belief, and where educational resources promote non-stere-



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otyped images of women and men, would be effective in the elimination of the causes of discrimination against women and inequalities between women and men.

✓ **GOOD PRACTICE:**

The Ministry of National Education together with the Ministry of Labour and Social Policy supported the campaign entitled “Dziewczyny na politechniki!” (Girls as Engineers!) organised by the Perspektywy Educational Foundation and the Conference of Rectors of Polish Technical Universities. This one-off campaign has now become permanent and is organised at the national level. It aims at encouraging female students from upper secondary schools to take up engineering studies, especially purely technical courses, that are most needed, prospective and profitable, and which are in high demand on international job market. The “Dziewczyny na politechniki!” campaign has been inspired by a similar campaign in Germany, where “Dzień Chłopca” (A Boy’s Day) was also initiated, with the aim to encourage boys to take up employment in professions traditionally regarded as “women’s jobs”.

On the website for the Curriculum Reform by the Ministry of National Education there is an official letter to experts in which the Minister of National Education states that textbooks are a significantly important source of information for children. Current issues are regulated by the Ordinance of the Minister of National Education of 6 January 2009 on the validation for school use of pre-school education curricula, curricula and textbooks as well as on the withdrawal of such validation (Dz.U. [Polish Journal of Laws] No. 4, item 18). Based on the content of textbooks, a child creates an image of the surrounding world and appropriate attitudes, especially the attitude of responsibility and tolerance.

The Minister of National Education expresses a wish that experts should pay particular attention to the need for analysis of the content contained in textbooks in terms of equal treatment and prevention of discrimination based on sex, race, ethnicity, nationality, religion or belief, political opinion, age, sexual orientation, marital and family status. In addition, the following definitions are highlighted: equal treatment, direct and indirect discrimination.

Strategic objectives defined in the Beijing Platform for Action are as follows: *Ensure equal access to education; Improve women’s access to vocational training, science and technology, and continuing education; develop non-discriminatory education and training.*

THIRD CRITICAL AREA OF CONCERN: WOMEN AND HEALTH

Beijing Platform for Action states that: *Women have the right to the enjoyment of the highest attainable standard of physical and mental health. The enjoyment of this right is vital to their life and well-being and their ability to participate in all areas of public and private life. Health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity.*

Women’s right to the enjoyment of the highest standard of health must be secured throughout the whole life cycle in equality with men. Women are affected by many of the same health conditions as men, but women experience them differently.

HIV/AIDS and other sexually transmitted diseases, the transmission of which is sometimes a consequence of sexual violence, are having a devastating effect on women’s health, particularly the health of adolescent girls and young women. They often do not have the power to insist on safe and responsible sex practices and have little access to information and services for prevention and treatment.

Recent and reliable data on the mortality and morbidity of women and conditions and diseases particularly affecting women are not available in many countries. Relatively little is known about how social and economic factors affect the health of girls and women of all ages, about the provision of health services to girls and women and the patterns of their use of such services, and about the value of disease prevention and health promotion programmes for women.

One of the recommendations is to: *Develop and undertake media campaigns and information and educational programmes from which women and girls can acquire knowledge about their health.*

✓ **GOOD PRACTICE:**

Once again the National AIDS Centre organised a multimedia, social campaign at the national level that aimed at improving knowledge of HIV and AIDS. This campaign is a key element of the prevention activities undertaken in Poland and aims at limiting the HIV/AIDS epidemic.

The campaign carried out in 2008–2009 is directed to people travelling within the country and abroad — both for the purposes of tourism and business. Campaign organisers want the main campaign slogan “Wróć bez HIV” (Return without HIV) to convince people that the problem of HIV/AIDS can affect everyone. The aim of the campaign was to encourage reflection and safe behaviour, and to encourage people to check their HIV status by taking the HIV test.



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The Ministry of Health operates a National program for cancer abatement (2005–2010). One of its tasks is the Breast Cancer Prevention Program, the implementation of which will lead to an increase in the awareness of women about the prevention of breast cancer.

Strategic objectives defined in the Beijing Platform for Action are as follows: *Increase women's access throughout the life cycle to appropriate, affordable and quality health care, information and related services; strengthen preventive programmes that promote women's health.*

In 2006, during the Austrian Presidency, the theme of the report on the implementation of the Beijing Platform for Action was the health of women in the following three priority areas: Life expectancy in health (life without health problems), access to health care and cardiovascular diseases. The last issue is very important because these diseases are a leading cause of death among women in European Union countries. The lack of a gender perspective in the issue of "health" is an obstacle to achieving full gender equality.

FOURTH CRITICAL AREA OF CONCERN: VIOLENCE AGAINST WOMEN

Beijing Platform for Action states that: *Violence against women both violates and impairs or nullifies the enjoyment by women of their human rights and fundamental freedoms In all societies, to a greater or lesser degree, women and girls are subjected to physical, sexual and psychological abuse that cuts across lines of income, class and culture.*

The term "violence against women" means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life.

Developing a holistic and multidisciplinary approach to the challenging task of promoting families, communities and States that are free of violence against women is necessary and achievable. Equality, partnership between women and men and respect for human dignity must permeate all stages of the socialization process. Educational systems should promote self-respect, mutual respect, and cooperation between women and men.

✓ **GOOD PRACTICE:**

"Dziewczęta i chłopcy. Bez lęku, bez uprzedzeń, bez przemocy" (Girls and boys. Without fear, without prejudice, without violence) – a project financed from the funds of the Ministry of Labour and Social Policy and implemented by the "Towards the girls" association. As part of the project, lesson plans for secondary school youth were created, with a choice

of source texts, a set of exercises for students, and a poster promoting the principles of partnership negotiations. Materials can be downloaded from the association's website: <http://www.wstronedziejewzat.org.pl/pdf/wstep.pdf>.

Strategic objectives defined in the Beijing Platform for Action are as follows: *Take integrated measures to prevent and eliminate violence against women; eliminate trafficking in women and assist victims of violence due to prostitution and trafficking.*

One the recommendations of the Beijing Platform for Action is to *consider the ratification and enforcement of international conventions on trafficking in persons and on slavery.*

Domestic violence, both physical and psychological, is prohibited by Polish law. The Polish Penal Code distinguishes the separate offence of family mistreatment (Article 207). The most important legal instrument is the Act on counteracting domestic violence of 2005 and the resulting National Programme of Counteracting Domestic Violence (2006-2016).

Poland is also involved in an international UN campaign entitled *UNiTE to End Violence against Women*, as part of which a database has been created on the subject of the scale of the problem of violence against women. <http://www.un.org/womenwatch/daw/vaw/v-database.htm>.

Poland has also ratified the Council of Europe Convention on Action against Trafficking in Human Beings, and supports the course of action of the ad hoc Committee on the Convention on the Elimination of Violence against Women and Domestic Violence.

FIFTH CRITICAL AREA OF CONCERN: WOMEN AND ARMED CONFLICT

Beijing Platform for Action states that: *Peace is inextricably linked with equality between women and men and development. Armed and other types of conflicts and terrorism and hostage-taking still persist in many parts of the world. Aggression, foreign occupation, ethnic and other types of conflicts are an ongoing reality affecting women and men in nearly every region. Gross and systematic violations and situations that constitute serious obstacles to the full enjoyment of human rights continue to occur in different parts of the world.*

The Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 1949, and the Additional Protocols of 1977 provide that women shall especially be protected against any attack on their honour, in particular against humiliating and degrading treatment, rape, enforced prostitution or any form of indecent assault.





Women and children constitute some 80 per cent of the world's millions of refugees and other displaced persons, including internally displaced persons.

Refugee, displaced and migrant women in most cases display strength, endurance and resourcefulness and can contribute positively to countries of resettlement or to their country of origin on their return. They need to be appropriately involved in decisions that affect them.

✓ **GOOD PRACTICE:**

"Kobiety wędrownie" (Wandering women) — within its project on the situation of returnees, migrants and refugees in Poland, the Association of Crisis Intervention prepared, under the 2007 European Year of Equal Opportunities for All, a report entitled "Z Polski i do Polski. Kobiety na uchodźctwie. Wygnanie z domu, szukanie domu w Polsce" (From Poland and to Poland. Women in exile. Banishment from home, looking for home in Poland) As part of the project, female returnees from Kazakhstan and Siberia were invited to a meeting, at which they talked about their experiences. The project was also continued in 2008, under the name „**Porozmawiaj z nią**" (Talk to Her). Its purpose was to produce a publication on the issue of women's identity in the context of exile and the intergenerational transmission of the experience of exile.

On 19 June 2008, the UN Security Council unanimously adopted a resolution declaring rape as a "military tactic" and a threat to international security. The Resolution states that: *rape and other forms of sexual violence can constitute war crimes, crimes against humanity or a constitutive act with respect to genocide.*

Strategic objectives defined in the Beijing Platform for Action are as follows: *Increase the participation of women in conflict resolution at decision-making levels and protect women living in situations of armed and other conflicts or under foreign occupation; provide protection, assistance and training to refugee women, other displaced women in need of international protection and internally displaced women.*

SIXTH CRITICAL AREA OF CONCERN: WOMEN AND THE ECONOMY

Beijing Platform for Action states that: *Women's share in the labour force continues to rise and almost everywhere women are working more outside the household. Discrimination in education and training, hiring and remuneration, promotion and horizontal mobility practices, as well as inflexible working conditions, lack of access to productive resources and inadequate sharing of family responsibilities, combined with a lack of or insufficient*

services such as child care, continue to restrict employment, economic, professional and other opportunities and mobility for women and make their involvement stressful.

Strategic objectives defined in the Beijing Platform for Action are as follows: *Promote women's economic rights and independence, including access to employment, appropriate working conditions and control over economic resources; Facilitate women's equal access to resources, employment, markets and trade; Eliminate occupational segregation and all forms of employment discrimination; Promote harmonization of work and family responsibilities for women and men.*

As suggested by the Ipsos survey regarding men's views on the distribution of roles in the family, conducted in May 2009, 84% of men think that both men and women should earn for the household maintenance.

So much for the area of opinions; and how does the situation of both genders on the labour market really look like in Poland? Statistics show that women are in a worse situation than men. (data for the first quarter of 2009 come from BAEL (Labour Force Survey in Poland, CSO).

Economic activity rate for the population aged 15 and more amounts to 54.5%, whereas the said ratio amounted to 47.0% for women and 62.9% for men. Economic activity for women is nearly 16% lower than for men. Compared to the I quarter of 2008 the economic activity rate for man increased by 0.7%, while in case of women it increased by 0.9%.

Indicator of women's employment, amounting to 42.8%, is almost **¼ LOWER THAN THE INDICATOR OF MEN'S EMPLOYMENT, WHICH AMOUNTS TO 58.1%.**

Women's unemployment rate was higher than men's unemployment rate, which appears to confirm that their situation on the labour market is more difficult, even though unemployed women are better educated than men. Women's unemployment rate amounted to 8.9%, while men's to 7.7%. Women are more at risk of long-term unemployment than men.

Also, it is necessary to mention economically inactive women (i.e. those, who do not make attempts to actively look for jobs). Their number is also higher than the economically inactive men (61%).

WOMEN UP TO 25 YEARS OF AGE AND ABOVE 50, WHO HAVE NO WORK EXPERIENCE OR WHO HAVE NOT STARTED A JOB AFTER GIVING BIRTH, ARE IN THE WORST SITUATION ON THE LABOUR MARKET.

One of the main reasons for the economic inactivity of women is that they





bear the burden of family responsibilities (taking care of dependant family members – children, elderly, sick, etc.), which make it more difficult to find an employment.

✓ GOOD PRACTICE:

In 2005-2008 the Ministry of Labour and Social Policy realised projects, which aimed, inter alia, at:

▶▶ changing the social atmosphere among employers and women entering the labour market after giving birth and women returning to employment after maternity leave or parental leave as potentially good and effective employees, as well as improving the self-esteem of this group and their motivation to enter and return to the labour market („**Między rodziną a pracą – godzenie ról społecznych i zawodowych kobiet**” (**Between family and work: reconciliation of women’s social and professional roles**));

▶▶ disseminating knowledge of flexible forms of employment among women and thus increasing their motivation to actively participate in the labour market (“**Elastyczne formy zatrudnienia – łączenie życia zawodowego z rodzicielstwem**” (**Flexible forms of employment – combining professional life with parenthood**));

▶▶ awareness-raising with regard to legal provisions on counteracting discrimination on account of gender in the amended Labour Code (“**Promocja antydyskryminacyjnych przepisów prawa pracy**” (**Promotion of legal regulations for counteracting discrimination in employment**));

▶▶ awareness-raising with regard to reconciliation of professional and family/private life of women and men in a family (“**Partnerstwo w rodzinie – szansą kobiet na rynku pracy**” (**Partnership in the family – a chance for women on the labour market**));

▶▶ awareness-raising with regard to the situation of women on the labour market („**Kobieta – Rodzina – Praca**” – **Woman – Family – Work**)).

Further information on the projects outcomes as well as materials to be downloaded may be found at: www.kobieta.gov.pl

SEVENTH CRITICAL AREA OF CONCERN: WOMEN IN POWER AND DECISION-MAKING

Beijing Platform for Action states that: *Democracy means that everyone has the right to take part in the Government of his/her country. The empowerment and autonomy of women and the improvement of women’s social, economic and political status is essential for the achievement of both transparent and accountable government and administration and sustainable development in all areas of life. The power relations that prevent women from leading*

fulfilling lives operate at all levels and in all areas of social life, from the most personal to the highly public. Achieving the goal of equal participation of women and men in decision-making will provide a balance that more accurately reflects the composition of society and is needed in order to strengthen democracy and promote its proper functioning.

In this respect women’s equal participation in political life plays a pivotal role in the general process of the advancement of women. Women’s equal participation in decision-making is not only a demand for simple justice or democracy but can also be seen as a necessary condition for women’s interests to be taken into account. Without the active participation of women and the incorporation of women’s perspective at all levels of decision-making, the goals of equality, development and peace cannot be achieved.

Strategic objectives defined in the Beijing Platform for Action are as follows: Take measures to ensure women’s equal access to and full participation in power structures and decision-making; Increase women’s capacity to participate in decision-making and leadership.

For the last several years participation of women in Polish Parliament remained at a similar level of 20 %. Meanwhile, in order to have a real influence on politics, women should have a participation amounting to at least 30%. A good solution to increase women’s participation in political life is, *inter alia*, gender parity or quota in electoral rolls.

✓ GOOD PRACTICE:

The Ministry of Labour and Social Policy co-organised the Congress of Women, which took place in June 2009. Introduction of gender parity was one of its main demands. Participants of the Congress announced active actions for the implementation of this demand. Works on the Act, which shall introduce the parity, have been commenced. An on-going public debate on this issue shows, that these solutions have as many adversaries as advocates. The debate revealed that it is necessary to familiarise public opinion with issues related to functioning of parities.

What is the difference between parity and quota? Parity is an equal (50 : 50) share of candidates of both genders, eg. in the electoral rolls or in a supervisory body. Quota is a share of representatives of each gender in a particular body, which is defined in percentages and which does not need to be equal. Parities and quotas do not apply solely to politics and electoral rolls and do not have to refer only to one gender.

Only one woman, Hanna Suchocka, held an office of the Prime Minister in Poland. So far no woman held an office of the President. However, it is true that both the current and previous governments have a relatively large number of women holding a Minister’s office.





Five women were part of the current and previous Council of Ministers. Poland comes off quite well against other Member States of the European Union, which is also shown by information contained in the European Commission's database on women and decision-making: http://ec.europa.eu/employment_social/women_men_stats/index_en.htm.

EIGHTH CRITICAL AREA OF CONCERN: INSTITUTIONAL MECHANISMS FOR THE ADVANCEMENT OF WOMEN

Beijing Platform for Action states that: *National machineries for the advancement of women have been established in almost every Member State of UN to, inter alia, design, promote the implementation of, execute, monitor, evaluate, advocate and mobilize support for policies that promote the advancement of women.*

During the United Nations Decade for Women (1976-1985), many institutions specifically devoted to the advancement of women were established at the national, regional and international levels. At the international level, the International Research and Training Institute for the Advancement of Women (INSTRAW), the United Nations Development Fund for Women (UNIFEM), and the Committee to monitor the Convention on the Elimination of All Forms of Discrimination against Women were established. These entities, along with the Commission on the Status of Women and its secretariat, the Division for the Advancement of Women, became the main institutions in the United Nations specifically devoted to women's advancement globally.

Governments have the primary responsibility for implementation of the Platform for Action. Commitment at the highest political level is essential to its implementation, and Governments should take a leading role in coordinating, monitoring and assessing progress in the advancement of women.

THE AUTHORITIES RESPONSIBLE EQUALITY IN THE REPUBLIC OF POLAND ARE:

Ministry of Labour and Social Policy:
www.mpips.gov.pl, www.kobieta.gov.pl

Government Plenipotentiary for Equal Treatment in the Chancellery of the Prime Minister

Commissioner for Civil Rights Protection

Strategic objectives defined in the Beijing Platform for Action are as follows: Create or strengthen national machineries and other governmental bodies; Integrate gender perspectives in legislation, public policies, programmes and projects; Generate and disseminate gender-disaggregated data and information for planning and evaluation.

✓ GOOD PRACTICE:

Central Statistical Office has been monitoring the women's situation in Poland for years. In 2007 an extensive publication "Women in Poland" was prepared. It is available in electronic form at: http://www.stat.gov.pl/gus/5840_3816_PLK_HTML.htm.

NINTH CRITICAL AREA OF CONCERN: HUMAN RIGHTS OF WOMEN

Beijing Platform for Action states that: *Human rights and fundamental freedoms are the birthright of all human beings; their protection and promotion is the first responsibility of Governments. Recognition of the importance of the human rights of women is reflected in the fact that three quarters of the States Members of the United Nations have become parties to the Convention on the Elimination of All Forms of Discrimination against Women.*

Strategic objectives defined in the Beijing Platform for Action are as follows: Promote and protect the human rights of women, through the full implementation of all human rights instruments, especially the Convention on the Elimination of All Forms of Discrimination against Women; Ensure equality and non-discrimination under the law and in practice.

The underlying principle for equality between women and men is the principle of equality before the law. In accordance with the Constitution of the Republic of Poland of 2 April 1997, all persons shall be equal before the law. No one shall be discriminated against in political, social or economic life for any reason whatsoever (Article 32). Pursuant to Article





33 of the Constitution, **men and women shall have equal rights in family, political, social and economic life.** Men and women 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 offices, and to receive public honours and decorations.

This principle is particularly specified the Labour Code. The provisions prohibiting discrimination are included mainly in Chapter IIa "Equal Treatment in Employment" contained in Section I "General Provisions" of the Labour Code. Poland's accession to the European Union in 2004 significantly accelerated the legal amendments concerning equal treatment. The Labour Code is systematically amended, in accordance with the European Union Directives.

In Poland women gained suffrage equal to men in 1918. As a comparison, it may be pointed out that women in Poland were granted suffrage two years earlier than women in USA, three years earlier than women in Sweden, 28 years earlier than women in France; women in Switzerland gained official voting rights as late as 1971 and, in practice, in the entire country – in 1991.

TENTH CRITICAL AREA OF CONCERN: WOMEN AND THE MEDIA

Beijing Platform for Action states that: *Everywhere the potential exists for the media to make a far greater contribution to the advancement of women. The continued projection of negative and degrading images of women in media communications - electronic, print, visual and audio - must be changed. Print and electronic media in most countries do not provide a balanced picture of women's diverse lives and contributions to society in a changing world. In addition, violent and degrading or pornographic media products are also negatively affecting women and their participation in society.*

Strategic objectives defined in the Beijing Platform for Action are as follows: Increase the participation and access of women to expression and decision-making in and through the media and new technologies of communication; Promote a balanced and non-stereotyped portrayal of women in the media.

One of the BPA's recommendations is to: *Encourage and provide the means or incentives for the creative use of programmes in the national media for the dissemination of information on various cultural forms of indigenous people and the development of social and educational issues in this regard within the framework of national law.*

✓ **GOOD PRACTICE:**

Ministry of Labour and Social Policy has implemented the BPA recommendations in this respect under projects co-financed from the European Social Fund. The following two TV programmes have been created: documentaries on women, who successfully started their own businesses, broadcasted on channel TVP 2 and a regular programme entitled "Kobieta zaradna" (Resourceful woman) on channel TVP 1, which touched upon such issues as: violence against women, women employment or the issue of reconciling career and private roles. Simultaneously, articles were published in "Przyjaciółka" (Friend) magazine and on Webpage **www.kobieta.gov.pl**. All these actions will be continued under the projects implemented in years 2008-2011.

The Polish media are governed by the Code of Ethics in Advertising – a primary document of Advertising Council and Commission for Advertising Ethics. It applies to all the advertising messages, except for social and political campaigns. Code of Ethics in Advertising includes detailed provisions, prohibiting, inter alia:

- ▶▶ discrimination based upon religion, sex or national origin;
- ▶▶ use of any elements encouraging to acts of violence;
- ▶▶ abusing the trust of the recipient or exploiting his lack of experience or knowledge.

ELEVENTH CRITICAL AREA OF CONCERN: WOMEN AND THE ENVIRONMENT

Beijing Platform for Action states that: *Human beings are at the centre of concern for sustainable development. They are entitled to a healthy and productive life in harmony with nature. Women have an essential role to play in the development of sustainable and ecologically sound consumption and production patterns and approaches to natural resource management.*

Awareness of resource depletion, the degradation of natural systems and the dangers of polluting substances has increased markedly in the past decade. These worsening conditions are destroying fragile ecosystems and displacing communities, especially women, from productive activities and are an increasing threat to a safe and healthy environment. Poverty and environmental degradation are closely interrelated. While poverty results in certain kinds of environmental stress, the major cause of the continued deterioration of the global environment is the unsustainable pattern of consumption and production, particularly in industrialized countries, which is a matter of grave concern, aggravating poverty and imbalances.





Women have often played leadership roles or taken the lead in promoting an environmental ethic, reducing resource use, and reusing and recycling resources to minimize waste and excessive consumption. The strategic actions needed for sound environmental management require a holistic, multi-disciplinary and intersectoral approach.

Strategic objective defined in the Beijing Platform for Action is as follows: *Involve women actively in environmental decision-making at all levels.*

✓ **GOOD PRACTICE:**

Women's Space Foundation is realising the project "**Kobiety i Rozwój. Kobiety aktywne na rzecz zrównoważonego rozwoju lokalnych społeczności**" (Women and Development. Active women for the sustainable development of local communities), which implements strategic objectives of the Beijing Platform for Action.

Project "**Kobiety na rzecz ochrony dziedzictwa i rozwoju lokalnego na terenach wiejskich**" (Women for the heritage protection and local development at rural areas level) of a Polish, Slovak and Czech initiative "BABINIEC" is another interesting example. This project was a result of joint initiatives and actions conducted by local women leaders from rural areas of Central Europe. The project constitutes part of an international programme "Women's Rural Community Leadership Training".

TWELFTH CRITICAL AREA OF CONCERN: THE GIRL-CHILD

Beijing Platform for Action states that: *The Convention on the Rights of the Child recognizes that "States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or status" (Article 2 (1)).*

Strategic objective defined in the Beijing Platform for Action is as follows: *Eliminate all forms of discrimination against the girl-child; Eliminate negative cultural attitudes and practices against girls; Promote the girl-child's awareness of and participation in social, economic and political life.*

✓ **GOOD PRACTICE:**

Wen-Do is an example of providing support to girls. It is a method of counteracting violence against women and girls. It teaches how to stop feeling helpless and defenceless in every situation: in public, in the street, at work or at home. Furthermore, it shows how to react to violence and enhances the feeling of self-confidence and self-respect. It helps in re-



solving conflicts, challenging stereotypes, overcoming fears and the feeling of guilt and shame.

Wen-Do was developed approximately 30 years ago in Canada. Wen-Do means "Women's way" and from the very beginning it has been designed not as a martial arts school, but rather a self-defence school for girls and women, i.e. groups most exposed to violence. From the start Wen-Do combined art of physical self-defence with psychological self-defence.

Beijing Platform for Action in Poland and European Union after 15 years: Beijing + 15

Did you know that Denmark and Cyprus – countries which, along with Poland, will hold the Presidency in European Union and form a Presidency Troika in 2011-2012 – achieved the level of growth in women employment, provided for in the Lisbon Strategy, as early as 2007?

THIS INDICATOR IS STILL BELOW THE REQUIRED 60% IN POLAND – WE ARE AMONG SUCH COUNTRIES AS BULGARIA, ROMANIA, LITHUANIA AND SLOVAKIA. As for the differences in women and men remuneration for work of the same value, it amounts to 20% in Cyprus and less than 15% in Poland and Denmark.

European Union Report for the Conference Beijing + 15 states that gender segregation in labour market still prevails in the Community: both horizontal (groups of low-paid occupations over-represented by women) and vertical (glass ceiling), **WHILE IN SOME COUNTRIES THE DIFFERENCE BETWEEN REMUNERATION OF MEN AND WOMEN IS EVEN INCREASING, INSTEAD OF DIMINISHING!**

Nearly all the countries point to the stimulation of women in rural areas and the issues of reconciling work and family life as a priority, which may be realised, inter alia, through activities promoting paternal leaves and encouraging fathers to have larger share in children upbringing and increasing the number of childcare facilities.

Still, it is migrant women, Roma women and disabled who are in the most difficult situation. Women are more at risk of finding themselves in a situation of poverty than men and this is why they have been indicated as a target group of the European Year for combating Poverty (2010).

Despite the increase in employment, women continue to take on the majority of domestic and family responsibilities. The implementation of Lisbon Strategy objectives in relation to employment involves strengthening policies aimed at reconciling work, private and family life in order to make full use of the Union's potential workforce. The European Commission has proposed common "flexicurity" principles in order to promote





more open and flexible labour markets accessible to all, including equal access to high-quality jobs for women and men and offering opportunities to reconcile working and family life.

Measures of the Polish Government are in line with goals set by European Commission in the Roadmap for equality between women and men 2006-2010. Both new tendencies (flexsecurity, economic mainstreaming of gender equality in the post-Lisbon process) as well as new challenges (globalisation, demographic and economic crisis) continue to appear. The next stage of the Roadmap for equality between women and men for 2011-2015 and Report of the European Commission on the Equality between women and men 2010 shall reflect this process.

THE ROADMAP CONTENT ALONG WITH THE REPORTS OF THE EUROPEAN COMMISSION ON THE EQUALITY BETWEEN WOMEN AND MEN MAY BE FOUND AT: www.kobieta.gov.pl.

BEIJING DECLARATION

1. We, the Governments participating in the Fourth World Conference on Women,

2. Gathered here in Beijing in September 1995, the year of the fiftieth anniversary of the founding of the United Nations,

3. Determined to advance the goals of equality, development and peace for all women everywhere in the interest of all humanity,

4. Acknowledging the voices of all women everywhere and taking note of the diversity of women and their roles and circumstances, honouring the women who paved the way and inspired by the hope present in the world's youth,

5. Recognize that the status of women has advanced in some important respects in the past decade but that progress has been uneven, inequalities between women and men have persisted and major obstacles remain, with serious consequences for the well-being of all people,

6. Also recognize that this situation is exacerbated by the increasing poverty that is affecting the lives of the majority of the world's people, in particular women and children, with origins in both the national and international domains,

7. Dedicate ourselves unreservedly to addressing these constraints and obstacles and thus enhancing further the advancement and empowerment of women all over the world, and agree that this requires urgent action in the spirit of determination, hope, cooperation and solidarity, now and to carry us forward into the next century.

WE REAFFIRM OUR COMMITMENT TO:

8. The equal rights and inherent human dignity of women and men and other purposes and principles enshrined in the Charter of the United Nations, to the Universal Declaration of Human Rights and other international human rights instruments, in particular the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child, as well as the Declaration on the Elimination of Violence against Women and the Declaration on the Right to Development;

9. Ensure the full implementation of the human rights of women and of the girl child as an inalienable, integral and indivisible part of all human rights and fundamental freedoms;





10. Build on consensus and progress made at previous United Nations conferences and summits - on women in Nairobi in 1985, on children in New York in 1990, on environment and development in Rio de Janeiro in 1992, on human rights in Vienna in 1993, on population and development in Cairo in 1994 and on social development in Copenhagen in 1995 with the objective of achieving equality, development and peace;

11. Achieve the full and effective implementation of the Nairobi Forward-looking Strategies for the Advancement of Women;

12. The empowerment and advancement of women, including the right to freedom of thought, conscience, religion and belief, thus contributing to the moral, ethical, spiritual and intellectual needs of women and men, individually or in community with others and thereby guaranteeing them the possibility of realizing their full potential in society and shaping their lives in accordance with their own aspirations.

WE ARE CONVINCED THAT:

13. Women's empowerment and their full participation on the basis of equality in all spheres of society, including participation in the decision-making process and access to power, are fundamental for the achievement of equality, development and peace;

14. Women's rights are human rights;

15. Equal rights, opportunities and access to resources, equal sharing of responsibilities for the family by men and women, and a harmonious partnership between them are critical to their well-being and that of their families as well as to the consolidation of democracy;

16. Eradication of poverty based on sustained economic growth, social development, environmental protection and social justice requires the involvement of women in economic and social development, equal opportunities and the full and equal participation of women and men as agents and beneficiaries of people-centred sustainable development;

17. The explicit recognition and reaffirmation of the right of all women to control all aspects of their health, in particular their own fertility, is basic to their empowerment;

18. Local, national, regional and global peace is attainable and is inextricably linked with the advancement of women, who are a fundamental force for leadership, conflict resolution and the promotion of lasting peace at all levels;

19. It is essential to design, implement and monitor, with the full participation of women, effective, efficient and mutually reinforcing gender-sensitive policies and programmes, including development policies and programmes, at all levels that will foster the empowerment and advancement of women;

20. The participation and contribution of all actors of civil society, particularly women's groups and networks and other non-governmental organizations and community-based organizations, with full respect for their autonomy, in cooperation with Governments, are important to the effective implementation and follow-up of the Platform for Action;

21. The implementation of the Platform for Action requires commitment from Governments and the international community. By making national and international commitments for action, including those made at the Conference, Governments and the international community recognize the need to take priority action for the empowerment and advancement of women.

WE ARE DETERMINED TO:

22. Intensify efforts and actions to achieve the goals of the Nairobi Forward-looking Strategies for the Advancement of Women by the end of this century;

23. Ensure the full enjoyment by women and the girl child of all human rights and fundamental freedoms and take effective action against violations of these rights and freedoms;

24. Take all necessary measures to eliminate all forms of discrimination against women and the girl child and remove all obstacles to gender equality and the advancement and empowerment of women;

25. Encourage men to participate fully in all actions towards equality;

26. Promote women's economic independence, including employment, and eradicate the persistent and increasing burden of poverty on women by addressing the structural causes of poverty through changes in economic structures, ensuring equal access for all women, including those in rural areas, as vital development agents, to productive resources, opportunities and public services;

27. Promote people-centred sustainable development, including sustained economic growth, through the provision of basic education, lifelong education, literacy and training, and primary health care for girls and women;

28. Take positive steps to ensure peace for the advancement of women and, recognizing the leading role that women have played in the peace movement, work actively towards general and complete disarmament under strict and effective international control, and support negotiations on the conclusion, without delay, of a universal and multilaterally and effectively verifiable comprehensive nuclear-test-ban treaty which contributes to nuclear disarmament and the prevention of the proliferation of nuclear weapons in all its aspects;





29. Prevent and eliminate all forms of violence against women and girls;
30. Ensure equal access to and equal treatment of women and men in education and health care and enhance women's sexual and reproductive health as well as education;

31. Promote and protect all human rights of women and girls;
32. Intensify efforts to ensure equal enjoyment of all human rights and fundamental freedoms for all women and girls who face multiple barriers to their empowerment and advancement because of such factors as their race, age, language, ethnicity, culture, religion, or disability, or because they are indigenous people;

33. Ensure respect for international law, including humanitarian law, in order to protect women and girls in particular;

34. Develop the fullest potential of girls and women of all ages, ensure their full and equal participation in building a better world for all and enhance their role in the development process.

WE ARE DETERMINED TO:

35. Ensure women's equal access to economic resources, including land, credit, science and technology, vocational training, information, communication and markets, as a means to further the advancement and empowerment of women and girls, including through the enhancement of their capacities to enjoy the benefits of equal access to these resources, inter alia, by means of international cooperation;

36. Ensure the success of the Platform for Action, which will require a strong commitment on the part of Governments, international organizations and institutions at all levels. We are deeply convinced that economic development, social development and environmental protection are interdependent and mutually reinforcing components of sustainable development, which is the framework for our efforts to achieve a higher quality of life for all people. Equitable social development that recognizes empowering the poor, particularly women living in poverty, to utilize environmental resources sustainably is a necessary foundation for sustainable development. We also recognize that broad-based and sustained economic growth in the context of sustainable development is necessary to sustain social development and social justice. The success of the Platform for Action will also require adequate mobilization of resources at the national and international levels as well as new and additional resources to the developing countries from all available funding mechanisms, including multilateral, bilateral and private sources for the advancement of women; financial resources to strengthen the capacity of national, subregional, regional and international institutions; a commitment to equal rights, equal responsibilities and equal opportunities and to the equal participation of women and men in all national, regional and

international bodies and policy-making processes; and the establishment or strengthening of mechanisms at all levels for accountability to the world's women;

37. Ensure also the success of the Platform for Action in countries with economies in transition, which will require continued international cooperation and assistance;

38. We hereby adopt and commit ourselves as Governments to implement the following Platform for Action, ensuring that a gender perspective is reflected in all our policies and programmes. We urge the United Nations system, regional and international financial institutions, other relevant regional and international institutions and all women and men, as well as non-governmental organizations, with full respect for their autonomy, and all sectors of civil society, in cooperation with Governments, to fully commit themselves and contribute to the implementation of this Platform for Action.





GLOSSARY

GENDER refers to the characteristics assigned to women and men and the relations between them determined by the society. Gender defines what is allowed, expected and appreciated with respect to women and men in a given situation.

SEX refers to biological differences between men and women which are universal and immutable.

GENDER MAINSTREAMING is (re)organisation, improvement, development and evaluation of political processes, so that a gender equality perspective is incorporated in all policies at all levels and at all stages, by all actors normally involved in policy-making. There is no single translation of the term "gender mainstreaming" into Polish. It is commonly stated that GENDER MAINSTREAMING IS THE INCORPORATION OF A GENDER EQUALITY PERSPECTIVE IN ALL SOCIAL, POLITICAL AND ECONOMIC ACTIVITIES.

It is not tantamount to a pro-women policy, as both sexes are equally included in the concept which takes into account both the differences between the sexes and their equal rights. Gender mainstreaming means that all proposed legal changes, programmes and decisions in the European Union should be subject to the evaluation in terms of gender equality. It is one of the EU horizontal issues.

HORIZONTAL ISSUES IN THE EUROPEAN UNION include local development, equal opportunities, development of information society and sustainable development.

QUOTA is a percentage share, not necessarily equal, of representatives of each sex in a given institution. Quotas do not refer only to policy and election lists and do not have to refer only to sex. They are introduced if a group, which is more vulnerable e.g. due to several centuries of discrimination or due to disability, is in need of support, at least for some time. The quota system is not aimed at promoting women as such, but at providing equal opportunities to men and women with similar qualifications.

PARITY is an equal (fifty-fifty) share of candidates of both sexes, e.g. on the election list or on a board of directors. As in the case of quotas,

parities do not refer only to policy and election lists and do not have to refer only to sex.

PARITIES AND QUOTAS IN PRACTICE - Various countries apply different methods of increasing the participation of women in decision-making bodies. For example, the Scandinavian countries use the „zipper system”, where names of men and women who run for a given post are listed alternately and the zipper prevents the placing of women's names at the end of the election lists. Another method is the double nomination (used e.g. in Germany), i.e. the mechanism of presenting a female and male candidate with comparable qualifications for a given post and the selection of a person of the sex which is underrepresented in a given body. In Denmark the quota system is in place in all public authorities and decision-making bodies.



LAW OF THE REPUBLIC OF POLAND WITH REGARD TO EQUALITY BETWEEN WOMEN AND MEN

1 Constitution

The underlying principle for equality between women and men is the principle of equality before the law. In line with the Polish Constitution (the Constitution of the Republic of Poland of 2 April 1997, Dz. U. No. 78, item 483, as amended), all persons shall be equal before the law. No one shall be discriminated against in political, social or economic life for any reason whatsoever (Article 32). Pursuant to Article 33, men and women shall have equal rights in family, political, social and economic life. Men and women 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 offices, and to receive public honours and decorations.

2 Labour Code

This principle is specified in the Labour Code (Act of 26 June 1974 – the Labour Code, Dz. U. of 1998, No. 21, item 94, as amended). One of the fundamental principles of the labour law is a ban on any discrimination, direct or indirect, in employment, particularly in respect of sex (Article 113 of the Labour Code). Employees shall have equal rights resulting from the performance of identical duties; this shall apply in particular to equal treatment of men and women in employment (Article 112 of the Labour Code).

The provisions prohibiting discrimination are included mainly in Chapter IIa “Equal Treatment in Employment” contained in Section I “General Provisions” of the Labour Code. Pursuant to Article 183a of the Labour Code, employees shall be treated equally as regards the establishment and termination of employment relationships, the conditions of employment, promotion and access to training in order to raise occupational qualifications, particularly regardless of sex. Equal treatment in employment shall mean lack of any discrimination, direct or indirect. The Labour Code also includes a definition of sexual harassment (Article 183a (6) of the Labour Code states that sex discrimination shall also include any unacceptable sexual behaviour or any behaviour related to employee’s sex aimed at or resulting in violation of dignity or humiliation or abuse of an employee; such behaviour may be manifested by physical, verbal or non-verbal elements).

The Labour Code ensures the right to the same remuneration for the same work or for work of the same value, in particular regardless of sex.

The Labour Code also establishes guarantees for persons in relation to whom the principle of equal treatment in employment has been infringed. A person in relation to whom the employer has infringed the above principle shall have the right to indemnity in an amount not lower than the minimum remuneration for work determined under separate provisions (Article 183d of the Labour Code). Furthermore, employee’s exercise of the rights resulting from the infringement of the principle of equal treatment in employment may not constitute the grounds for any negative consequences whatsoever. The provision shall apply respectively to an employee who provided an employee executing his or her rights resulting from the infringement of the principle of equal treatment in employment with any form of support (Article 183e of the Labour Code).

3 Latest amendments to the Labour Code:

Since the beginning of 2007, the Labour Code has been amended twice: by the Act of 21 November 2008 amending the Labour Code (Dz. U. No. 223, item 1460) and the Act of 6 December 2008 amending the Labour Code and certain other Acts (Dz. U. No. 237, item 1154), both taking account of the implementation of the policy for granting equal rights and counteracting sex discrimination.

The first Act introduced amendments to the provisions of the Labour Code concerning such issues as:

- » equal treatment in employment,
- » legal situation of employees returning to work after maternity leave.

The amended provisions of the Labour Code have been in force since 18 January 2009.

The latter Act introduced amendments to the Labour Code concerning such issues as:

- » maternity leave,
- » leave on the terms of maternity leave,
- » additional rights related to parenthood (paternity leave),
- » protection of the employment relationship of an employee entitled to parental leave, whose working time is reduced.

The amended provisions of the Labour Code have been in force since 1 January 2009.

AMENDMENTS RELATED TO THE PRINCIPLE OF EQUAL TREATMENT

IN EMPLOYMENT

In this regard, the amendments introduced to the Labour Code involve the specification and clarification of certain provisions, which applies in particular to the definition of indirect discrimination and its manifestations as well as the definition of sexual harassment (Article 183a (4), (5) and (6) of the Labour Code), and more precise specification of the cases when the principle of equal treatment in employment is violated (Article 183b (2) of the Labour Code), on the one hand, as well as the introduction of new regulations improving the level of employees’ protection in the area of equal treatment in employment, on the other.

THE NEW REGULATIONS INVOLVE IN PARTICULAR:

» introducing a ban on bringing an employee to account for submitting to harassment or sexual harassment, as well as undertaking action in order to oppose harassment or sexual harassment in any form whatsoever (Article 183a (7) of the Labour Code),

» providing an employee who executed his or her rights resulting from the infringement of the principle of equal treatment in employment with much greater protection (Article 183e (1) of the Labour Code); not only cannot an employee exercising such rights be made redundant, but also it cannot serve as a basis for any unfavourable treatment of an employee during employment or cause any negative consequences for them,

» providing an employee helping another employee executing his or her rights resulting from the infringement of the principle of equal treatment in employment with protection (Article 183e (2) of the Labour Code); the scope of this protection



is analogous to the protection enjoyed by an employee executing his or her rights resulting from the infringement of the principle of equal treatment in employment.

AMENDMENTS RELATED TO THE LEGAL SITUATION OF EMPLOYEES RETURNING TO WORK AFTER MATERNITY LEAVE

The provision of Article 1832 of the Labour Code ensures that an employee finishing maternity leave or leave on the terms of maternity leave can return to work at the same post, and if this is impossible, at an equivalent post to the one held before the leave, or at another post in accordance with the employee's occupational qualifications, at which the employee is entitled to remuneration not lower than the one payable to the employee prior to the leave. Pursuant to the referred provision, an employer shall allow such an employee to return to work on the above mentioned terms, whereas a violation of this obligation constitutes, in accordance with Article 281 (5) of the Labour Code, an infringement of employee's rights.

AMENDMENTS RELATED TO MATERNITY LEAVE AND LEAVE ON THE TERMS OF MATERNITY LEAVE

Since 1 January 2009, the duration of maternity leave has been extended and it depends on the number of children born in one confinement. It amounts to:

- » 20 weeks in the case of giving birth to one child in one confinement,
- » 31 weeks in the case of giving birth to two children in one confinement,
- » 33 weeks in the case of giving birth to three children in one confinement,
- » 35 weeks in the case of giving birth to four children in one confinement,
- » 37 weeks in the case of giving birth to five and more children in one confinement.

PART OF MATERNITY LEAVE FOR AN EMPLOYEE-FATHER, WHEN A FEMALE EMPLOYEE IS HOSPITALISED

Since 1 January 2009, an employee being father caring for a child is entitled – except for the cases defined in Article 180 (5) and (7) of the Labour Code – to benefit from a part of maternity leave in the case stipulated in Article 180 (61) of the Labour Code, provided that the following cumulative conditions are met:

- » after the confinement, the female employee has used up 8 weeks of maternity leave,
- » it is not possible for the female employee entitled to maternity leave to personally take care of a child due to her health condition and hospitalisation.

In such a case, the maternity leave of the female employee shall be suspended for the period when such leave is taken by the employee being father caring for a child. The part of maternity leave taken by an employee-father may not be longer than the period during which the female employee entitled to such leave needs to be hospitalised due to her health condition which makes it impossible for her to personally take care of a child. The total duration of leave used by the female employee and the em

ployee being father caring for a child shall not exceed the one stipulated in Article 180 (1) of the Labour Code (new Article 180 (61) to (63) of the Labour Code).

ADDITIONAL MATERNITY LEAVE

Since 1 January 2010, both a female employee and an employee being father caring for a child are entitled to additional maternity leave (Articles 1821 and 1822 of the Labour Code). This leave is optional, unlike maternity leave discussed above which is obligatory.

An employee being father caring for a child shall be entitled to additional leave in the following cases:

- » when using a part of maternity leave – if the female employee resigns after having used up 14 weeks of maternity leave (pursuant to Article 180 (5) of the Labour Code),
- » when not using a part of maternity leave – if maternity leave has been used up by the female employee; in this case the employee being father caring for a child shall indicate in the request the date of ending maternity leave by the female employee. **The right to additional maternity leave may not be exercised by both parents at the same time (Article 1891 of the Labour Code).**

THE DURATION OF ADDITIONAL MATERNITY LEAVE WILL BE GRADUALLY INCREASED AND WILL AMOUNT TO:

In 2010 and 2011

- » up to 2 weeks – in the case of giving birth to one child in one confinement,
- » up to 3 weeks – in the case of giving birth to two and more children in one confinement;

In 2012 and 2013

- » up to 4 weeks – in the case of giving birth to one child in one confinement,
- » up to 6 weeks – in the case of giving birth to two and more children in one confinement;

From 1 January 2014

- » up to 6 weeks – in the case of giving birth to one child in one confinement,
- » up to 8 weeks – in the case of giving birth to two and more children in one confinement.

The additional maternity leave will be granted according to the rules stipulated in Article 1821 (2) to (3) and (6) of the Labour Code. The additional maternity leave will be granted:

- » directly after the maternity leave has been used up,
- » on a one-off basis (a request may be submitted once only),
- » for one week or its multiples – one week corresponds to 7 calendar days,



» upon written request of a female employee or an employee being father caring for a child submitted no later than 7 days before beginning such leave; the employer shall be obliged to consider the employee's request.

As a result of the amendment introduced to Article 1821 (3) and (4) of the Labour Code, it is possible to combine additional maternity leave with performing work for an employer who grants leave of no more than a half of the full-time equivalent. In such a case, additional maternity leave shall be granted for the remaining part of the daily working time. Work shall be undertaken upon written request of a female (or male) employee submitted no later than 7 days before beginning such work, in which the female (or male) employee shall indicate the working time and the period during which he or she intends to combine using additional maternity leave with performing work. The employer shall be obliged to consider such a request.

The employment relationship of a female (or male) employee using additional maternity leave shall be especially protected against dismissal by notice or termination (Article 1821 (5) in relation with Article 177 of the Labour Code).. Directly after having used up additional maternity leave, the female employee shall be entitled to vacation leave; in such a case the employer shall be obliged to grant such leave in the period indicated by the female employee (Article 163 (3) of the Labour Code).

LEAVE ON THE TERMS OF MATERNITY LEAVE

An employee who agreed to take care of a child and has applied to a guardianship court to initiate adoption proceedings or who agreed to foster parent, except for the professional foster parents not related to a child, shall be entitled to leave on the terms of maternity leave, however, only until the child is 7 years old, and in the case of a child with postponed schooling obligation – only until the child is 10 years old.

Since 1 January 2009, the duration of leave on the terms of maternity leave has been extended and it depends on the number of children, at the age stipulated by law, accepted at the same time. It amounts to:

- » 20 weeks – in the case of accepting one child,
- » 31 weeks – in the case of accepting two children at a time,
- » 33 weeks – in the case of accepting three children at a time,
- » 35 weeks – in the case of accepting four children at a time,
- » 37 weeks – in the case of accepting five or more children at a time.

The duration of leave on the terms of maternity leave has been also extended from 8 to 9 weeks if the employee, referred to above, accepted a child aged below 7 years, and in the case of a child with postponed schooling obligation – below 10 years.

ADDITIONAL LEAVE ON THE TERMS OF MATERNITY LEAVE

From 1 January 2010, an employee will be also entitled to additional leave on the terms of maternity leave granted upon his or her request (Article 183 (3) of the Labour Code).. This leave will be granted in accordance with the same rules which apply to the additional maternity leave Article 183 (4) in relation with Article 1821 (2) to (5) of the Labour Code). The duration of additional leave on the terms of maternity leave will be gradually increased and will amount to:

In 2010 and 2011

- » up to 2 weeks if an employee accepted one child,
- » up to 3 weeks if an employee accepted two or more children at a time,
- » 1 week if an employee accepted an older child, aged up to 7 years;

In 2012 and 2013

- » up to 4 weeks if an employee accepted one child,
- » up to 6 weeks if an employee accepted two or more children at a time,
- » up to 2 weeks if an employee accepted an older child, aged up to 7 years;

From 1 January 2014

- » up to 6 weeks if an employee accepted one child,
- » up to 8 weeks if an employee accepted two or more children at a time,
- » up to 3 weeks if an employee accepted an older child, aged up to 7 years.

AMENDMENTS CONCERNING PATERNITY LEAVE

As of 1 January 2010, an employee being father caring for a child will be entitled to paternity leave (Article 1823 of the Labour Code and Article 14 of the amending Act). Paternity leave is optional; it cannot be transferred to another person. The father of a child is entitled to paternity leave, however, only until the child is 12 months of age. Paternity leave will be granted upon written request submitted no later than 7 days before beginning such leave. The employer shall be obliged to consider employee's request. It will be also possible for paternity leave taken by an employee to coincide with e.g. maternity leave or additional maternity leave taken by a female employee. A maternity benefit shall be due for the period of paternity leave (Article 29 (5a) of the Act of 25 June 1999 on cash benefits in case of sickness and maternity (Dz. U. of 2005, No. 31, item 267, as amended)).

The employer will not be able to dismiss an employee on paternity leave since it is prohibited to give notice of termination or terminate the contract of employment during such time, as in the case of maternity leave (Article 1823 (3) in relation with Article 177 of the Labour Code). If an employee is not able to begin or has already begun vacation leave, taking paternity leave will either result in not beginning or will interrupt vacation leave and postpone it (Article 1823 (3) in relation with Article 165 (4) and Article 166 (4) of the Labour Code). Furthermore, the employer will be obliged to grant the employee being father of a child vacation leave directly after his using up paternity leave (Article 1823 (3) in relation with Article 163 (3) of the Labour Code).

The duration of paternity leave will be gradually increased and will amount to:

- » in 2010 and 2011 – 1 week,
- » from 1 January 2012 – 2 weeks.

AMENDMENTS CONCERNING EMPLOYEES ENTITLED TO PARENTAL LEAVE

The amendment also extended the scope of protection of an employee entitled to parental leave against being given notice of termination or termination of the contract of employment during the period when such an employee is working reduced hours on the basis of Article 1867 of the Labour Code (Article 1868 of the Labour Code). As of 1 January 2009 the employer cannot dismiss by notice or terminate the contract of employment in the period from the date of submitting a request to reduce the working time by the employee entitled to parental leave until the day of his or her returning to non-reduced working time, however,

for no longer than the total period of 12 months. The employer shall be allowed to terminate the contract in this period only if declared bankrupt or liquidated, and if there are reasons justifying the termination of the contract of employment without notice due to the employee's own fault. Thus, the scope of protection of the employment relationship is analogous to that of parental leave, whereas the period of protection is shorter.

4 Other legal regulations:

Legal regulations aiming at ensuring equality between women and men are also included in numerous specific acts. They include, in particular:

(a) Act of 13 October 1998 on Social Insurance System (Dz.U. of 2007 No 11, item 74, as amended). The Polish social security system is based on the principle of equal treatment of all insured persons, regardless of sex, marital and family status. The principle of equal treatment in particular applies to:

- 1) the conditions for being covered by the social security system,
- 2) the obligation of paying and calculating the amount of social insurance contributions,
- 3) calculating the amount of benefits,
- 4) the period of benefit payment and retaining the right to benefits.

In Article 2a(3) of the above mentioned Act, the Polish legislator has provided for judicial control over the observance of the principle of equal treatment by the pension authorities. Each insured person who claims that the principle of equal treatment has not been adhered to in respect of them shall have the right to claim compensation for insurance benefits from the social security system before the common court of law. This proceeding is in general free of court fees.

(b) Act of 20 April 2004 on Employment Promotion and Labour Market Institutions (Dz.U. of 2008 No 69, item 415, as amended), in which the ban on sex discrimination is explicitly stated in the following articles:

- 1) Article 18a (4) providing that employment agencies shall not discriminate, inter alia, on the grounds of sex;
- 2) Article 36, on job agency services, which stipulates in paragraph 4 that job agency services are provided free of charge according to the following principles:
 - a. availability of job agency services for all jobseekers and employers;
 - b. equality, meaning that it is a duty of poviats labour offices to provide all jobseekers with assistance in finding employment, irrespective of i.a. their sex;
 - c. openness, meaning that each vacancy reported to a labour office shall be openly announced to the unemployed and jobseekers;

Pursuant to paragraph 5 of this Article, employers are obliged to notify poviats labour offices about vacancies and free vocational training places, and at the same time they cannot set any requirements that discriminate against candidates, inter alia, due to their sex;

- 3) Article 38 on career guidance. Paragraph 2(3) of the Article stipulates that career guidance is provided by poviats labour offices in accordance with the principle of equality in access to career guidance services, irrespective of sex;

4) Article 123 stipulating that those, who refused to employ a candidate for a vacant post or a vacant vocational training place, shall be subject to a fine of at least PLN 3000. In this case, the non-observance of the prohibition of discrimination is subject to a specific sanction;

5) furthermore, the Act provides for special actions aimed in particular at unemployed young persons up to the age of 25, unemployed persons over the age of 50, the long-term unemployed and persons without professional qualifications. These actions are also extended to women who are in a difficult situation on the labour market;

(c) Act of 18 January 1996 on Physical Culture (Dz.U. of 2007, No 226, item 1675, as amended) and Act of 29 July 2005 on Professional Sport (Dz.U. No 155, item 1298, as amended), which ensure equal treatment of men and women in issues related to physical culture and professional sport. Pursuant to Article 34(6) of Act on Professional Sport, a woman member of the national team, who is not able to practise sport due to pregnancy and giving birth to a child, receives a full sports scholarship during 6 months after giving birth to a child.

In this context it is also worth mentioning the proposed solutions regarding the military service. Currently, legislative work is underway to eliminate all barriers in equal access to official positions, rules of promotion and remuneration, the pension entitlement, as well as maternity leave and family entitlements. An example is the equal pension age for women and men retiring from regular military service (currently it is at 60 for all soldiers), equal access to military training for recruits, and regular soldiers' entitlements to the protection of motherhood and parenthood, etc.

IF YOUR RIGHTS ARE VIOLATED AT WORK, YOU CAN TURN FOR HELP TO:

National Labour Inspectorate (PIP)

District Labour Inspectorate in Warsaw,
Mazowieckie Voivodeship
Monday to Friday, 8.00 am to 6.00 pm, in person:
ul. Lindley'a 16, 00-973 Warsaw, 5th floor, Room No 501,
by phone: (+48 22) 583 17 27.
More addresses of inspectorates in other voivodeships at:
<http://www.pip.gov.pl/html/pl/porady/07070000.htm>.

Commissioner for Civil Rights Protection

Aleja Solidarności 77, 00-090 Warsaw, Telephone: (+48 22) 55 17 700.
Office business hours: Mondays from 9.00 am to 5.00 pm,
Tuesday to Friday from 9.00 am to 3.00 pm
Telephone: (+ 48 22) 55 17 760, (+ 48 22) 55 17 811.
More addresses of regional representatives at:
<http://www.rpo.gov.pl/index.php?md=1562>.

Ministry of Labour and Social Policy

ul. Nowogrodzka 1/3/5, Warsaw
Telephone number: (+48 22) 661 10 00
if you need information on labour law regulations:
(+48 22) 661 15 44.

