

POLAND'S RESPONSE TO THE QUESTIONNAIRE ON GIRLS' AND YOUNG WOMEN'S ACTIVISM

Legal status

The Constitution of the Republic of Poland of April 2, 1997 (Journal of Laws of 1997, item 483, as amended, hereinafter referred to as "the Constitution of the Republic of Poland"), in Art. 32 sets out two principles: equal treatment (Article 32 (1)) and non-discrimination (Article 32 (2)).

The principle of equal treatment means that entities in a similar situation are treated in a similar way, and entities in a different situation in a different way. This principle therefore applies to equal treatment of entities in the same legal situation. Similar entities or situations are distinguished on the basis of a given feature considered to be legally significant, which is not the same as the concept of identity. In the light of the Constitution of the Republic of Poland, equality is not absolute. This means that this principle does not introduce absolute de facto equality, but confirms the equal possibility of realizing freedoms and rights. This principle is based on the requirement of equal treatment by public authorities in the process of making (equality in law) and applying the law (equality of treatment). In art. 33 The Constitution of the Republic of Poland also introduces the principle of gender equality, which means equal rights for women and men in family, political, social and economic life. However, the principle of equality does not mean the same rights for everyone - it is possible to differentiate rights if the situation of citizens is different.

Moreover, the anti-discrimination policy is shaped by the provisions of international law. These are not only legally binding and general documents (e.g. the European Convention for the Protection of Human Rights and Fundamental Freedoms of 1950), or general documents that were not legally binding at the time of adoption (Universal Declaration of Human Rights of 1948), but also relating to gender equality and women's rights, legally binding international agreements (eg the 1979 Convention on the Elimination of All Forms of Discrimination Against Women).

The principle of non-discrimination (i.e. equal treatment) is present both in EU primary law (including the Treaty on the Functioning of the European Union) and in EU secondary law (including Council Directive 2000/43 / EC implementing the principle of equal treatment). treatment of persons irrespective of racial or ethnic origin and Directive 2006/54 / EC of the European Parliament and of the Council on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and

occupation). Also, a number of provisions resulting from Polish national legislation emphasize equality between women and men and prohibit discrimination on the basis of sex in all areas of life. The provisions on the prohibition of discrimination can be found, inter alia, in the Act of June 26, 1974 - Labor Code the Act of April 20, 2004 on employment promotion and labor market institutions) as well as in the Equality Act.

The equality act in force in Poland introduced a number of equal treatment mechanisms into the Polish legal system. The most important of them include: the definition of discrimination, the reverse burden of proof mechanism, the possibility to claim compensation for victims of unequal treatment or the right to take compensatory (affirmative) actions against discriminated groups. The act defines the Polish model of anti-discrimination policy. The authorities responsible for observing the principle of equal treatment in Poland are the Government Plenipotentiary for Equal Treatment and the Human Rights Defender. The Human Rights Defender upholds the principle of equal treatment under the conditions and in the manner specified in the Act of 15 July 1987 on the Human Rights Defender.

Actions taken by the Government Plenipotentiary for Equal Treatment in the last Year

- I. Actively participating in the implementation of the Equality Union: Gender Equality Strategy 2020-2025. The strategy was adopted by the European Commission (EC) on 5 March 2020 and creates a framework for the work of the European Commission in the field of gender equality and defines the policy objectives and the most important activities for 2020-2025. The document emphasizes in particular the importance of equality for activities in the field of ecological, digital and demographic transformation. Its aim is to eliminate violence and discrimination on the basis of sex and inequalities resulting from the structure of relations between men and women, including the creation of equal opportunities for the implementation of aspirations and participation in the development of civil society. The Strategy is also to be the EU's contribution to the implementation of the Sustainable Development Goal 5 on gender equality, adopted under the UN 2030 Agenda for Sustainable Development. The priority areas of action included in the Strategy include:
 1. Freedom from violence and stereotypes;
 2. Opportunity to develop in an economy based on gender equality;

3. Performing important roles in society on equal terms.

Each of the priorities assumes actions designed to achieve specific goals, falling within the scope of a given area. The addressees of the actions are both the Member States, as well as the Council and the European Parliament.

The Government Plenipotentiary for Equal Treatment, Ms Anna Schmidt, coordinated the development of the Government's position to the above-mentioned Strategy. In the position adopted on the Strategy, the Government of the Republic of Poland recognizes as a priority the actions presented in the document, aimed at eliminating the gender pay gap and aimed at ensuring an appropriate and affordable care infrastructure (which will positively translate into women's participation in the labor market, their prospects pensions and the demographic situation) as well as preventing and combating violence against women.

The position assumes that the implementation of the Strategy must comply with the legislation of the Member States, taking into account, inter alia, their competences and constitutional orders and be based on the premise that equality between women and men is enshrined in the treaties of the European Union as a fundamental right. The document also states that Poland ensures equality between women and men within the Polish national legal system in accordance with international agreements on human rights and within the framework of the fundamental values and principles of the European Union. Therefore, the position assumes that where the Strategy refers to gender equality, Poland will interpret it as equality between men and women.

II. In October 2020, the Government Plenipotentiary for Equal Treatment took part in a high-level meeting of the United Nations General Assembly, which was a key occasion to highlight the importance of the Beijing Declaration and accelerate its implementation.

During her speech, the Plenipotentiary pointed out that Poland constantly emphasizes the importance of promoting women's rights so that they can fully realize their potential and contribute to the common good of society. She emphasized that it was necessary to further develop and protect all rights arising from the inalienable human dignity of every woman and girl. The Plenipotentiary indicated that actions to achieve gender equality by increasing the access of women and girls to education, employment and health, as well as by eliminating violence and discrimination against them, should be a priority both in domestic and international politics. At the same time, she stressed that despite the achievements made in recent years, there is still a lot of work to be done

The Plenipotentiary also indicated that Poland undertook actions to support women based on the principle of respect for equality between men and women and on the basis of ensuring dignity at all stages of their lives. The Plenipotentiary pointed out that Poland realizes that achieving equality requires recognition of the exceptional strengths of women and the specific challenges they face throughout their lives. In this context, the Plenipotentiary indicated that Poland is developing, inter alia, actions to reconcile family and professional life of women. The parental leave system is being developed and the government places particular emphasis on increasing access to nursery care. At the same time, Poland attaches particular importance to counteracting the gender pay gap. One of the initiatives that will contribute to the economic equality of women is the proposed legal regulation aimed at combating economic mobbing. The proposed regulation would extend the concept of mobbing to include "differentiation in the amount of remuneration according to the sex of the employee", which causes, inter alia, underestimated assessment of his professional suitability.

The plenipotentiary also emphasized that Poland supports actions taken to combat violence, including domestic violence. Poland already implements many programs aimed at helping victims and witnesses, preventing crime and providing post-penitentiary assistance.

Combating violence, but also eradicating poverty and sustainable development can take place - according to the Plenipotentiary - only if the value of the family as the basic social unit is promoted. That is why Poland supports family and parenthood to secure the rights and well-being of girls and women for future generations.

The Plenipotentiary also pointed out that Poland recognizes that efforts to accelerate the realization of equality between women and men should respect various religious and ethical values, cultural origin and philosophical beliefs of individuals and their communities.

- III. The Government Plenipotentiary for Equal Treatment is implementing a system project called "Development and dissemination of a model of inter-sectoral cooperation for equal opportunities between the sexes and increasing the competences of the staff of public institutions in the field of gender equality" 16, co-financed by the European Union from the European Social Fund, Operational Program Knowledge Education Development 2014-2020, Priority Axis II Effective policies public for the labor market, economy and education, Measure 2.1. Equal opportunities for men and women in all areas, including access to employment, career development, reconciliation of professional and private life.

The main goal of the project is:

- establishing a cooperation system for the horizontal implementation of the policy of equal treatment on grounds of sex in government administration entities at the voivodeship level throughout the country,
- developing and disseminating a model of intersectoral cooperation, which will realistically contribute to raising the standards of implementation of activities for equal opportunities and counteracting discrimination.

Activities planned in the National Program for equal treatment for 2021-2030

In order to provide equal employment opportunities for women and men. The Office of the Government Plenipotentiary for Plain Tracking has developed programs to support this goal. Among them can be mentioned.

1. Monitoring and promoting solutions leading to closing the wage gap and the pension gap as a solution to the problem of insufficient effectiveness of legal provisions ensuring equal pay for the same job
2. Updating and disseminating the "Equal pay" application in order to raise the awareness of employers and monitor the occurrence of the wage gap among their employees
3. Return to work of people who had caring responsibilities. Activities aimed at enabling difficulties related to return to professional activity for people who have performed caring duties for a long period, e.g. carers of people with disabilities, parents in families with many children
4. Promotion of mechanisms allowing for the reconciliation of professional and family life of women and men, as a complement to insufficient use of available mechanisms facilitating the reconciliation of work and private life, in particular in the case of people with caring responsibilities.
5. Improving access to early childhood education and care as a response to insufficient territorial and financial availability of such services
6. Promoting solutions related to the reconciliation of work and private life in the civil service in order to improve awareness of the existence of tools for reconciling work and private life and the possibility of using them among offices, especially in local administration.
7. Promoting solutions that facilitate the functioning of women who are breastfeeding at work.
8. Raising awareness of work, including unpaid work, performed by caregivers in order to appreciate and increase its value, as a response to insufficient appreciation of the home

work of caregivers, most often women (including caring for children, family members with disabilities or the elderly).

9. Increasing fathers' involvement in caring roles.
10. Analysis of legislation and preparation of a legislative package to recognize women's domestic work performed to care for a family member (child, adult).
11. Promoting the participation of women in decision-making processes: disseminating among enterprises, institutions, universities and non-governmental organizations the benefits of women's participation in decision-making bodies, building a network of contacts

Some statistic data

Education

Girls are more committed to learning and achieve significantly higher education.¹ Girls score better on tests of reading comprehension by an average of 10 pp. more on the eighth-grade exam in Polish and 6 pp more on the matriculation exam in Polish (basic level) than their peers². Although this is also a trend in other countries, in Poland the difference is higher than the OECD average and concerns especially weaker students. While the difference between the average scores of girls and boys is 33 points (OECD: 30), in the first decile it is as much as 46 points (in OECD: 42), and in the last - 22 points (in OECD: 18). The difference is even clearer in the percentage of people not reaching the minimum mark on the reading test - this applies to 10% of girls and as much as 20% of boys (in OECD: 18% and 28%, respectively)³. The difference between the sexes when it comes to higher education is very important. Currently, 52.6% of women aged 25-34 have higher education as compared to 32.7% of men, and of working age - 34.5% of women as compared to 23.4% of men.⁴ Q, I.4. Young women to a greater extent migrate from villages and smaller towns to large cities and settle there. As a result, there is a clear over-representation of young women in large cities and an over-representation of young men in many small-town and rural areas. In Warsaw, between the ages of 25 and 34, there are

¹ Information provided based on M. Gulczyński's report entitled "Przemilczane nierówności. O problemach mężczyzn w Polsce" nr 05/2021 Klub Jagielloński przemilczane-nerownosci.pdf (klubjagiellonski.pl)

² GUS, Average student results in the eighth grade exam. <https://stat.gov.pl/obszary-tematyczne/edukacja/edukacja/srednie-wyniki-uczniow-na-egzaminie-osmoklasisty,18,1.html> GUS, Average results of the secondary school leaving exam. <https://stat.gov.pl/obszary-tematyczne/edukacja/edukacja/srednie-wyniki-egzaminu-maturalnego,17,1.html>

³ OECD, PISA 2018, Annex B1, Results for countries and economies. <https://www.oecd-ilibrary.org/docserver/79c489df->

[en.pdf?expires=1599261600&id=id&accname=guest&checksum=0A9F5E3FA9463A2C1A9A1F08CF](https://www.oecd-ilibrary.org/docserver/79c489df-en.pdf?expires=1599261600&id=id&accname=guest&checksum=0A9F5E3FA9463A2C1A9A1F08CF)

⁴ Eurostat, Population by educational attainment level, sex and age (%) – main indicators, edat_lfse_03 (poziom ISCED 5-8)

14% more women than men. In towns below 10,000 of inhabitants, the feminization index is 0.9.⁵ This is a barrier to family formation, which is in turn the leading cause of childlessness among women.⁶

Wage gap

Closing the wage gap, i.e. inequalities in the level of remuneration of women and men, is not only a moral but also a legal obligation. At the international level, Convention No. 100 adopted by the International Labor Organization obliges States to take measures to ensure that all workers apply the principle of equal pay for men and women workers for work of equal value. At the European Union level, the Treaty on the Functioning of the European Union, in Art. 157, distinguishes the principle of equal pay for male and female employees for the same work or work of equal value.

The situation in Poland in terms of the gender pay gap is good compared to other highly developed countries. According to the report of the European Institute for Gender Equality, Poland is in the forefront of the European Union in terms of the speed of closing the wage gap since 2010.⁷ Depending on the adopted method of data selection and calculations, women in Poland earn on average from 5 to 19.9% less than men.⁸

The wage gap is a complex phenomenon because it results from the coexistence of many factors influencing the situation of women and men in the labor market. They include objective differences, such as education, work experience or profession. There are also factors that are less influenced by employees - such as segregation in the labor market or the length of service resulting from the social roles performed. Women's lower wages are also influenced by their lower self-esteem - Polish women misjudge their job opportunities and have lower financial expectations than men.⁹

Nevertheless, the factors that increase the wage gap include, first of all, such factors as sectoral (horizontal) segregation, i.e. segregation consisting in overrepresentation of women's work primarily in low-wage occupations, but also the obligations that women have in relation to

⁵ BDL, Population by age and sex, 2019

⁶ Mynarska, M., Matysiak, A., & Rybinska, A. Which way to childlessness? An analysis of the life paths of women who never became mothers. In: A. Matysiak (ed.) New patterns of family formation and development in Poland. Causes and impact on life satisfaction (pp. 105-131). Wydawnictwo Naukowe Scholar, 2014

⁷ European Institute for Gender Equality, Gender Equality Index 2020: Digitalisation and the future of work, October 2020, p. 33.

⁸ The gap in average wages awarded to women and men in Poland reaches almost 20% according to information provided in Structure of wages by occupation in October 2018, published by the Central Statistical Office on 26 February 2020.

⁹ This is confirmed, among others, by Labour Market Surveys conducted by the National Bank of Poland, various years.

providing care. looking after children and close family members (resulting, for example, in fewer hours of work than men, and thus lower wages), or vertical segregation, i.e. a small number of women in managerial positions or in positions where women have fewer chances promotion.¹⁰

According to data from the Central Statistical Office of Poland, the wage gap in 2018 was visible in almost every major professional group, with the largest difference in pay between women and men, calculated by the Central Statistical Office, reaching 2.9 thousand. PLN in relation to representatives of public authorities, senior officials and managers and 1.8 thous. PLN in relation to specialists.¹¹

Eurostat data show that the highest wage gaps were recorded in the following sections: financial and insurance activities (30.8%), information and communication (28.7%), wholesale and retail trade (26%), mining and quarrying (20.6%). The situation also does not look satisfactory when analyzing the differences in wages for women and men depending on the ownership sector - in the private sector, the difference in wages in favor of men in 2018 for Poland was 16.6%, while in the public sector it was much smaller, in the order of 3.8%.¹²

On the other hand, the wage gap was negative (i.e. the average hourly wage of women was higher than the average hourly wage of men) in construction (-8.7%) and in the section of transport and warehouse management (-4.8). Higher average hourly wages of women in these sections probably result from the relatively low share of women in all working in these sections and the fact that women occupied relatively higher-paid positions (women could more often be employed in human resources or accounting departments, while the average hourly wage of men is influenced by also wages of men employed in simple and relatively low-paid jobs).

Counteracting the wage gap, i.e. a situation in which women receive lower wages than men for similar work, is an important action, and in Polish conditions, it lies primarily on the part of employers. The awareness of employers who are responsible for the remuneration policy plays an important role in reducing the pay gap. Few studies of private employers indicate that few companies are aware of this phenomenon and monitor the level of wages of men and women. Employers' declarations show that 3/5 of them do not carry out such activities at all. In order to counteract the phenomenon and encourage employers to apply a fairer wage policy, the Ministry of Family, Labor and Social Policy (currently the Ministry of Family and Social

¹⁰ *Situation of women and men on the labour market in 2019, Ministry of Labour and Social Policy, 27.04.2020, p. 9.*

¹¹ *Ibidem, s. 10*

¹² *Ibidem, s.10*

Policy) in 2017 made available a tool for measuring the level of the wage gap in the form of a free application that enables the assessment of the scale of this type of inequality in the workplace. So far, there have been over 9 thousand. unique users.

Retirement gap

Women's retirement benefits are lower than men's. This is a consequence of less capital accumulation, lower wages and shorter employment periods. According to ZUS, in March 2018, around 302,000 of women received a pension lower or equal to the minimum pension (i.e. PLN 1029.80 after indexation) compared to less than 41 thousand. men. This means that about 9% of all women who receive a pension from ZUS receive it in the amount of at most the minimum pension (for men this percentage is 1.8%). The lower involvement of women in work during the lifetime, mainly related to the performance of caring functions (but also with lower salaries than men's salaries and lower retirement age) means that the average retirement pension of women is also lower than the average retirement pension of men. In 2017, this difference amounted to approximately PLN 900 (i.e. 33%).

Examples of problems faced by women

In Poland, the possibility of women's involvement in the sphere of public life and related activities is not limited by law or any measures discouraging such activities. There are noticeable activities initiated by independent organizations and activist groups that aim at presenting certain groups of women and girls in a negative light, degrading their role and usefulness in society by portraying women as mothers in a negative light. Criticism of family-friendly policies and the belittling of the position of women who fulfill their role as mothers who are primarily involved in family life are based on incorrect social beliefs and stereotypes that dictate that dealing with the family is an activity that hinders and negatively affects women's personal development.

It is a social problem that affects the sphere of private, professional and public life of women. Young women withdraw either from family life or public life, which ultimately creates environmental and social barriers. This is particularly noticeable in taking up criticism against "pro life" organizations, which with their activities promote the development of society based on pro-family policies and prove that commitment to the family does not conflict with professional development.

The questionnaire of the thematic report on the participation of women and girls in public life undoubtedly provides an opportunity to identify certain actions to be taken in the

transnational, international space that will be able to reflect the positive dimension of the coexistence of families and the involvement of women in them, while ensuring their professional development.