

<b>Country</b>	<b>Poland</b>
<b>SIGI 2019 Category</b>	<b>Very low</b>
<b>SIGI Value 2019</b>	<b>17%</b>

<b>Discrimination in the family</b>		<b>22%</b>
	Legal framework on child marriage	50%
	Percentage of girls under 18 married	1%
	Legal framework on household responsibilities	50%
	Proportion of the population declaring that children will suffer if mothers are working outside home for a pay	59%
	Female to male ratio of time spent on unpaid care work	1.8
	Legal framework on inheritance	0%
	Legal framework on divorce	0%

<b>Restricted physical integrity</b>		<b>20%</b>
	Legal framework on violence against women	75%
	Proportion of the female population justifying domestic violence	8%
	Prevalence of domestic violence against women (lifetime)	13%
	Sex ratio at birth (natural =105)	105.5
	Legal framework on reproductive rights	50%
	Female population with unmet needs for family planning	10%

<b>Restricted access to productive and financial resources</b>		<b>15%</b>
	Legal framework on working rights	100%
	Proportion of the population declaring this is not acceptable for a woman in their family to work outside home for a pay	7%
	Share of managers (male)	59%
	Legal framework on access to non-land assets	0%
	Share of house owners (male)	-
	Legal framework on access to land assets	0%
	Share of agricultural land holders (male)	70%
	Legal framework on access to financial services	0%
	Share of account holders (male)	48%

<b>Restricted civil liberties</b>		<b>13%</b>
	Legal framework on civil rights	0%
	Legal framework on freedom of movement	0%
	Percentage of women in the total number of persons not feeling safe walking alone at night	66%
	Legal framework on political participation	0%
	Share of the population that believes men are better political leaders than women	31%
	Percentage of male MP's	72%
	Legal framework on access to justice	0%
	Share of women declaring lack of confidence in the justice system	56%

Note: Higher values indicate higher inequality. Percentages range from 0 to 100, while legal variables are categorised as 0%, 25%, 50%, 75% or 100%. See data source [here](#).

Source: OECD (2019), Gender, Institutions and Development Database, <https://oe.cd/ds/GIDDB2019>.

## Poland

### 1. Discrimination in the family

#### a) Overarching legal framework for marriage

The Family and Guardianship Code of 1964 provides the overall legal framework for the regulation of marriages in Poland (Family and Guardianship Code, 1964). There are no specific legislative provisions regulating informal or de-facto relationships between a couple (Commission of European Family Law, 2015). Judgements of the Polish Supreme Court have affirmed that legal provisions governing the division of marital property do not apply to partners of an informal relationship upon the dissolution of their relationship (Supreme Court 2000; Supreme Court 2011; Commission on European Family Law, 2015). The Family and Guardianship Code restricts the right to enter into marriage for persons with intellectual disabilities (Family and Guardianship Code, 1964).

#### b) Child marriage

Following an amendment in 1998 to the Family and Guardianship Code, the minimum legal of marriage was set to 18 years old for men and women (Family and Guardianship Code, 1964). A guardianship court may allow a woman who is at least 16 to marry if there are important circumstances that would be in the best interests of the new family (Family and Guardianship Code, 1964). The law does not envisage this possibility in the case of men (Family and Guardianship Code, 1964). The law does not provide for legal sanctions for those facilitating a marriage of an individual who is under the minimum age of marriage, and there is no publicly available information on measures, legal sanctions or awareness-raising programmes in place to support the enforcement of the minimum legal age. The Family and Guardianship Code does not address forced marriage, and there are no other national law provisions that expressly criminalise forced marriage (Family and Guardianship Code 1964; European Agency for Fundamental Rights, 2014).

Traditional marriage is still practiced among Roma communities in Poland although the scale of the phenomenon of early and/or forced marriage is unknown due to both the lack of data and the lack of reporting (Council of Europe Ad Hoc Committee of Experts on Roma Issues, 2015). Incidences of arranged or forced marriages for teenage girls have also been reported among persons applying for refugee status in Poland (Government of Poland, 2014).

#### c) Household responsibilities

There are no legal restrictions for women to be recognized as head of household, and the law does not require married women to obey their husbands.

Parental responsibilities are defined by the Polish Constitution and is further developed in the provisions of the Polish Family and Guardianship Code (Commission on European Family Law, 2015; Mączyński and Mączyńsk, 2005). A minor child remains under parental authority which is held by both parents (Family and Guardianship Code, 1964). The Polish Family and Guardianship Code establishes

a positive duty on parents and children to respect and support each other, and this duty is not dependant on the marital status of the parents (Commission on European Family Law, 2015). There is no information to suggest that women's legal rights to be recognized as head of household or to be the legal guardian of her children is an issue.

The Polish Constitution guarantees the right of every citizen to choose their place of residence (Constitution, 1997). There is no information to indicate that women's right to freely choose their place of residency is challenged.

Seeking to address women's absence from the labour market due to traditional stereotyping, a so called family policy package, which supports the possibilities of combining parenthood with professional career, was adopted in 2008 and has been implemented since 2009 (Government Plenipotentiary for Equal Treatment, 2014). Along similar lines, in 2013 Poland adopted a family action plan to increase employment among women which foresees measures facilitating work-life balance and ensuring equal opportunities for men and women (Government Plenipotentiary for Equal Treatment, 2014). Although the share of men taking part in family responsibilities has been increasing, the Polish Government has reported that it is still women who carry most responsibilities connected with raising children and running a household, and do so regardless of their professional status (Government Plenipotentiary for Equal Treatment, 2014). In this regard, the Government's Plenipotentiary for Equal Treatment has noted that women continue to be subjected to traditional roles within the family, and that gender stereotyping and associated prejudice of women as the primary child-carers maintain women in a less advantageous position than men, in particular relating to employment opportunities (Government Plenipotentiary for Equal Treatment, 2014).

Non-governmental human rights organizations have raised concerns about the persistence of discriminatory norms which often restrict women mainly, if not exclusively, to the role of child-bearers, mothers and caregivers (Council of Europe Commissioner for Human Rights, 2016). Similar concerns have also been echoed by the Committee on Elimination of Discrimination Against Women (CEDAW) which has noted the absence of measures to counter campaigns against gender stereotypes (CEDAW, 2014).

Women continue to bear the primary burden of care for children and unpaid work at home, while fathers only occasionally take part in household chores, resulting in the unequal treatment of women with regard to employment (KARAT Coalition, 2014).

#### **d) Divorce**

Women have the same rights as men to initiate and finalize divorce. Under the Family and Guardianship Code, any of the two spouses may ask for a divorce if there has been a complete and permanent breakdown of the marriage (Family and Guardianship Code, 1964). Divorce cannot, however, be granted when the welfare of a common minor child or children would suffer, if granting a divorce could be considered contrary to principles of social intercourse and if the divorce is requested by the spouse who is the sole guilty party for the disintegration of matrimonial life, unless the other spouse has expressed his or her consent to the divorce (Family and Guardianship Code, 1964). In a divorce decree, the court decides on the parental responsibility for any minor child of both spouses and on contact between the parents and the children (Family and Guardianship Code, 1964).

There are no reports of discriminatory practices affecting the rights of women to be appointed the legal guardian of children in the event of a divorce. Polish court law relating to custody of children following divorce suggests that mothers are generally preferred as custodians, and that this is particularly so in the case of young children (Kosinska-Wiercinska and Wiercinski, 2015; Government of Poland, 2014).

Under the legal framework, the spouse who is considered by the court to be the sole responsible party for the breakdown of the marriage cannot claim any maintenance. The CEDAW Committee noted that perceived fault by one of the spouses has been reported to have financial consequences for women, including compensation or loss of spousal support (CEDAW, 2014).

With regards to migrant women, reports indicate that marital relationships are often the sole legal basis for their residence in Poland (KARAT Coalition, 2014). If the woman has not yet obtained a permanent residence permit, in the event of divorce or upon the death of her spouse, she is only entitled to remain in Poland for one year, even if her children were born in Poland and are enrolled in school (KARAT Coalition, 2014). Once the one-year period has expired, the woman is obliged to find another means to legalize her stay in the country, or leave the country (KARAT Coalition, 2014).

#### e) Inheritance

Women have the same rights as men to inherit and to write a will (Civil Code, 1964). The interests of the closest relatives, including children of both sexes and the spouse, are protected (Civil Code, 1964). Under the Civil Code, the surviving spouse and children will inherit in equal shares and they have the right to at least a quarter of the total estate (Civil Code, 1964). Disinheritance of the surviving spouse and children is allowed under certain circumstances that are specified in the Civil Code, including if the surviving heirs have persistently acted against the testator's wishes in a manner contrary to the principles of community life; intentionally committed a crime against the testator or a person close to him threatening life, health or freedom or grossly affronted his dignity; or persistently not performed family obligations with regard to the testator (Civil Code, 1964). There is no information that indicate the existence of discriminatory practices towards women's inheritance rights, as widows or as daughters.

In the case of informal unions, the surviving partner does not have any rights to intestate inheritance (European Commission on Family Law, 2015).

There is no information to suggest that property dispossession and grabbing is an issue in Poland.

## 2. Restricted Physical integrity

### a) Violence against women

In 2015, Poland ratified the Council of Europe's Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention) although with several reservations, including to only apply the Convention in accordance with the Polish Constitution (Government of Poland, 2012). The Convention entered into force in Poland on 15 April 2015. Ratification of the Convention, which had been signed by the Government already in 2012, was reportedly made difficult due to attitudes which considered that the definition of gender contained in the Convention would

clash with the preservation of the traditional concept of the family (Council of Europe Commissioner for Human Rights, 2016).

At the national level, Poland has pursued several interventions covering different forms of violence against women, in particular domestic violence, however these forms are not discussed under a common umbrella nor in connection with each other, and have not been addressed in relation to gender-based discrimination (Krizan and Pap, 2016). Crimes committed in the name of “honour” are currently not covered by Polish policies and are not addressed directly in substantive criminal legislation (Krizan and Pap, 2016).

While violence against women is a widespread problem (Krizan and Pap, 2016), physical violence and sexual harassment have been reported to be disproportionately affecting LGBTI persons (KARAT Coalition, 2014)

### **b) Domestic violence**

Domestic violence is not a specific criminal offence in Poland, however acts of domestic violence are punishable under various other offences of the Criminal Code, such as mistreating another person mentally and physically (Criminal Code, 1997).

In 2005, Poland passed the Act on Counteracting Domestic Violence with the objective to improve the efficiency of measures against domestic violence and to initiate and support actions raising public awareness of the causes and effects of such violence (Government of Poland, 2013). The Act does not provide victims with protection from individuals that are not considered close relatives nor former partners (Krizan and Pap, 2016). Contrary to the requirements of the Istanbul Convention, certain legal provisions such as emergency barring orders are missing and economic violence does not fall within the Act’s scope (European Commission Network of Legal Experts, 2015). Measures for effective prosecution, including holding perpetrators accountable through the criminal justice system while at the same time empowering victims during judicial proceedings are also missing from the Act (Krizan and Pap, 2016).

The Act was amended in 2010 to include new preventive measures, including the right for the prosecutor to issue at the pre-trial stage an order for the perpetrator to leave the dwelling place in which he or she and the victim live (Act of 10 June amending the Act on counteracting domestic violence and amending certain other Acts, 2010). The amendment also introduced an obligation for local authorities to create inter-disciplinary teams, composed of social assistants, local committees for solving alcohol-related problems, police, educational staff, healthcare staff and representatives from relevant NGOs, to diagnose, monitor and solve problems of domestic violence at the local level and in individual cases (Council of Europe Commissioner for Human Rights, 2016).

It is unclear to what extent Polish courts rely on the provisions of the Act on Counteracting Domestic Violence when issuing their judgements in cases of domestic violence as there is no available data on the number of legal proceedings in which the Act has been invoked (KARAT Coalition, 2014). In view of the gender-neutral character of the Act on Combating Domestic Violence, government-led analyses, reports and programs, trainings and preventive programs do not include specific information about the phenomenon of gender-based violence or violence against women (KARAT Coalition, 2014).

A National Programme for Preventing Domestic Violence was adopted in 2014 and foresees actions in four areas: prevention and social education; protection of and assistance to those affected by domestic violence; influence on people using domestic violence; and raising competence of justice personnel, health professionals or other professionals dealing with victims of domestic violence (Council of Europe Commissioner for Human Rights, 2016). Under the National Programme, a 24/7 helpline for victims of different forms of violence, including domestic violence, also became operational in 2017 (Krizan and Pap, 2016).

There were 35 public shelters in 2015 and, pursuant to the National Programme, two more shelters set to be opened in 2018 and 2019 (Council of Europe Commissioner for Human Rights, 2016). The lack of specialized shelters remained an issue of concern for the Council of Europe's Commissioner for Human Rights (Council of Europe Commissioner for Human Rights, 2016).

Poland's response to combatting domestic violence has come under criticism by international human rights monitoring mechanisms. In 2016, the Human Rights Committee noted with concern the absence of mechanisms providing immediate protection to victims, the low number of restraining orders issued, the insufficient number of emergency shelters and specialized assistance centres, and the low number of prosecutions and sentences for perpetrators of domestic violence (Human Rights Committee, 2016). Along similar lines, the Commissioner for Human Rights of the Council of Europe noted with concern that, despite measures taken to train police, prosecutors and judges, gender stereotyping remains entrenched in the handling of cases by police and courts, a factor which has a negative impact on women's access to justice, particularly in the fields of domestic violence and gender-based violence (Council of Europe Commissioner for Human Rights, 2016). According to the US Department of State's assessment of human rights practices in Poland, burdensome procedures continue to discourage the appropriate classification and treatment of domestic violence as a criminal offence (US Department of State (a), 2016). It also noted that while courts can sentence a person convicted of domestic violence to a maximum sentence of five years' imprisonment, most of those found guilty received suspended sentences (US Department of State (a), 2016).

Domestic violence is commonly perceived as a private matter that should be dealt with within the family rather than to fall within the remit of the law (Council of Europe Commissioner for Human Rights, 2016).

### **c) Rape**

Rape, including marital rape, is a criminal offence under the Polish Criminal Code (Criminal Code, 1997). Rape is defined as subjecting another person to sexual intercourse by force, illegal threat or deceit and carries a penalty of the deprivation of liberty for a term of between 2 and 12 years (Criminal Code, 1997). Increased penalties apply under specified circumstances, including if the victim was underage at the time of the rape or if the perpetrator is a family member (Criminal Code, 1997).

While resistance by the person subjected to rape is not a defining criterion in the law, women's rights organizations have noted that in practice, Polish legislation has been interpreted in a way that raises expectations that a woman should use active resistance against the perpetrator in order to make her a credible victim (European Women's Lobby, 2013).

In 2013, following Poland's ratification of the Istanbul Convention, initiating proceedings to prosecute rape was changed from motion-based to *ex officio* (Law of 13 September amending Article 205 of the Criminal Code, 2013). The Code of Criminal Procedures was revised to enhance protection of victims of sexual violence, including by specifying that victims of sexual violence may only be questioned once in the course of the investigation and in specifically designated surroundings in the presence of a psychologist (Criminal Procedure Code, 1997). Procedures and associated guidelines for the police and healthcare facilities on how to treat victims of sexual violence were also elaborated with inputs from civil society stakeholders in 2010, and updated in 2015 (Krizan and Pap, 2016).

Notwithstanding, reporting from women's rights organisations in Poland suggest that the procedure to report rape to the police is lengthy and difficult and often results in a secondary victimisation for the victims (KARAT Coalition, 2014). Non-governmental organizations have also expressed concern over the lack of governmental campaigns to eradicate sexual violence, including rape, and noted that gender stereotypes that shift the blame to the victim of sexual violence continue to be perpetuated by media and state institutions (KARAT Coalition). There are no reports that indicate the existence of religious, customary or traditional practices that reduce sentences or escaping punishment if the perpetrator marries the victim.

#### **d) Sexual harassment**

The Equal Treatment Act, adopted in 2010, prohibits sexual harassment but does not cover the spheres of family and private life, media, and educational services (Act of 3 December on the implementation of some regulations of European Union regarding equal treatment, 2010).

The National Programme on Equal Treatment for 2013-2016 is the main equality policy document in force and it addresses sexual harassment as a separate item under 'Equal treatment in the labour market' (Krizan and Pap, 2016).

The effectiveness of the Equal Treatment Act to effectively address sexual harassment has been questioned by the CEDAW committee, which noted the absence of complaints of sexual harassment in the workplace, and expressed concern over the limited application of administrative sanctions and the inadequate means of redress in cases of gender-based discrimination (CEDAW, 2014).

#### **e) Female genital mutilation**

Poland has no specific law outlawing female genital mutilation (FGM) and it is not addressed directly in substantive criminal legislation (Krizan and Pap, 2016). Cases of FGM can be prosecuted under the Criminal Code by reference to crimes of grievous bodily injury, bodily injury or impairment to health, and exposure to the danger of loss of life (Krizan and Pap, 2016). The principle of extraterritoriality applies, which means that FGM would be punishable even if committed outside the country (European Institute for Gender Equality, 2013). As of February 2012, there was no information available to estimate the prevalence of FGM in Poland and only one case of FGM had been registered, in the context of a dismissed asylum claim (European Institute for Gender Equality, 2013).

#### **f) Abortion**

Abortion is permitted in three circumstances only: when the pregnancy endangers the life or health of the pregnant woman; if prenatal tests or other medical findings indicate a high risk that the foetus

will be severely and irreversibly damaged or suffer from an incurable life-threatening ailment; or if there are strong grounds for believing that the pregnancy is the result of a criminal act (Law on Family Planning, Human Foetus Protection, and Conditions for Abortion, 1993). Outside these three situations, abortion is criminalized and doctors or anyone else performing an abortion risk a sentence of imprisonment of up to three years (Council of Europe Commissioner for Human Rights, 2016). At present, there are no standardized guidelines for medical professionals on the provision of legal abortion services (Joint NGO submission to HRC, 2016) and access to lawful abortion on medical and criminal grounds is practically non-existent (KARAT Coalition, 2014).

Pursuant to the Law on Doctors and Dentists Professions, medical practitioners have the right to refuse to perform any medical act, including abortion, that they regard being against their conscience, commonly referred to as the “clause of conscience” (Law of 5 December on Doctors and Dentists Professions, 1996). There is currently no obligation to provide abortion services where the procedure is urgently required as a matter of medical emergency or where a referral is not possible (Council of Europe Commissioner for Human Rights, 2016). It has also been noted that at times, entire healthcare facilities, including public healthcare service providers, have invoked the clause of conscience to refuse to perform legal abortions (Council of Europe Commissioner for Human Rights, 2016).

To date, the European Court for Human Rights has heard three cases, *Tysiqc v. Poland*, *R.R. v. Poland* and *P. and S. v Poland* – each relating to one of the three situations where a legal abortion is legal – in which it has found that obstacles and delays in women and girls’ access to safe and legal abortion under the current framework in Poland constitute violations of the European Convention on Human Rights (European Court for Human Rights, 2007; European Court for Human Rights, 2011; European Court for Human Rights, 2013). Poland’s restrictive abortion policies have also been the cause of concern for other human rights monitoring mechanisms (Human Rights Committee, 2016; Council of Europe Commissioner for Human Rights, 2016; CESCR, 2016; CEDAW, 2014; CAT, 2013).

### *More*

Legislation on stalking was introduced in June 2011 but does not link stalking to gender discrimination (Krizan and Pap, 2016).

## **3. Restricted Access to productive and financial resources**

### **a) Secure access to land and assets**

The Polish Civil Code recognizes the right of all citizens to use, collect profits from and dispose of their property within the limits set by the law and the principles of community life (Civil Code, 1964). There are no restrictions for women, married or unmarried, to own, manage, make decisions about or use land and non-land assets as collateral. There is no information to suggest that there are customary, religious or traditional practices that challenge women’s legal property rights.

Marital property is regulated under the Family and Guardianship Code, which sets common property as the default property regime, although other regimes are possible upon signed agreement (Family and Guardianship Code, 1964). The consent of the other spouse is required for legal transactions of joint property, and any agreement entered into without the consent of the other spouse is considered

null and void unless it is subsequently approved by the other spouse (Family and Guardianship Code, 1964). In the case of divorce, the spouses receive equal shares of the joint property unless the marriage contract provides otherwise (Family and Guardianship Code, 1964).

### **b) Secure access to formal financial resources**

There are no restrictions in the legal and policy framework in terms of accessing formal financial institutions, including with regard to opening a bank account and accessing credit. Women do not require the signature of their husband nor are there any other forms of discrimination that limit these rights in practice. There is no information indicating that gender discrimination is an issue in access to formal financial services.

### **c) Workplace rights**

Poland ratified ILO Convention 100 (equal remuneration) and Convention 111 (employment and occupation), but not Convention 156 (workers with family responsibilities), Convention 183 (revision of maternity protection) nor Convention 189 (domestic workers).

The Labour Code and the Equal Treatment Act prohibit discrimination on the basis of sex in employment (Labour Code, 1997; Equal Treatment Act, 2010). Provisions on preventing discrimination in employment are also covered under the Act on Employment and Counteracting Unemployment which contains penal provisions in case of violation of the discrimination ban (Act of 14 December on employment and counteracting unemployment, 1994). According to these provisions, any person who runs an employment agency and does not comply with the prohibition against discrimination (including on the account of gender) will be subject to a fine of not less than PLN 3 000 (Government of Poland, 2013). The Labour Code does not include protection from intersectional discrimination, (KARAT Coalition, 2014).

Women are prohibited from working in certain occupations requiring physical effort, including underground work in mines (2002 amendment to the 1996 Ordinance of the Council of Ministers on occupations particularly onerous or harmful for the health of women).

Pursuant to the Labour Code, employees have the right to equal remuneration for the same work or for work of equal value (Labour Code, 1997). This right covers all components of remuneration, irrespective of title and character as well as other work-related benefits awarded to employees in cash or in other forms (Labour Code, 1997).

The length of paid maternity leave depends on the number of children and ranges from a minimum of 20 weeks for one child to a maximum of 37 weeks for five or more children (Labour Code, 1997). Since 2010, working fathers are entitled to a two-week paternity leave which can be taken at any time until the child is 24 months old (European Commission Network of Legal Experts, 2016). Paternity leave is optional and cannot be transferred to another person (Michoń and Kurowska, 2016). Parental leave is set at 32 weeks and is paid by the social insurance fund (Michoń and Kurowska, 2016).

An employer may not terminate a contract of employment with or without notice with a female employee who is pregnant or on maternity leave, unless there are grounds for contract termination

without notice through the fault of the employee, and provided that the trade union representing this employee has consented to the termination of the contract (Labour Code, 1997).

The Government-appointed Plenipotentiary for Equal Treatment (operating within the Chancellery of the Prime Minister), the office of the Human Rights Defender as well as the National Labour Inspectorate assess whether employment agencies respect the prohibition of discrimination, including on account of gender (Equal Treatment Act, 2010; Act of 13 April on the National Labour Inspectorate, 2007). Civil proceedings for non-compliance with the prohibition to discriminate on the basis of sex can be initiated under the Polish Code of Civil Proceedings (European Commission Network of Legal Experts, 2016).

Despite the existing domestic regulations on equal remuneration, the gender pay gap remains significant (Council of Europe Commissioner for Human Rights, 2016; KARAT Coalition, 2014). The largest gaps are reported among workers with basic vocational and primary education (KARAT Coalition, 2014). There is no legal requirement for companies to systematically report on how they pay men and women. Exacerbating the gender wage gap is the fact that many enterprises lack an institutional system of occupational classifications to determine remuneration (European Commission Network of Legal Experts, 2016). The absence of a universal system for valuing work and establishing criteria to allow for the comparison of different kinds of work also causes difficulties in claiming damages resulting from wage discrimination (European Commission Network of Legal Experts, 2016).

The economic situation of women and their social safety are reportedly adversely influenced by the increasing frequency of replacing work contracts with civil-law agreements (KARAT Coalition, 2014). Such forms of employment affect women to a greater extent than men and do not provide women with the rights related to pregnancy, maternity and parenthood which are guaranteed by the labour contracts (KARAT Coalition, 2014). NGOs working to advance gender equality have noted that in the long run, work on the basis of civil agreements is also likely to contribute to the poor material situation of older women due to the lower amount of pension contribution deduced from the total earnings (KARAT Coalition, 2014).

Migrant women are reported to be subject to multiple forms of discrimination in the labour market, both as women and as foreigners, making them more prone to accepting worse conditions of employment and lower wages (KARAT Coalition, 2014). As legalization of their stay in Poland is often contingent upon their employment, migrant women are particularly vulnerable to exploitation, harassment and violence in their place of work (KARAT Coalition, 2014).

## 4. Restricted Civil liberties

### a) Citizenship rights

The Act on Polish citizenship allows women to acquire, change, retain and confer their citizenship on the same grounds as men (Act of April 2 on Polish Citizenship, 2009).

There are no restrictions for women to register the birth of their children, to apply for ID cards or passports for themselves and for their minor children. There is no information to suggest that there are discriminatory, traditional or religious practices that discriminate against women's legal rights with regards to citizenship and to obtain identification documents for themselves and for their children.

Married and unmarried women have equal rights as men to travel outside and return to Poland (Constitution of Poland, 1997).

### **b) Voting**

The Polish Constitution and the Election Code guarantee the equal rights of women and men to vote in national elections and in elections for the European Parliament (Constitution, 1997; Election Code, 2011). There are no reports to suggest that women's legal right to vote is infringed upon.

### **c) Political voice**

The Constitution guarantees equal rights for women and men to hold public and political office (Constitution of Poland, 1997). No information suggests women face restrictions to run for and hold political office in the legislative and executive branches or to be appointed to the judiciary.

Amendments to the Election Act in 2011 introduced a minimum requirement whereby either gender must make up at least 35% of candidates on lists for municipal, district, regional, national and European Parliament election (Act of 5 January on amending the Election Act, 2011). A list that does not meet the minimum requirements will be rejected by the electoral commission if it remains non-compliant for more than three days (Druciarek et. al, 2012).

Representation of women in politics remains weak (Council of Europe Commissioner for Human Rights, 2016). In addition, the Election Code does not address the order in which candidates of either gender should appear and female candidates tend to be pushed down electoral lists and therefore have smaller chances of being elected (OSCE/ODHIR, 2015).

### **d) Access to justice**

Women and men have the same judicial and procedural capacity, including the right to sue and be a party to legal proceedings and the right to act in court proceedings (Government of Poland, 2013). Women and men have equal access to free legal assistance (Government of Poland, 2013).

There is no legislation or measures in place to specifically address violence against and harassment of human rights defenders.

There is no separate government authority responsible exclusively for gender equality policies (CEDAW, 2014). The Office of Government Plenipotentiary for Equal Treatment, located within the Chancellery of the Prime Minister, is the main specialized body that monitors gender equality, among the other nine grounds for discrimination prohibited under the Equal Treatment Act (Equal Treatment Act, 2010). The same Act also enumerates the mandate of the Commissioner for Human Rights as a politically independent institution with a complementary mandate to monitor compliance with the principle of equal treatment (Equal Treatment Act, 2010). There are currently no regulations defining the relationship between the Plenipotentiary and the Ministries nor an inter-departmental structure to coordinate gender mainstreaming in the government (KARAT Coalition, 2014). The Plenipotentiary does not have a separate budget for its activities, including for the implementation of gender equality within the National Program for Equal Treatment, and is reportedly understaffed which further undermines its ability to effectively carry out its mandate (KARAT Coalition, 2014). The Human Rights Defender is also reported to have limited financial and human resources (CEDAW, 2014).

Act of 5 January amending the Act – Electoral Regulations to Gmina Councils, Poviats Councils and Regional Councils, Act – Electoral Regulations to the Sejm of the Republic of Poland and the Senate of the Republic of Poland and the Act – Electoral Regulations to the European Parliament (Dz. U. No 34, item 172), 2011

Act of 3 December on the implementation of some regulations of European Union regarding equal treatment, 2010

Act of 10 June amending the Act on counteracting domestic violence and amending certain other Acts (Dz. U. No 125, item 842), 2010

Act of April 2 on Polish Citizenship (Journal of Laws 2012, item 161), 2009

Act of 6 November on Patients' Right and the Commissioner for Patients' Rights, 2008

Act of 13 April on the National Labour Inspectorate (Dz. U. No 89, item 589, as amended), 2007

Act on Counteracting Domestic Violence (Dz. U. of 2005, No 180, item 1493), 2005

Act of 14 December on employment and counteracting unemployment (Dz. U. of 2003, No 58, item 514), 1994

Amnesty International, 2016: Public Statement issued 9 December 2016, *'Poland threatens to withdraw from the Convention on preventing and combating violence against women'* (AI Index 37/5309/2016) available at <https://www.amnesty.org/.../EUR3753092016ENGLISH.pdf>

Commission on European Family Law, 2015: National Report - Poland (Informal Relationships), available at <http://ceflonline.net/wp-content/uploads/Poland-IR.pdf>

Committee against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), 2013: Concluding observations on the combined fifth and sixth period reports of Poland, UN Doc. CAT/C/POL/CO/5-6 (23 December 2013), [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fPRT%2fCO%2f5-6&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fPRT%2fCO%2f5-6&Lang=en)

Civil Code of the Republic of Poland (z dnia 23 kwietnia 1964 r. (Dz.U. tłum. gb Nr 16, poz. 93), <https://supertrans2014.files.wordpress.com/2014/06/the-civil-code.pdf>

Constitution of the Republic of Poland (1997), <http://www.sejm.gov.pl/prawo/konst/angielski/kon1.htm>

Criminal Code of the Republic Poland (1997, amended 2016) (Polish), <http://www.legislationline.org/documents/section/criminal-codes/country/10>

Criminal Procedure Code of the Republic of Poland (1997, amended 2016) (Polish): <http://www.legislationline.org/documents/section/criminal-codes/country/10>

Council of Europe Ad Hoc Committee of Experts on Roma Issues, 2015: Thematic Report by the experts of the CAHROM thematic group on child/early forced marriages within Roma communities in the context of the promotion of Gender Equality following the CAHROM thematic visit to Bucharest, Romania, 27-29 April 2015, <https://rm.coe.int/1680651475>

Committee on the Elimination of Discrimination against Women (CEDAW), 2014: Concluding observations on the combined seventh and eighth period reports of Poland (2014) UN Doc. CEDAW/C/POL/CO/7-8, [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fPOL%2fCO%2f7-8&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fPOL%2fCO%2f7-8&Lang=en)

Council of Europe Commissioner for Human Rights, 2016: Report following visit to Poland from 9 to 12 February 2016, Strasbourg 15 June 2016, Doc. Comm/DH(2016)23, <http://www.refworld.org/docid/57b43e934.html>

Government of Poland, 2013: Committee on the Elimination of Discrimination against Women - Combined seventh and eighth period report of State Parties due in 2010 – Poland, UN Doc. CEDAW/C/POL/7-8  
Available at [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fPOL%2f7-8&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fPOL%2f7-8&Lang=en) (last accessed 29 May 2017)

Government of Poland, 2012: Council of Europe: Reservations and Declarations for Treaty No.210 - Council of Europe Convention on preventing and combating violence against women and domestic violence: Poland. Reservation handed over to the Deputy Secretary General at the time of signature of the Instrument on 18 December 2012 - Or. Engl. - and confirmed in the instrument of ratification deposited on 27 April 2015 – Or. Engl., [https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/210/declarations?p\\_auth=WtG65tol](https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/210/declarations?p_auth=WtG65tol)

Druciarek, Fuszara, Niżyńska, Zbieranek, 2012: Women on the Polish Political Scene, Institute of Public Affairs, 2012, <http://rownoscplci.pl/uploads/filemanager/womenonthepolishpoliticalscene.pdf>

European Agency for Fundamental Rights, 2014: 'Addressing Forced Marriage in the EU: legal provisions and promising practices', 2014 Annex: National Law Provisions expressly criminalizing forced marriage, [https://fra.europa.eu/sites/default/files/fra-2014-forced-marriage-eu\\_en.pdf.pdf](https://fra.europa.eu/sites/default/files/fra-2014-forced-marriage-eu_en.pdf.pdf).

European Court of Human Rights, 2013: *P. and S. v Poland*, 57375/08 [2013] ECHR (30 January 2013)

European Court of Human Rights, 2011: *R.R. v Poland*, 27617/04 [2011] ECHR (26 May 2011)

European Court of Human Rights, 2007: *Tysiąc v. Poland*, 5410/03 [2007] ECHR (20 March 2007)

Mączyński and Mączyńsk, 2005: European Family Law in Action, 2005: Parental Responsibilities, Volume III. Boele-Woelki, Braat, Curry-Sumner (eds). Antwerp-Oxford, 2005,– Poland, [https://assets.budh.nl/open\\_access/fenr/boeken/european\\_family\\_law\\_in\\_action.pdf](https://assets.budh.nl/open_access/fenr/boeken/european_family_law_in_action.pdf)

Family and Guardianship Code, 1964. USTAWA z dnia 25 lutego 1964 r. Kodeks rodzinny i opiekuńczy), as amended

European Commission Network of Legal Experts, 2016: Network of Legal Experts in gender-equality and non-discrimination, 2016: Country Report – Gender Equality: How are EU rules transposed into national law in Poland, 2016, <https://bookshop.europa.eu/en/country-report-gender-equality-pbDS0416704/>

European Institute for Gender Equality, 2013: Current situation of female genital mutilation in Poland (21 November 2013) [http://eige.europa.eu/sites/default/files/documents/current\\_situation\\_and\\_trends\\_of\\_female\\_genital\\_mutilation\\_in\\_poland\\_en.pdf](http://eige.europa.eu/sites/default/files/documents/current_situation_and_trends_of_female_genital_mutilation_in_poland_en.pdf) (accessed 6 April 2017)

European Women's Lobby, 2013: Rape Barometer: Poland, <http://www.womenlobby.org/Poland-5742?lang=en>

Helsinki Foundation for Human Rights( in cooperation with Lambda Warsaw Association Human Rights Defenders in Poland), 2016: Information on the recent challenges faced by human rights defenders and civil society in Poland. Submission prepared for the United Nations Special Rapporteur on the situation of human rights defenders, Warsaw, November 2016, <http://www.hfhr.pl/wp-content/uploads/2016/11/HRD-report-30112016-FIN.pdf>

Human Rights Committee, 2016: Concluding Observations on the seventh periodic report of Poland, 23 November 2016. UN Doc. CCPR/C/POL/CO/7, [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fPOL%2fCO%2f7&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fPOL%2fCO%2f7&Lang=en)

Human Rights Defender, 2014: Report on the Activity of the Ombudsman in the area of Equal Treatment in 2013, Warsaw, June 2014, <https://www.rpo.gov.pl/en/content/report-activity-human-rights-defender-ombudsman-poland-area-equal-treatment-2013-and-0>

ILO NORMLEX information system on International Labour Standards, Ratifications for Poland available at [http://www.ilo.org/dyn/normlex/en/f?p=1000:11200:11161560297482:::P11200\\_INSTRUMENT\\_SORT:4](http://www.ilo.org/dyn/normlex/en/f?p=1000:11200:11161560297482:::P11200_INSTRUMENT_SORT:4)

Joint NGO submission 2016:Supplemental Information on Poland for the Periodic Review by the Human Rights Committee at its 118th Session (17 October 2016 - 4 November 2016), 22 September 2016, [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fCSS%2fPOL%2f25283&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fCSS%2fPOL%2f25283&Lang=en)

Karat Coalition, 2014: Alternative Report on the implementation of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Poland 2014. Submitted to the UN Committee on the Elimination of Discrimination Against Women, [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCEDAW%2fNGO%2fPOL%2f18378&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCEDAW%2fNGO%2fPOL%2f18378&Lang=en)

Krizsan and Pap, 2016: Implementing a comprehensive and coordinated approach: An assessment of Poland's response to prevent and combat gender-based violence, April 2016 approach: An assessment of Poland's response to prevent and combat gender-based violence, April 2016, <https://rm.coe.int/168064ecd8>

Labour Code of the Republic of Poland (dnia 23 grudnia 1997 r. (Dz.U. tłum. gb 1998 Nr 21, poz. 94), <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/45181/91758/F1623906595/The-Labour-Code%20consolidated%201997.pdf>

Law of 13 September (JoL 2013 Item 849) amending Article 205 of the Criminal Code, 2013

Law on Family Planning, Human Foetus Protection, and Conditions for Abortion, 1993

Michon and Kurowska, 2016: 'Poland country note', in: Koslowski A., Blum S. and Moss P. (eds.) International Review of Leave Policies and Research 2016. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/) (last accessed 11 May 2017)

Ordinance of the Council of Ministers of 10 September 1996 listing occupations particularly onerous or harmful for the health of women (Dz. U. No 114, item 545 and of 2002, No 127, item 1092), 2002

Organization for Economic Co-Operation and Security in Europe (OSCE/ODHIR), 2015: Election Assessment Mission Report following the Parliamentary Elections in the Republic of Poland, 25 October 2015, <http://www.osce.org/odihr/elections/poland/191566>

Government of Poland, 2014: State Party Report to the Committee on the Rights of the Child, UN Doc. CRC/C/POL/3-4 (15 December 2014), [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fPOL%2f3-4&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fPOL%2f3-4&Lang=en)

Polish Commissioner for Human Rights, 2015: Report on the Activity of the Polish Commissioner for Human Rights in the Area of Equal Treatment in 2015, <https://www.rpo.gov.pl/en/content/equal-treatment-publications>

Polish Constitutional Tribunal, 2015: Judgement of 7 October 2015 in case no 12/14, available at <http://trybunal.gov.pl/rozprawy/wokanda/art/8434-prawo-do-odmowy-wykonania-swadczenia-zdrowotnego-niezgodnego-z-sumieniem/>

Polish Informal Coalition for the CCPR, 2016: Alternative Report to the International Covenant on Civil and Political Rights submitted by the for consideration of the UN Human Rights Committee in reference to the Session no 118, Warsaw, 21 July 2016, [http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/POL/INT\\_CCPR\\_CSS\\_POL\\_24661\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/POL/INT_CCPR_CSS_POL_24661_E.pdf)

Polish Plenipotentiary for Equal Treatment, 2014: Report on the Implementation of the Beijing Declaration and Platform for Action (1995) and the Outcomes of the Twenty-third special session of the General Assembly: Poland, April 2014, [https://www.unece.org/fileadmin/DAM/Gender/publication/Poland\\_Report\\_on\\_the\\_implementation\\_PL.pdf](https://www.unece.org/fileadmin/DAM/Gender/publication/Poland_Report_on_the_implementation_PL.pdf)

Supreme Court of Poland (2000), Decision of 16 May 2000, IV CKN 32/2000 and of 5 October 2011, IV CSK 11/2011)

US Department of State, 2016 (a): Trafficking in Persons Report, 2016, Poland, available at (last accessed 11 May 2017), <https://www.state.gov/documents/organization/258876.pdf>

US Department of State, 2016 (b): Country Reports on Human Rights Practices for 2016 – country profile: Poland. Available at <https://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265460#wrapper> (last accessed 27 May 2017)