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Introduction

It is a great pleasure to present to you the newest publication of the Heinrich Böll Foundation Regional Office in Warsaw, devoted to the issues of gender equality. With this publication, we launch a new series aiming to develop in depth analyses of selected gender issues.

Since the European accession, the new member states have been committed to implementation of gender equality. The neighbouring countries seeking closer cooperation with the European Union and access to its financial development aid should abide by the standards related to equal treatment of women and men. It turns out, however, that regardless of which political parties hold power, authorities do not take gender equality seriously. The governments do not consider it a priority. Despite satisfactory legislation, which was passed due to the European integration, or in relation to an opportunity of closer cooperation with the European Union, implementation of the commitments at the governmental levels is questionable. One of the most difficult barriers is the lack of political will at the decision-making level, and the disregard for the issues of gender equality. One can also observe a tendency to misuse gender equality to promote neoconservative policies, which solidify inequalities between women and men. For that reason, systematic monitoring of actual achievements in gender equality and of the use of EU funds to promote equal opportunities for women and men seems to be crucial.

The publication „Gender Issues 2007“ is a result of a project, which constitutes an attempt to meet this need. Bearing in mind the commitments related to the EU membership or to closer cooperation with the EU, in collaboration with our partner organisations from the Czech Republic, Poland, Slovakia and Ukraine, and in the framework of the regional program „Gender Democracy and Women's Politics“, we would like to monitor implementation

of selected issues of gender equality. We want to pay special attention to those aspects of gender equality, which have not been explored deeply, hoping that our analyses will help to fill this gap. In 2007, the focus in the Czech Republic was on accessibility of childcare facilities for children under 3 years old of age; in Poland – implementation of the act on counteracting domestic violence; in Slovakia – gender pay gap; and in Ukraine – implementation of the issues of gender equality in the context of the EU's Strategy for Ukraine in 2007-2013.

The publication contains summaries of national reports devoted to the above issues in individual countries. These analyses show, that despite obvious differences related to specific national contexts, there are similar trends in the respective countries. For example, the situation analysed in the Czech report, i.e. insufficient childcare facilities, has very much in common with what we can observe in Poland. In turn, the Slovak report presents a broader background of the gender pay gap, and its conclusions could relevantly apply to the situation in other countries. Each national report contains specific recommendations, which, given all similarities, can be used by organisations, individual experts and activists engaged in promoting gender equality and justice.

We hope that this publication will give you a deeper insight into selected aspects of gender equality policies in the region of Central and Eastern Europe. We hope that it will inspire further debate on the issues of gender equality.

Agnieszka Rochon

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Regional Office in Warsaw

Agnieszka Grzybek

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„Gender Democracy and Women's Politics“

Warsaw, January 2008

Audit of family friendly
policies: childcare
facilities for children
under 3 years of age.
Brief summary
of project results

Jitka Kolářová

Gender Studies, the Czech Republic

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1. Introduction

Dear readers,

This text is a brief result summary of the project „Audit of Family Friendly Policies: Childcare Facilities for Children under 3 Years of Age“, carried out by the Gender Studies, o.p.s non-profit organisation and funded by the Henrich Böll Foundation Regional Office in Warsaw.

The objective of the project is to look into the very complex and slightly confusing issue of nurseries and other childcare facilities for children younger than 3 in the Czech Republic. The results arrive at a time when changes to parental leave and parental benefits legislation are about to be made and when the institutional childcare network is becoming increasingly scarce.

We tried to look at the issue from many different points of view; therefore, the study includes a survey on how nurseries are run, a financial and legal analysis and results of a questionnaire-based parent survey. Our ambition is to help improve the image of nurseries and people's familiarity with them, as they are not paid enough attention to, in spite of their considerable potential of providing professional and quality childcare and enabling parents to return to work earlier without losing their professional skills.

The project results are also included in the *Klíč k jeslím* (A Key to Nurseries) publication from December 2007; the full-length study in Czech is available at www.genderstudies.cz. We would like to thank the experts who contributed to the full-length study: Lada Wichterlova, Helena Skalova, Jitka Kolářová, Blanka Plasova, Katerina Ulikova, Jana Stefanikova, Tana Holcakova, Michaela Marksova-Tominova, Jaroslava Hasmanova-Marhankova, Lucie Ungrova, Radka Vyborna, Lucie Kynclova, Stepan Moravec, Marketa Novotna, Tereza Samanova, Barbara Petrova.

I hope you find the study a pleasant and useful read.

Jitka Kolářová, Project Coordinator, Gender Studies, o.p.s.

2. Nurseries in focus: how nurseries are run in selected Czech cities¹

2.1. Introduction

This chapter is a brief summary of the core part of the project that consisted of collecting data about status and availability of nurseries and similar childcare facilities for children under 3 years of age in several Czech cities, as many of these facilities are currently facing a situation where they might be closed down soon. The survey was carried out in five Czech cities: Brno, Hradec Králové, Liberec, Litoměřice and Prague. For municipality run nurseries, we collected operating and financial information, carried out a short parent satisfaction survey, and conducted interviews with the nursery directors. To complete the picture, we also partly looked into other facilities and services, such as babysitting agencies, mother centres or private crèches.

2.2. Running a nursery

■ BRNO: (367 thousand inhabitants)

Public (municipal) nurseries:

In Brno, the nurseries are run by the non-government healthcare entity „Centrum dětských odborných zdravotnických služeb Brno, p.o.“

¹ All texts have been abridged.

(Brno Professional Child Healthcare Service Centre), established by the City of Brno. There are 3 such facilities, their total capacity being 110 children for the full-time stay (Fr. Skaunicové Street – 30 children, Fügnerova Street – 45 children, Stamicova Street – 35 children).

The nurseries usually accept children from 18 months of age to 3 years of age.

The opening hours are from 6:30 a.m. to 5 p.m. Out of the 203 children enrolled, 103 are in the nursery 5 days a week.

The fees charged for full-time childcare vary from CZK 800.– /month to CZK 4,500.– /month, depending on family income. The part-time childcare fee is derived from the CZK 4,500.– /month rate.

Private facilities for children younger than 3

Apart from the nurseries listed above, there are a number of other childcare establishments in Brno. Three out of the eight provide babysitting and/or care for children younger than 3 on a similar basis as the nurseries: the childcare is not just occasional and irregular and is provided for a small group of children at a time. However, none of the centres surveyed are licensed trade establishments under the „Daytime, non-parent care for children under 3 years of age“ umbrella – all of them are registered to carry out the „Family and household services“ trade, which does not require a specific licence.

■ HRADEC KRÁLOVÉ: (94 thousand inhabitants)

Public (municipal) nurseries:

Currently, there is only 1 municipal nursery and 3 private centres claiming to provide childcare services in town.

Up until September 2006, there were two municipal nurseries with a total capacity of 77 children in Hradec Králové. However, one of the

nurseries was closed down, apparently due to a drop in interest on the part of the parents who did not want to have their children placed in the two nurseries. Therefore, the Štefánikova Street nursery was closed down, while the Orlická Kotlina nursery had its capacity increased to 65 children.

The opening hours at the nursery are 6:30 a.m. to 4:30 p.m. The number of children attending the nursery varies, as about half of the children come in for just a few days per month. The nursery accepts children from about 11 months of age, the pre-requisite being that the child knows how to eat.

The lump-sum fee is CZK 1,000.–/month, plus CZK 51.– for every day spent at the nursery (CZK 26.– for meals, CZK 25.– for childcare). Parents with a permanent residence in Hradec Králové receive a CZK 100.– contribution from the city council every month. Socially disadvantaged families can apply for a fee reduction.

Due to its legal status, any further possibilities for the nursery to raise funds for its activities are very limited (in contractual terms, basically, the establishment is considered a part of the City of Hradec Králové, and therefore it is governed by the Municipalities Act, the municipality budget rules, etc.). For this reason, a civic association „Radost v jesličkách“ (Happy in a Nursery) was established in 2006, trying to work towards improving the quality of the facilities and the child care at the Orlická Kotlina nursery, enhancing the nursery equipment, and helping prepare and organize leisure time activities for children and their parents. The association was created by the nursery staff members and a few parents whose children attend the nursery. The association receives parent and sponsor donations and has additional sources of income, such as selling pictures made by the nursery children in on-line „auctions“. The association is certainly the best practical example of successful nursery/parents cooperation.

Other childcare possibilities in town and its surroundings

There are three babysitting centres in town and its surroundings.

LITOMĚŘICE: (26 thousand inhabitants)

Public (municipal) nurseries:

In Litoměřice, there is one municipal nursery for 20 children. The nursery is a part of the City of Litoměřice funded establishment „Centrum Srdíčko“ (The Little Heart), a centre for children and teenagers with disabilities. Apart from the nursery, the centre also includes a special needs kindergarten, a convalescence day hospital and a dermatologic day hospital.

Centrum Srdíčko was opened in the building of a former nursery-only facility and in the kindergarten building. The nursery, a part of the centre, also accepts children with disabilities, both physical and mental; however, usually it has a group of non-disabled children. In the past, there have been attempts to close the nursery down, mostly for financial reasons. But thanks to the unique Centrum Srdíčko, the nursery has survived.

The nursery accepts children from 1 to 3 years of age. Generally, however, the youngest children are 18 months old. There are no additional requirements. The opening hours are 6 a.m. to 4 p.m. About half of the 30 children enrolled come for at most 5 days a month.

The parents have to pay a fee of CZK 1,000.–/month (and single parents just half of that). If the child comes for 5 days a month only, the fee is CZK 50.– / day plus CZK 20.–/day for meals.

Other childcare possibilities in town and its surroundings

There are 3 mother centres in the town, out of which 2 are run by churches. Paid babysitters are used a lot by Litoměřice inhabitants, but only informally.

In the nearby town of Roudnice nad Labem, there has been an effort to re-open a municipal nursery; however, the city council has been rejecting the idea. The same goes for Štětí. In Štětí a proposal to open a company nursery at the local paper mill has been put forward, but the result is unknown to date. In Ústě, there is no nursery at all.

■ LIBEREC: (99 thousand inhabitants)

Public (municipal) nurseries:

Up until 1992, there was a municipal nursery network in Liberec. In the 1990's, however, the network was considerably reduced, and in 1992 an organization „Jesle Liberec“ (Liberec Nurseries) was established. Five years later, Jesle Liberec became a Healthcare and Social Care Centre whose mission has been to provide healthcare, education and social care services. The centre works with children from 1 to 6, mothers with children (home for mothers in need) and senior citizens (home care services).

The Healthcare and Social Care Centre runs 3 facilities for children aged 1 to 3, always linked to a kindergarten for children with specific health problems (eye problems, respiratory diseases, recurrent respiratory diseases). Its total capacity is 36.

The nurseries are open from 6.30 a.m. to 5 p.m. Most children stay full-time, and about one fifth of them come for half a day. The nurseries are used at more than 100%, however, this figure is due to the kindergarten factor.

The full-time care fee in the nurseries is CZK 1,600.-/month (or CZK 35.- for services and CZK 37.- for meals per day). Short-term babysitting is available, too (CZK 50.-/hour + meals).

In June 2008, all of these facilities will be closed down. The City of Liberec is planning to open a private nursery located at the premises of one of the existing childcare establishments. No detailed information about the exact capacity and the fees is available yet. However, according to our estimates, the monthly fee in this private nursery could be starting at CZK 7,000.-/month.

In the nearby town of Jablonec nad Nisou, there is no municipal nursery.

Other childcare possibilities in town and its surroundings:

There are several babysitting agencies in Liberec and Jablonec nad Nisou. However, they provide childcare at the clients' homes or they search for permanent care providers and nannies.

■ PRAGUE: (1,198 thousand inhabitants)

The survey was carried out in city districts Prague 1-15 only.

One of the most striking findings is that Prague has no comprehensive list of all nurseries within the city, be it municipality nurseries, let alone private nurseries.

Public (municipal) nurseries:

Nurseries of this type operate in the following districts: P1, P2, P3, P4 (three nurseries – an absolute exception in Prague), P5 (two nurseries), P7, P8, P9, P10 and P12.

Nursery fees differ in each district. Most districts apply different fees according to whether or not the parents have permanent residence in their districts. Some districts also have special reduced rates for the „socially disadvantaged“ and one district derives the fees from the income/subsistence allowance ratio.

Permanent residents pay CZK 2,000.-/month maximum (however, most of them pay an amount closer to CZK 1,000.-). Parents without permanent residence pay CZK 5,000.- maximum (in two districts), but about CZK 2,000.- on average. The meals fees vary between CZK 30.- and 60.-/day and they often depend on the time a child spends in the nursery. Most nurseries also provide so-called babysitting services, usually charged per hour or per day / half-day. Rates for permanent residents are around CZK 50.- per hour (25.- minimum, 85.- maximum). Daily rates vary between CZK 200.- and 500.-, again depending on the resident status.

On average, Prague nurseries have a capacity of about 30 children per establishment. Children are accepted from the age of 6 months (4 city districts) or 1 year (6 city districts). Data concerning the capacity utilisation rate are hard to get, as most nurseries have a number of children coming for so-called „five-day stays“.

The following districts lack nurseries:

P6 (closed down as to the 30th June 2007); P11 (closed down as to the 1st March 2007 by the city district Prague 11); P13 (closed down as to the 1st July 2001 due to unreasonably high operation costs; at the same time, the district council promised to outline a methodology to support the development of a so-called „mini-nursery“, but there are no news whatsoever concerning any such establishment being actually opened); P14; P15 (the local district council is currently working on a project called „Childcare for children under 5 years of age in P15 – a case study“ together with the Charles University Public and Social Policies Department – the project consists of a survey among Prague 15 parents and is a part of a study that should result in improved childcare services in this city district).

Private facilities for children younger than 3:

Here, too, the situation in Prague is very hard to map out. There are many establishments accepting children above 2 years of age. Some of them work with children aged 2 to 4, many of these being international, working with children in a foreign language and accepting children from 2 to 7 years, for example.

As for the fees, they differ considerably, but in general, all private nurseries are substantially more expensive than public nurseries. For instance, parents placing a child in a private nursery every day of the month, both in the morning and the afternoon, will never pay less than CZK 7 thousand. International establishments with foreign language classes can cost up to CZK18 thousand per month. Hourly rates for short-term, occasional babysitting often exceed

CZK 100.– and they are usually comparable to agency prices for home babysitting. In other aspects, however, private establishments tend to be much more flexible than public nurseries.

2.3. Parent satisfaction

The parents, i.e. the clients of the nurseries covered by the survey, were asked the following questions: Are you happy with the services provided by this nursery? What would you change if you could? Why have you decided to place your child in a nursery? Have you considered other options? Are you happy with the fee you pay for the nursery? How did your child adapt to the nursery environment?

Unexpectedly perhaps, all the parents surveyed (17 people) were very happy with the services provided. The reasons for placing their child in a nursery almost always included the need to return to work quickly, at least part-time. Moreover, the parents often stated that their children liked being in a group, and spending time at the nursery was very good for them.

Other childcare options considered, if any, mostly included grandparent care or hiring a nanny. However, the nanny option is often associated with doubts concerning their skills and reliability.

2.4. Summary and conclusions

The survey showed that the number of nurseries in the towns selected is relatively low and that many of these childcare establishments for young children have been closed down recently or will be closed down soon. This trend seems rather short-sighted at a time where efforts are being made to increase the employment rate, flexibility and labour market security.

Some of the establishments studied (Litoměřice, Liberec) are distinctive in that they provide care for children with health problems. However, even these nurseries are at risk of being closed down soon.

Yet from what the parents say and what the capacity utilisation figures show, institutional childcare is really necessary. The fact that there are sometimes twice as many „five-day-stay“ children as everyday nursery-goers may indicate that if the maximum number of nursery days while keeping the parental benefit was increased, the nurseries would probably be much busier.

The willingness to keep the nurseries running, i.e. to finance them, is yet another aspect related to the close-down-or-not question. The survey included interviews with nursery directors who were asked if they had problems financing the nursery activities and what those were. Most directors answered that the city council approach is friendly and the funding is smooth. However, it needs to be remembered that it is precisely this friendliness and readiness to provide funds that keeps these nurseries running. In places where there was no good will on the part of the council, the nurseries have been closed down already. For situations where council funding is not sufficient, the solution used by the Hradec Králové-based „Radost v jesličkách“ association shows a possible way to go.

3. Parent awareness and utilisation of early childcare possibilities: a sample survey

The nursery-focused project included a pilot field survey that looked into current knowledge of and opinions about nurseries of parents of young children. The results of the study are presented in this report.

The anonymous survey was conducted in Prague in autumn 2007. The participants surveyed were parents, generally with a child between 0,5 to 3 years of age. Both men and women were asked to fill in the questionnaire, the core source of the survey data. The pre-requisite to be included in the respondent pool was for the person to be or to have been on maternity or parental leave. As the study was a pilot project with no intention to generalise the information obtained, the sample population size was initially set at 70 respondents.

The objective of the pilot survey was to outline basic potential trends in what parents with children younger than 3 think about nurseries and how they make nursery placement decisions. Some questions focused on whether the respondents used alternative childcare options and what those were, and whether they had enough information available concerning early childcare facilities in general. We tried to identify areas of interest for a possible follow-up sample survey or qualitative research. Therefore, it should be noted that any interpretation of the results presented in this report should be subject to caution, as the output cannot be considered representative.

As in Czech society men on parental leave providing care for a child are still an exception (representing 1 % of all persons on parental leave) there are no men in the sample analyzed. Eventually 74 completed questionnaires were included in the analysis. Respondents were assisted by the surveyors in filling in the questionnaires, as the questionnaire included several open questions requiring a verbal answer to be written in. Moreover, this survey method allowed the surveyor to record any potential comments, views and opinions.

Due to the size of the respondent sample, the possibilities for any deeper quantitative answer analysis are limited. For this reason, we carried out a comparative answer frequency analysis only.

Most of the women surveyed stated that they had looked for information concerning childcare facilities, especially on the Internet or by talking to friends. The respondents were interested in the issue but their familiarity with the establishments in question was relatively low. As for the nurseries, more than half of the respondents had no idea about how much the services cost. In addition, more than 50% of the mothers surveyed were unable to say whether they thought that the current nursery format should change and if the childcare provided was good. On the other hand, more than 80% of the respondents shared the view that the government should support nurseries and their development. Similarly, about two thirds of the women surveyed did not consider childcare facilities for children younger than three available and/or affordable. Moreover, 42% of the participants subscribed to the statement that nurseries are necessary and there should be more of them (the respondents were asked to look at six statements and choose one that they identified with most).

When asked if they were interested in nursery services, more than one half of the women answered that they had not yet considered using them. The mothers often used other babysitting solutions, usually giving preference to family members or good friends. On the other hand, nurseries were often

perceived as an alternative option in situations where family members or other close persons could not help with babysitting. In general, nurseries were not among the women's priorities, but we have not noticed any negative attitudes towards nurseries either. 18% of the women said that they might consider using a nursery in the future. Due to the low number of nurseries and, therefore, the limited place availability, however, they wondered whether they would be able to place their child in a nursery at all. Moreover, private nurseries were usually too expensive for the surveyed women. Generally, we noted that the women tend to become more interested in nurseries as the children grow older. Mothers with „older“ children usually think about going back to work more often than mothers with babies, and therefore the babysitting issue is more typical for them.

Even though the field survey results provided interesting and important information, the content of the report should be treated with caution. Due to the limited size of the sample studied, the results cannot be generalized to the entire Prague population. However, we consider the trends and the opinions expressed by the respondents as a great challenge for further in-depth studies and/or comparison with results obtained in other similar research.

4. Financial analysis: current and future nursery funding options

The high costs involved in running a nursery are an important argument for closing down nurseries. Are there other funding possibilities apart from the municipal budget? Is it possible to increase the fees without causing a considerable drop in nursery attendance rates?

The first part of the following analysis briefly describes the current municipality nursery financing system, while the second part outlines funding possibilities from sources such as the European structural funds and other. At the same time, it points out possible setbacks of such „project-based“ funding.

4.1. Financing a nursery: description and analysis of the current situation

To analyse the current financing system, we need to describe the differences between and the specificities of nurseries and other childcare facilities for children younger than 3.

Nowadays, nurseries are established and run by municipalities, cities and city districts as a part of their budget co-funded organisations and their economic activities are governed by Act No. 250/2000 Coll. on budget rules; therefore, they are local government sub-units.

As such, nurseries are part of municipal, city or city district social service centres or health care establishments, and are controlled by the Ministry of Health of the Czech Republic.

This is a major factor influencing the financial costs needed to run these establishments in terms of qualifications, requirements and, logically, salary requirements (only fully qualified paediatric nurses can work in nurseries), as well as in terms of the sanitary standards.

The status of nurseries as defined above means that these facilities and their activities are funded directly from the municipal and city budgets, while the operating costs are partly covered by their own revenue, i.e. from the fees paid by the parents of the children.

From what appears from the survey and the answers to the questions asked in October 2007 to the nursery management representatives and to the parents whose children attend the nurseries in Liberec, Hradec Králové, Brno, Litoměřice and Prague city districts (P 1-15), there are no significant problems perceived with regards to any potential financial issues and obstacles. The only comment to point out is that most establishers (i.e. municipalities) try not to raise the operating costs, the municipal budget contribution or the parent fee. However, this statement must be viewed against the backdrop of many nurseries being closed down after 1990.

Resources for nursery operating costs are subject to regular planning, and they are included in annual municipal budgets; the funds are to cover common operating costs, including salaries, planned equipment purchases and planned repairs and maintenance. The operating costs are partly covered by parent fees, too, consisting of „tuition“ charged monthly for each child enrolled and the meals fee charged for every day spent by the child at the nursery.

The parent fee is determined by the establisher and, according to the survey information, the councils perceive it as a very sensitive issue that the public pays great attention to. This is why the fees are relatively stable and if they do happen to be increased, they grow gradually by small amounts.

According to the information obtained in the survey, the municipal funding/ parent fee ratio is comparable in all the establishments studied. About 80–85% of the funds are provided by the council budget and 15–20% are covered by the parent fees, usually depending on the size of the nursery and the location.

The analysis also focused on the volume of the municipal share and the possibilities the nurseries have of influencing the amount, as well as on other funding sources used, such as sponsor donations. From what the nursery directors stated during the survey, the municipal share is determined based on the previous year's financial results, and discussed with the nursery management. Alternative funding, such as sponsor donations, is very rare, except for one-shot parent donations for anything the children might need at a particular time. The civic association „Radost v jesličkách“, initiated by the Orlická Kotlina nursery staff and parents in Hradec Králové, discovered another complementary funding option. Apart from sponsorship and parent donations, they have activities such as selling pictures made by the nursery children. The funds raised are used to enhance the nursery equipment or to finance various activities for children.

The study and the analysis which used the data obtained in the selected cities show that the parent fee is about CZK 2,000.—. With the average wage in the Czech Republic, CZK 21,000.—/month in 2006, and the minimum wage of about CZK 8,000.—, the nursery costs account for less than 10% of one parent's gross salary for average wage earners and 25% for minimum wage earners. Having assessed the affordability and the offer of the nurseries, there are other decisive factors, such as real household expenses and their structure, the regional wage differences, the wage level in the relevant age group, and, especially, the parental benefit entitlement conditions. Currently, having a child enrolled in a full-time nursery scheme means losing the parental benefit.

In this context, it can be inferred from the analysis that, purely economically, the nursery fees are affordable only for full-time working parents. For part-timers, the expense/income ratio changes considerably, to the detriment of nursery services, which forces the parents to make a fundamental choice of either working full-time or taking care of a child under 3. Taking care of the child full-time means that parental benefits become their only source of income. Therefore, it can be concluded that the current nursery system does not really promote part-time employment, even though this arrangement enables families with children under 3 to achieve a better life-work balance.

The key question is to what extent the new parental leave system, involving a change to parental benefit payments, will help broaden the possibilities and flexibility of nurseries and other childcare facilities, and to what extent the new system is internally designed to represent a comprehensive and logical solution to support parents returning to and re-integrating into the labour market.

4.2. Funding opportunities for nurseries and childcare facilities offered by the EU Structural Funds and other funds for the 2007–2013 period

As of 2007, additional EU Structural Funds funding possibilities for nurseries and childcare facilities opened up. This form of funding is a new method that the nurseries and childcare facilities are not familiar with yet. Therefore, the real benefit of these funds will depend on the readiness of the childcare facilities to use them.

The following analysis provides an outline of the funds and any potential limitations and setbacks.

An assessment of the possibilities to use the EU Structural Funds to finance nurseries and childcare facilities in the 2007–2013 period

The new 2007–2013 EU programming period provides potential opportunities at the national level to finance equipment and activities in nurseries and childcare facilities from the 2007–2013 Structural Funds through specific operational programmes. Additionally, another funding source, the European Economic Area/Norway Financial Mechanism, is now available in the Czech Republic until 2009.

The above-mentioned funding sources² can cover various costs involved in construction, renovation, equipment, operations, and development of nurseries and childcare facilities, including staff training.

The most significant source of funding here is the OP HRE (the Operational Programme Human Resources and Employment), allowing to finance nursery and childcare activities, and, to a limited extent, nursery and childcare facility equipment. The EEA/Norway Financial Mechanism, designed to cover nursery equipment specifically, is another important tool. Other sources include the Regional Operational Programme (ROP) funds in the individual regions. As the priorities of the individual NUTS in the 2 regions differ depending on regional needs, the funding allocated to nurseries and childcare facilities vary depending on the specific needs and priorities in the given region.

In addition, there are several cross-border programmes available within the European Territorial Cooperation (Objective 3), providing funds where the nursery priority is a part of the relevant programme. These schemes always involve joint cooperation of both countries taking part in the programme.

(In the current programmes, there is usually no distinction made between nurseries and childcare facilities when it comes to financial support.)

² The table listing all the funds has not been included due to the limited space available.

As the programmes are at different development stages and as they are opening later than scheduled, the specific content and the actual funding conditions will depend on the finalized programme versions, implementation of the published documents, and the announcement of the programmes. The issues at stake include especially the amounts available specifically to fund nurseries and childcare facilities, and the funding conditions, in particular as regards project co-funding where required. As the Czech Republic has about CZK 750bn available from the EU SF for 2007–13, we can expect that the final amount allocated to nursery and childcare facility support will correspond to national and regional needs.

The EU SF funded projects last 2 to 3 years and will be implemented until 2015, which is why the EU SF are a relatively stable funding source for nurseries and childcare facilities.

Real possibilities to use the EU SF and other funding sources to finance nurseries and childcare facilities – potential limitations and setbacks

To assess the availability and effective usability of the above-mentioned potential funding sources for nurseries and childcare facilities, we need to analyse the existing setbacks that are an important argument for considering the funding as secondary, not primary as it may seem from the wording of certain programming documents.

The first setback is the so-called project-based financing involving two basic risks to the financial stability of the childcare establishments.

First, the very definition of a „project”: generally, a project is a new way of tackling an existing problem. In practice, this means that a project cannot be used to fund a common activity or operations of any organisation or establishment – depending on the area, it solely tackles one selected problem to achieve the defined objective.

Second, a project involves uncertainty as to whether or not it will receive funding to solve the given problem. Such uncertainty is a considerable risk to the financial stability of the entity in question and a big financial management challenge, as in a multi-source funding scheme the individual sources need to be combined both physically and in time, and possibly even „overlapped“.

The second setback in using EU SF funding is the immense administrative load involved in the project processing and management, and the strict professional and management skills requirements applying both to the project developer and other staff. Another key issue is the question whether childcare centres should submit the projects themselves or leave it up to their establishers, i.e. the municipalities and cities. In this context, the real and effective use of the funding sources in question very much depends on good professional training and awareness of relevant staff, both at the nursery/childcare facility level and at the establishing authority level, and on coordinated cooperation of the two parties in preparing the projects. Respecting this rule at the operational programme managing authority, intermediary and establisher levels is a necessary pre-requisite to use the EU SF funding sources for nurseries and childcare facilities efficiently. For nurseries, the only requirement to obtain EU SF funding is for the project to be submitted by the establishing authority.

The idea that the EU SF funding should be a secondary source for financing nurseries and childcare facilities, corresponding to the EU structural policy subsidiarity principle, is a pre-condition for the EU SF to be used as a potential tool for further development of such facilities and an enhanced quality of the services provided by the facilities between 2007–13.

Moreover, there are also alternative options to support development of nurseries and childcare facilities, consisting of cooperation with non-profit organizations, either existing or new, applying for project funding, or working actively with donors or looking for them. However, such activities are only subsidiary, possibly adding on to the range of services offered by the childcare facilities. A civic association would be a good example of such cooperation.

5. History, current situation and future outlooks of the legislative framework concerning childcare for children under 3 years of age (shortened)

5.1. Legislation analysis: national legislation – institutional childcare options for children under 3 years of age

a) Nurseries

In the past, until October 1991, the Czech law placed these facilities, together with kindergartens, joint nursery and kindergarten facilities, and so-called children's shelters (establishments providing care for children from 2 to 6), among pre-school facilities under the remits of the Ministry of Education. At the same time, however, according to the Act on Health Care starting with its very first version (and the preceding legislation), nurseries had the status of preventive health care establishments for children, even though only healthy children could be enrolled in a nursery. This traditional two-track system practically meant that pre-school education was under the remits of the regional council (and the ministry of education), while

preventive health care was controlled by the regional health centre (and the ministry of health).

The situation changed as the act on pre-school and school establishments came into force, followed by the act on schools, both consistently defining schools as educational establishments starting with kindergarten and above. As from the 1990's, nurseries are considered purely as health care establishments.

The practical operating conditions are governed by historic, but still valid, 1968 Ministry of Health methodical guidelines on nurseries: nurseries can accept children of working mothers from the end of the maternity leave until 3 years of age.

Nurseries can be territorial, factory-(cooperative-)based or joint, but in current practice, they can be established only by municipalities entitled to do so by the act on municipalities while exercising their independent authority in developing social care and satisfying the needs of their citizens.

b) Kindergartens – care for children under three years of age

As the amended act on schools stipulates, pre-school education is generally provided to children between three and six. Priority is given to children entering in the year immediately preceding school. Kindergarten classes usually have from 13–18 children to 24 children, the first year class enrolling children who will reach the age of four maximum during the school year. Therefore, it is up to the director to decide if they will accept a child younger than three to their kindergarten for capacity or educational reasons; however, this is not automatic and the decision is entirely at the director's discretion.

c) Providing care for children younger than three as a trade

The Trade Licensing Act lists „Daytime, non-parent care for children under 3 years of age“ among licensed trades and requires the trade owner

to have a university diploma in nursing, or post-secondary or secondary education as a paediatric nurse or a general nurse specialized in paediatrics. However, the license-free „Family and household services“ trade owners may also provide services involving occasional short-term babysitting, including babysitting for children under three, without any professional qualifications. However, the amended Trade Licensing Act will change the system – in the future, only childcare for children younger than two will be subject to a license, while the qualifications requirements will be modified considerably.

d) Civic parent associations

Recently, so-called „mother centres“ – meeting points providing culture and sports activities and short-term babysitting – have been opening as non-governmental, non-profit organisations. As their services are often free of charge, lacking one of the main characteristics of a business, the centres are not a subject to the Trade Licensing Act stipulations, and in order to carry on their activities as well as to obtain juridical subjectivity, nothing more than establishing a civic association within the Association Act is needed. However, while such initiatives are certainly useful and welcome, they cannot substitute institutional daycare for the youngest children, enabling the parents to go back to work.

5.2. Financial matters concerning parents with children younger than three

When an employee has complied with the required sickness insurance period (by being a sickness insurance scheme member for over 270 days before childbirth), she receives a maternity allowance, which is a sickness insurance benefit, during her maternity leave period. Sickness insurance also

covers pregnancy and maternity compensation allowance for employees and mothers with children up to 9 months of age who were assigned to another job entailing a drop in their wage.

Later on, while on parental leave, the woman can apply for parental benefit, which is a social welfare benefit.

According to current legislation, parental benefit payments end with the child's fourth birthday and the benefit currently amounts to 40% of the average wage in the two years preceding the entitlement. However, as of 1st January 2008, major changes will occur with the Public Budget Stabilization Act entering into force. Depending on the parental leave period chosen (and announced to the authorities in advance), there will be three parental benefit rates: increased, standard and reduced, corresponding to the maternity allowance entitlement amount (CZK 380.–/day being the limit), over two to seven years spent on parental leave providing full-time care for a child. In this way, parents get a powerful tool helping them to decide how long they will stay out of work to take care of their child full-time.

As of 1st January 2004, parents receiving parental benefits may work on the side without limitations. They can also keep their parental benefits when they have another adult provide care for their child while they are at work or studying. Moreover, without losing their entitlement to the parental benefit, a parent can place a child younger than 3 in a nursery or a similar establishment for up to five calendar days. For children over 3, kindergarten is limited to 4 hours a day.

5.3. Assessment and improvement ideas

Unfortunately, before the new baby boom in the second half of the 2000s, the Czech Republic saw a historical error – large-scale nursery close-downs and facility reconversions for different purposes. While it is true

that the old, socialist institutional childcare concept could not fully satisfy the needs of today's children and parents, the current situation is unfortunate. As analyses show, out of every 20 nurseries operating in the past only about 1 is still in operation today. Therefore, it is very hard to follow up on the tradition of institutional childcare for the youngest.

According to the analyses carried out, nursery close-downs were caused by insufficient parent interest in the past due to two factors: the birth rate was lower than today and, more importantly, nurseries became unaffordable. As preventive health care establishments, nurseries have not been subsidised by the state since the 1990's, which considerably reduced their chances to survive the competition with other early childcare alternatives. And yet, placing nurseries under the Health Ministry is illogical – both nurseries and kindergartens always provide care for healthy children of working parents and the young age factor alone cannot justify the very different approach to establishing and running nurseries. Therefore, transferring nurseries under the Act on Schools, giving them the status of schools for the youngest children, would perhaps be a solution to the funding question. In this way, nurseries, now fully dependent on the municipality's discretion when it comes to their establishment and operation, could rely on state budget funding, currently unavailable from the Health Ministry.

A partial solution, not involving any dramatic legislation changes, could also consist in re-introducing common nursery and kindergarten facilities; an argument in favour of this solution is that such establishments would be more efficient financially (such as common canteens and playgrounds or flexible capacity arrangements according to current demand) and more user friendly (no need for the child to adapt twice, accessibility for the parents) than independent establishments. However, one of the setbacks is that such facilities would have to meet both the kindergarten requirements (such as being entered in the school register) and the nursery, i.e. health

establishment, requirements, which reduces the likelihood of their establishment.

Other options currently used to ensure „non-parent“ care for children younger than three (i.e. micro-nurseries, kindergartens, purely private and fully parent-covered nurseries or one-shot free-of-charge childcare in mother centres) need to be considered as emergency and compromise solutions in a situation where nurseries or other permanent services providing care for children from a few months of age up to three years are unavailable and do not enable parents to resume their work activities. In a context where the state tries to motivate parents to return to work early by introducing new social welfare solutions, the state should consider as its priority to re-design the overall concept – in the next years especially, for children between the ages of two and three, the lack of adequate institutional childcare will be very perceptible.

6. Concluding remarks

To support families, it is essential to have a very broad range of childcare services offered (including childcare for children younger than three), so that the parents can choose depending on their individual needs. However, the world we live in is far from perfect, and the options parents have are limited not only by their preferences, but also by real factors such as their financial situation, place of residence or public transport accessibility.

Due to the public budget situation, there is a high probability of parental leave being further reduced in the future and/or the parental benefit not being subject to indexation, leaving the „standard rate“ at CZK 7,600.– which will soon become inadequately low (not mentioning the lowest rate, CZK 3,800.-). Therefore, the demand for full-time childcare for children younger than 3 can be expected to grow in the next few years.

Clearly, it is useful to legally provide alternative childcare services for children below 3, as mentioned in the introduction. However, the mere fact of being a mother does not guarantee the quality of childcare provided to her own, let alone somebody else's, child, and only large and rich companies will be able to afford company (micro-)nurseries and kindergartens. Therefore, we can assume that mutual parent help centres, daytime mother centres and company facilities will remain among the less frequent options even in the years to come.

If the government really considers family support as its priority, it cannot give up on providing public services. Quite the contrary: they should constitute the very core of the system. Childcare services in the still existing municipal nurseries are at a very good level. At the same time, the idea of a nursery as a mass baby institution is no longer valid – the number of nursery places has been dropping since the 1980's due to a decrease in birth rate.

As public institutions, nurseries should be affordable to all parents interested in their services. As shown by the data presented in this report, private nurseries are very expensive and some of them charge prices comparable to individual home childcare / nanny fees. However, the municipalities find it very difficult to fund nurseries, as unlike kindergartens, they receive no state support at all. At the same time, in the current system setting, using nurseries is not a reasonable solution for parents either. Therefore, the argument that „there is not enough interest in nurseries“ is misleading: parents who do decide to place their child in a nursery are clearly discriminated against by the state.

We are convinced that public establishments should be at the very heart of childcare services for children under the age of three. For this reason, we propose measures that would not put these facilities at a disadvantage as opposed to other childcare options. We suggest that the following solutions should be considered:

- Introducing a nursery funding system similar to the kindergarten funding system (following the French example for instance, where 60% of the costs are covered by the state, 20% by the municipality and 20% by the parents).
- Changing the parental benefit entitlement requirements to increase flexibility, so that parents could make more suitable childcare choices (among others, cancel the 5-days-a-month condition).
- Introducing family income derived nursery fees (5% for example).
- Motivating nursery staff and/or the staff of the institutions managing the nurseries, as well as the relevant municipalities, to actively look for other funding sources (sponsorship, EU funds).
- Convincing nursery staff and/or the staff of the institutions managing the nurseries, as well as the relevant municipalities, to include childcare services for children below 3 in their community plans, and to carry out a local parents' needs survey.

- Transferring nurseries from the auspices of the Ministry of Health to another ministry (such as the Ministry of Labour and Social Affairs; however, simply removing nurseries from the „specific health institutions“ list, as attempted by the Ministry of Health in 2004, is not a solution).
- Developing modern quality standards for nurseries / full-time childcare for children below 3 (perhaps inspired by the quality standards applying to social services).

Translated by Anna Komzakova

7. About organisation and author

Gender Studies, o.p.s. is a non-governmental non-profit organisation that has performed the function of an information, consultation and education centre in the area of relations between women and men and their position in society. The goal of the organisation is to gather, analyze, work with and disseminate further information related to gender-relevant issues. Via specific project, GS actively influences change concerning equal opportunities in different areas such as institutional mechanisms, labour market, women's political participation, information technologies etc. GS also runs a library covering variety of publications and materials related to feminism, gender studies, women's and men's rights etc.

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Who do we protect
against violence?
Two years of the act
of 29/7/2005
on counteracting domestic
violence – a critical report.

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1. Introduction

To have an impact, laws must be [...] enforced.

Combating Violence Against Women. Stocktaking Study on the Measures and Actions Taken in Council of Europe Member States, Strasburg 2006¹

On 21/11/2005, the act on counteracting domestic violence of 29/7/2005 came into power. The document is undoubtedly a step forward in protecting persons experiencing domestic violence. The act introduces several useful solutions regarding violence experienced from, or directed towards family and household members. For example, the act defines for the first time the term „domestic violence“, names its types, discusses the operation of individual forces, services and institutions of the government, local administration and NGOs, aimed at providing help and support for people experiencing violence. Furthermore, the act introduces legal mechanisms allowing for more effective protection of those persons against perpetrators of violence. Nevertheless, some of the act's regulations – particularly those concerning contacts between the perpetrator and the victim, i.e. a restraining order and eviction of the perpetrator from accommodation shared with the victim – had earlier been questioned by the Ombudsman's Office, as well as by NGOs, which considered those regulations insufficient.

¹ C. Hagemann-White, J. Katenbrink, H. Rabe, *Combating Violence Against Women. Stocktaking Study on the Measures and Actions Taken in Council of Europe Member States*, Directorate General of Human Rights, Strasburg 2006, p. 39. The text is available on [http://www.coe.int/T/E/Human_Rights/Equality/PDF_CDEG\(2006\)3_E.pdf](http://www.coe.int/T/E/Human_Rights/Equality/PDF_CDEG(2006)3_E.pdf)

Today, two years since the introduction of the act², the most apparent problem is lack of data on the enforcement of the act. There is no data concerning implementation of the act, either at the local, or national level. The deficit is particularly acute in case of information concerning: court orders in cases against perpetrators of domestic violence against women; budget resources provided by the state towards counteracting domestic violence against women (including education programmes for perpetrators) and towards prevention; programmes conducted by the government, local authorities and NGOs in order to spread the knowledge about violence according to gender; the effects of co-operation and responsibility of individual institutions and units oriented towards counteracting domestic violence against women at the level of communities (gmina), counties (powiat), regions (województwo), as well as at the level of government administration.

This report, written from a feminist perspective, is an attempt to provide answers about the operation in Poland of the act on counteracting domestic violence, with a particular emphasis on the situation of women and girls. The Authors decided to underline the gender aspect, alarmed by the increasing tendency to place the problems of women (including violence) in the context of a family³. The question of the „disappearance“ of women from Polish politics, described today as „pro-family“ rather than „equality“, has drawn attention of foreign experts. They are particularly alarmed by the viewing of domestic violence as a gender neutral issue, as

² The Act came into operation on 21/11/2005, except for article 6, passages 4 and 5, regarding implementation of the tasks of government administration in counties, particularly in the scope of creation and operation of specialist support centres for persons experiencing violence, and development and implementation of corrective and educational programmes for perpetrators of violence.

³ After the Peace and Justice party (Prawo i Sprawiedliwość) created a new government, they liquidated the post and the office of the Government Plenipotentiary for Equal Status, and her competence was delegated to the Department of Women, Family and Counteracting Discrimination at the Ministry of Labour and Social Policy.

mentioned by the UN Committee on the Elimination of Discrimination against Women.

The Report consists of a part discussing the principles of the act and its regulations, and a part presenting the tasks and operation of individual organs and institutions of the state (the police, prosecutors, ministries), local authorities (council, county and regional), and NGOs. The Report presents a stocktaking of the fulfilment of Poland's international obligations concerning counteracting and preventing violence against women. Finally, the Report contains a list of recommendations for the Polish authorities on designing strategies and actions, which, according to the Authors, may contribute to the improvement of the situation in Poland and to better implementation of the EU strategy on preventing and counteracting violence against women.

The Authors would like to explain the terminology used in the Report. The term „victim of violence“ is used only as a quote from other documents. The Authors consistently avoid this term, as stigmatising for persons experiencing violence, and re-victimising them. Similarly, the term „domestic violence against women“ comes from the Authors – unfortunately, it is not used in official documents.

The report was created as a part of the Regional Program „Gender Democracy/ Women's Politics“, conducted by the Polish branch of the Heinrich Böll Foundation Regional Office in Warsaw. The Polish partner of the Heinrich Böll Foundation is the Feminoteka Foundation.

Agnieszka Mrozik, Project co-ordinator, Feminoteka Foundation

2. Critical report

2.1. A step forward? Principal assumptions of the Act on counteracting domestic violence, and analysis of its regulations

Critical analysis of the principal assumptions of the Act⁴

The first alarming issue, as far as the principal assumptions of the act in question are concerned, is the lack of separate treatment of the phenomenon of domestic violence against women. This results in obscuring the fact, that – as has been proven by both Polish and international research – it is the women, who most frequently experience violence from their partners, and that the violence – mental as well as physical – is very often prolonged. An explicit introduction of the expression „domestic violence against women“ into the provisions of the act, or, for example, using the expression „violence in domestic relations, particularly against women and children“, would better reflect the actual situation, and emphasise subjectivity of women. Not treating violence against women as a separate category of domestic violence makes it difficult to collect statistical data on the subject, and is inconsistent with the practice of paying particular attention to violence against women and children in the EU directives and

programmes devoted the issue⁵. It ought to be forcefully emphasised that it is the women and children who most often experience violence from members of their families, and it is to them that help and specialist programmes ought to be directed. The Polish act, passed as the result of a compromise, is far less restrictive than the solutions operating in many European countries; the vocabulary „erasing“ women only confirms this fact. A serious mistake in the act in question is the fact that it doubles the existing legal regulations, instead of emphasising their effective implementation. One example is the so-called conditional police supervision introduced by article 14 of the said Act, stipulating, that the perpetrator of violence must leave the accommodation shared with the person they abused, at the time appointed by the court, while penal procedure is still in progress. Such possibility had existed for years under the Article 275, paragraph 1 and 2 of the penal procedures code, i.e. the problem was not due to a lack of appropriate regulations, but to the fact that the existing law was not used. Furthermore, according to the act, a decision on conditional police supervision requires acceptance from the court, and occurrence of circumstances justifying arrest. Such procedure is lengthy, and in case of people experiencing violence urgency is an issue of crucial importance. The decision about conditional supervision must be issued much sooner – in this case the regulations of the penal code prove far easier to use.

As has been said above, those regulations, particularly important for the protection of people experiencing violence, ought to be executed as swiftly, as possible, and with minimal formal procedures – preferably directly by police officers. Lack of special prerogatives of this type for the police

⁴ All the references to: the Act of 29/7/2005 on counteracting domestic violence (Dz.U. Nr 180, poz. 1493).

⁵ Conference for NGOs was held on 11/5/2007 at the Ministry of Labour and Social Policy, as part of the Council of Europe campaign on counteracting violence against women and domestic violence. The campaign was inaugurated in the CE member countries on 26/11/2006. Violence against women is clearly separated from the general context of domestic violence (the campaign is entitled „Stop domestic violence against women“). This kind of nomenclature ought to be introduced in Polish government programmes.

intervening in cases of domestic violence results in prolonged co-habitation of perpetrators of violence with people experiencing violence, which makes them more vulnerable and deprived of effective and immediate protection. Protecting the life and health of people experiencing violence ought to be an absolute priority. Unfortunately, the provisions of the act on counteracting domestic violence do not guarantee this, since they do not contain (except for article 14) explicit orders and proscriptions, such as the order for the perpetrator to immediately leave the accommodation shared with the injured person, or a restraining order. In Poland, both police supervision and the specifically determined manner of contacts between the perpetrator and the injured person can only be introduced by the court. Also an order to participate in educational and corrective programmes for perpetrators may be issued by the court only at the sentencing stage⁶. Another serious shortcoming of the act is the fact that it is not consistent with the provisions of the penal code: it produces a separate definition of domestic violence, nonexistent in other legal acts. A penal procedure, however, must produce a verdict based on the penal code, therefore it is not „domestic violence“ which is penalised, but the crime of cruelty, described in article 207 of the penal code, and not identical with domestic violence.

2.2. Passive authority. The state against domestic violence against women

Government institutions

On the basis of the act of 29/7/2005, on 25/9/2006, the council of ministers established the National Programme for Counteracting Domestic

⁶ S. Spurek *Ustawa przeciw przemocy*, „Zadra“ no. 1 (26), 2006.

Violence⁷. In accordance with the provisions of the Act, implementation of the programme is co-ordinated by the minister responsible for social security, i.e. by the minister of labour and social policy.

The monitoring of implementation of the National Programme is conducted by the intra-ministerial Monitoring Group for Implementation of the National Programme for Counteracting Violence against Women, founded by the Prime Minister on 16/3/2007. The Group consists of representatives of the ministries implementing the National Programme, appointed by head ministers, as well as the chief of the police and the chairperson of the National Broadcasting Council. The Group is lead by the National Coordinator of Implementation of the National Programme for Counteracting Domestic Violence, at the Ministry of Labour and Social Policy. At the moment, this post is vacant;⁸ presumably a new Coordinator is going to be appointed by the new government, formed after the parliamentary election of 21/10/2007.

At the regional level, implementers of the programme are the Regional Implementation Coordinators of the National Programme for Counteracting Domestic Violence, appointed by governors (wojewoda). The National Coordinator supervises the team monitoring implementation of the National Programme, by, among others, monitoring the initiatives undertaken by local authorities in the field of counteracting violence.

PLN 8 540 000 was assigned to the programme in 2006; the final cost of running the programme in that year amounted to PLN 8 846 501. The data on the cost of implementation of the programme in 2007 are not yet available.

⁷ Information about the programme obtained from the Ministry's Internet site: www.mpips.gov.pl.

⁸ Formerly the post of the Coordinator was occupied by Bogdan Socha from the Samoobrona party – a deputy minister in the Ministry of Labour and Social Policy headed by Anna Kalata, and now a deputy junior minister at the Ministry.

The objectives of the National Programme for Counteracting Domestic Violence are as follows:

- 1) reducing the scale of domestic violence;
- 2) increasing effectiveness of protection provided for victims of domestic violence, and increasing availability of help;
- 3) increasing effectiveness of intervention and corrective actions addressed to perpetrators of domestic violence.

Up to this moment, the published report on implementation of the programme regards the period between 25/9 and 31/12/2006. According to the report, in 2006 it was impossible to diagnose the scale of the phenomenon of domestic violence according to categories of victims, or to identify victims and perpetrators. The implementation of those tasks was planned for the year 2007⁹. According to a survey conducted for the purpose of this report, the data is still unavailable (October 2007).

The Ministry of Internal Affairs and Administration designed a government programme for reducing crime and antisocial behaviour „Razem bezpieczniej” („Safer together”), approved by the Council of Ministers on 18/12/2006. The programme combines the operations of the police, the government and local administration, and NGOs, and its objective is to improve co-operation between citizens and the police. The programme defines two key areas: counteracting domestic violence and broadly understood school safety.

The „Razem bezpieczniej” programme in the area of domestic violence provides for actions such as:

- educating victims of domestic violence about the available legal procedures;

- increasing effectiveness of the „Blue Card” procedure and tightening co-operation between institutions and organisations providing legal, psychological and social aid for persons experiencing domestic violence;
- organising training for people working towards reducing domestic violence;
- creating a consistent system of information exchange procedures between all units dealing with domestic violence;
- commissioning NGOs to organise training, advisory services and help for victims of domestic violence;
- in a further perspective, introducing necessary legal changes in order to amend the Act on counteracting domestic violence as far as broadening the scope of cases justifying isolation of perpetrators from their victims is concerned.

Almost 2/3 of the funds available for the entire programme were assigned to the tasks connected to these two areas: domestic violence and school safety. It is worth emphasising, that the tasks regarding counteracting domestic violence received PLN 452 630, whilst school safety was provided with over three times that amount: PLN 1 525 495.

The Ministry also co-ordinates implementation in Poland of the EU programme „Prevent and combat violence against children, young people and women and protect victims and groups at risk – Daphne III”, which involves the following objectives: combating every type of violence – physical, sexual and psychological – against children, young people and women, including prevention and fighting against sexual abuse, preventing violence in the family and at school, as well as providing support for victims of violence and people from risk groups.

The Ministry opened an information service as a part of the Ministry's Internet site, concerning the Daphne III programme (www.mswia.gov.pl), as well as a special e-mail address (daphne@mswia.gov.pl), where interested individuals and organisations may send their questions concerning the Daphne III programme.

⁹ Sprawozdanie z realizacji Krajowego Programu Przeciwdziałania Przemocy w Rodzinie w okresie od 25 września 2006 roku do 31 grudnia 2006 roku, Sejm Bulletin no. 1987, p. 6.

Dispersing responsibility for programmes dealing with domestic violence against women and children among various authorities must be considered wrong: it is counterproductive and hinders co-ordination of actions, increases bureaucracy and makes it difficult to create a generally accessible centre of information and database on initiatives in this field, both by the government, local administration and NGOs. The lack of such a centre proved an obstacle during the preparation of this report: collecting all the important information from administrative bodies required separate contacts with representatives of the Ministry of Internal Affairs and Administration, the Ministry of Labour and Social Policy, regional authorities and the Chief Constabulary of the police. Even this is not a complete list of units involved in the implementation of anti-violence actions.

There is justified suspicion that at least part of the blame for the lack of convergence and coordination of anti-violence operation results from the vacancy at the post of the National Coordinator of Implementation of the National Programme for Counteracting Domestic Violence (the post has been vacant since Joanna Kluzik-Rostkowska took office as the Minister of Labour and Social Affairs). Another reason is the facade character of the Monitoring Team for the Implementation of the National Programme for Counteracting Domestic Violence, which has no set objectives, and no timetable of meetings: its meetings take place extemporarily, depending on „the need“. It seems, that the Team does not consider the need for coordinated cooperation between units responsible for implementation of the Act on counteracting domestic violence to be a sufficient reason for action. A further difficulty is the fact that Team members are junior ministers in individual ministries, and others listed in this report, so there is no personal continuity in the Team. Representatives of individual organs are nominated by ministers from consecutive political parties in power, and the election of 21/10/2007 is likely to change the team's setup again. There is a risk that changes at the post of the Coordinator, as well as changes in the membership of the Monitoring Team, may adversely affect

implementation of the tasks planned for the year 2007 within the National Programme for Counteracting Domestic Violence.

The role of co-operation between NGOs and government and local administration in combating domestic violence against women and children deserves particular emphasis. Very often, those organisations implement projects targeted directly at persons experiencing violence, utilising grants from, among others, the Ministry of Internal Affairs and Administration. One of such grants, amounting to PLN 40 000, was devoted to the public task „Counteracting violence against women, particularly in rural areas“. Whilst appreciating this cooperation, we would like to emphasise the necessity to intensify it, and devote more attention to the phenomenon of domestic violence against women, as well as the necessity to separate this form of violence from the general context of domestic violence.

Units of territorial administration and local units of government administration – analysis of the survey data

Data collected during preparation of this report serve as the basis for the study below. A survey was sent to social policy departments of regional authorities, addressed individually to directors of those departments. The survey regarded actions counteracting domestic violence. Out of 16 surveys sent, three were answered – from the regions: Kujawsko-Pomorskie, Lubelskie and Podlaskie.

According to the information obtained from the Regional Coordinator from the Podlaskie region, the coordinators' tasks include assessing the needs of centres providing aid to persons experiencing domestic violence; they may also assess training needs of staff employed in those institutions and conducting crisis interventions.

Respondents placed particular emphasis on the role of alcohol in domestic violence incidents, which indicates the necessity to combat stereotypes

connected with this form of violence (in spite of the fact that many such incidents are connected with alcohol abuse, violence occurs in families and relationships not affected by this problem). It is also worth noticing, that respondents avoid talking about women as the persons most frequently experiencing domestic violence – the term used instead was „children and other family members“. This problem will be discussed in a further part of the report.

A survey of Internet sites of regional authorities revealed acute shortcomings in the availability of information concerning support for persons experiencing violence. In most cases, there was no information about a helpline, help or information centres. However, some authorities do publish information of this sort: the office in Opole presents information about, and contact data for family help centres; Świętokrzyskie authorities publish a list of social care centres, children care and education centres and units providing services for the homeless, operating in the region; the office in Lublin informs about the full scope of operation of the Social Policy Department, and runs an updated information service. Similar information may be found on Internet sites of several cities – for example, the Warsaw site contains a list of centres providing help for persons experiencing violence, including shelters for single mothers with children, along with addresses, telephone numbers and services on offer.

The survey asked for assessment, what percentage of victims of violence, who qualified for communal accommodation in a shelter for single mothers, actually received a placement. In two cases, the departments claimed no such data were available, in one – accommodation was provided to less than 1% of people needing it. This may mean, that the regulations of the Act on counteracting domestic violence, obligating authorities to „provide, on demand of a person experiencing violence, a safe shelter in a specialist support centre for victims of domestic violence“, in most cases remain a futile declaration due to very limited availability of this form of support.

The responses to the survey, however incomplete, indicate, that out of all people qualifying for help from the programme for counteracting domestic

violence, the aid was provided to, respectively, from 10 to 20% and from 40 to 50% of those in need. One result quoted an absolute number of over 4000 people. None of the departments, which responded to the survey, answered the question: „How many families in the region experience, or are in danger of experiencing violence?“ The reason was unavailability of data. This signifies that regional authorities do not receive significant information from the units of local government (regional, communal and county), regarding the scale of domestic violence. This may significantly limit educational operations aimed at preventing domestic violence against women and children.

So far, only a few perpetrators have taken part in corrective and educational programmes – in the regions, which responded to the survey, the numbers were, respectively: 121 perpetrators in 2006, 110 planned for 2007; about 45; 18 in 2006 (data from counties).

The last question of the survey sent to social policy departments of regional authorities concerned their evaluation of implementation of the Act on counteracting domestic violence in their region. Only one of the respondents (from the Kujawsko-Pomorskie region) answered the question, indicating difficulties resulting from lack of close cooperation between individual institutions dealing with persons experiencing violence, as well as with perpetrators. As a part of the regional social policy department, a Regional Coordinator of Implementation of the National Programme for Counteracting Domestic Violence was appointed, in order to collect data for monitoring domestic violence in the region. It is considered a priority to build interdisciplinary groups at the county level, to tackle the problems of counteracting domestic violence.

The purposeful policy of placing women solely in the context of a family, and the refusal to openly recognise the existence of domestic violence against women, as well as its systemic nature are both striking issues. The reluctance to recognise the phenomenon of domestic violence against women, and the emphasis upon the context of a family in its

traditional form may be the reason for insufficient application of the regulations introduced into the penal code by the Act on counteracting domestic violence, regarding the possibility to issue a restraining order against the perpetrator of violence and ordering the perpetrator to leave the accommodation shared with the person experiencing violence. Furthermore, it is possible that the stereotype of „private family matters“ still exists. Combating it is necessary in order to effectively fight against all forms of violence occurring both in formalised and informal relationships. A critical concern must be raised by separating the programmes directed at young people and persons working with them, while there are no separate programmes directed at women and girls experiencing violence. One example can be the element of the Programme for Preventing Social Maladjustment and Crime among Children and Young People, i.e. the module programme „Project of the system of methodological support for persons working with young people endangered by social maladjustment, demoralisation and crime, including crisis intervention in a family“, aimed at broadening the knowledge about social maladjustment among people working directly with children and youths in educational institutions and schools. A similar project ought to be created as soon as possible in order to provide systematic help for women experiencing domestic violence. A very good example of effective solutions of this type may be the „OdNowA“ programme implemented by the OPTA Association.

The police, prosecutors and courts

The act of 29/7/2005 does not place any new obligations regarding counteracting domestic violence on the police, other than those listed above, and discussed in detail in the Decree no. 21 of the Commander in Chief of the Police of 31/12/2002 on the manner of conducting domestic interventions in cases of domestic violence under the name of „Blue Cards“¹⁰.

According to the answers provided by the surveyed regional police units to the question whether, and how often the „Blue Card“ procedure is used in their region, in spite of the Decree ordering the police to use the Card every time domestic violence takes place, certain irregularities in this area (unintroduced procedures) do take place, however it is difficult to assess the scale of those irregularities (according to the information provided by the Police Headquarters in the Małopolska region)¹¹. The data obtained by the Authors of this report indicate, that on average 20–23% of police domestic interventions (conducted in response to domestic disturbances) concern violence in the family (the „Blue Card“ procedure). This indicator is higher than the official figure presented by the Internet site of the Chief Constabulary of the Police, which is slightly above 15%¹².

A lot of doubt was raised by the question concerning the annual number of investigations in cases of domestic violence against women. The doubts resulted from: 1) a lack of the „sex of the victim“ category in the TEMIDA crime statistics system – many regional headquarters reported that the statistics concern domestic violence in general, and the category „domestic violence against women“ does not exist; 2) discrepancies in records, and the resulting differences in interpretation of the definition of domestic violence presented in the Act on counteracting domestic violence and in the penal code.

6 out of 10 regional police units responding to the questionnaire answered, that domestic violence is qualified according to article 207 of the

¹⁰ Dz. Urz. KGP Nr 14 poz. 111.

¹¹ Research by Beata Gruszczyńska proves, that only 13% of women, who notified the police saying that they had experienced domestic violence, received a „Blue Card“. In some cases women, who did not receive a card and requested it were informed, that „forms had run out“, or „their case was not appropriate“. See: B. Gruszczyńska, *Przemoc wobec kobiet w Polsce. Aspekty prawnokryminologiczne*, Oficyna, Warsaw 2007, p. 119.

¹² See: *Raport o stanie prewencji kryminalnej i zadaniach realizowanych w tym zakresie przez jednostki organizacyjne Policji w 2006 roku*, prepared by the Chief Constabulary of the Police, Biuro Prewencji i Ruchu Drogowego, Warsaw 2007, p. 21.

penal code. This means, that the definition of domestic violence is brought down to cruelty (physical or mental), and does not include other aspects listed in the act of 29/7/2005. 4 out of 10 regional units additionally qualify cases on the basis of articles 156 and 157 of the penal code (bodily harm), article 190 of the penal code (punishable threat), article 216 of the code (insult) and article 217 of the code (assault and battery). Only one regional police unit declared qualifying domestic violence on the basis of article 197 of the penal code (rape), which may mean that sexual violence is not shown in the statistics concerning domestic violence¹³.

According to the official police crime statistics system TEMIDA, in 2006 24 543 violations of article 207 of the penal code were reported (crime of cruelty), which signifies an 8% increase in relation to 2005¹⁴. However, according to Beata Gruszczyńska, „the statistics of investigations conducted according to conclusion indicate a decreasing number of prosecutions, and a growing number of discontinuations, particularly according to article 17, paragraph 1 pt. 2 of the criminal procedures code (due to the lack of features of criminal offence)“. For example, in 2005, out of all investigations of cruelty (article 207, paragraph 1), about 50% were discontinued, of which about 80% were discontinuations due to the lack of features of criminal offence. Of the investigations according to article 207, paragraphs 2–3, 33% were discontinued for that reason in 2005¹⁵. This means, that a vast number of cases are discontinued due to insufficient evidence, including problems with

conducting a forensic examination, which is particularly outrageous in the case of extreme cruelty investigations.

As far as the attitude of the police and legal institutions towards perpetrators of domestic violence is concerned (art. 207 of the penal code), according to the *Report on the state of crime prevention and the related tasks implemented by police units in 2006*, in the past year it was more restrictive, than in 2005. In 2006, out of the total number of 23 091 suspects, 3975 were detained and released within 48 hours (about 17%), 60 suspects were detained and released within 24 hours, 168 were detained and temporarily arrested, and then the arrest was overruled (less than 1%), 2086 suspects were subjected to police supervision (about 9%), and 1 477 suspects were arrested until the end of investigation (about 6% of perpetrators). 54 underage suspects were detained in detention centres for juveniles¹⁶.

Fragmentary data collected by the Authors indicate, that in the past year individual local prosecutor's offices received 300–400 complaints concerning domestic violence each (let us recall that dealing with such cases is an obligation of local prosecutor's offices). This means tens of thousands of such cases a year in the entire country. Those cases are usually qualified as cruelty (art. 207, paragraph 1 of the penal code), nevertheless other qualifications are used as well: articles 156 and 157 of the penal code (bodily harm), article 190 of the penal code (punishable threat), article 216 of the code (insult) and article 217 of the code (assault and battery). Only one prosecutor's office responded that domestic violence may be qualified according to art. 197 of

¹³ A critical opinion about lacking or incomplete data concerning sexual violence against women (including marital rape and rapes within a relationship) was expressed by the authors of the report *Combating Violence against Women. Stocktaking Study on the Measures and Actions Taken in Council of Europe Member States*, Directorate General of Human Rights, Strasbourg 2006. The report is available at: [http://www.coe.int/T/E/Human_Rights/Equality/PDF_CDEG\(2006\)3_E.pdf](http://www.coe.int/T/E/Human_Rights/Equality/PDF_CDEG(2006)3_E.pdf)

¹⁴ Although the crime of cruelty is prosecuted ex officio, during 10% of interventions the victims were asked by the police to present „an application to prosecute“. See: Report by Amnesty International *Przemoc wobec kobiet w rodzinie i relacjach intymnych*. Podstawowe informacje (2005), prepared by Ewa Majewska and Marta Kukowska, p. 34

¹⁵ B. Gruszczyńska op.cit., p. 150–151. According to the survey of police constabularies, the proceedings concerning the crime of cruelty are discontinued also due to „lack of evidence of guilt“, „the perpetrator not detected“ or „conditional discontinuations“. Very often persons experiencing violence are blamed for discontinuation of the proceedings, since, according to *Raport o stanie prewencji kryminalnej...* „They are reluctant to participate in court proceedings or withdraw from them“ (p. 20). It is true, that people experiencing violence withdraw their statements or refuse to testify altogether. This is mainly the case in situations, when they are forced to confront the perpetrator of the violence. See: B. Gruszczyńska, op.cit., p. 118.

¹⁶ See: *Raport o stanie prewencji kryminalnej...*, op. cit., p. 20.

the penal code (rape). Hence, similarly as in the case of police investigations, definition of domestic violence is identified with physical or mental cruelty listed in the penal code, and does not include other aspects quoted in the act of 29/7/2005, crucially sexual violence (including marital rape and rape in relationships prosecuted on the basis of art. 197 of the penal code on demand of the injured party). Although cruelty is prosecuted *ex officio* (30% of respondents agreed with this), almost 50% of the surveyed prosecutors answered, that the basis for instituting legal proceedings is a motion from the victim. 20% of respondents explained, that „crimes according to art. 207 of the penal code are usually prosecuted *ex officio*, nevertheless prosecution is usually initiated by the victim, as a result of their complaint“.

In spite of suspicion of domestic violence, prosecutors often refuse to initiate the preparatory procedures: in some local offices it happens in as many as 30% of cases.

A significant proportion of cases are discontinued at initial stages of investigation (the report of the Polish section of Amnesty International for 2005 quotes, that it happens in 80% of cases¹⁷). The most frequent reasons for discontinuation quoted by respondents are: „lack of features of criminal offence“ and „lack of evidence“, but also „refusal to testify“ (the questionnaire did not specify, whether this concerned the victim or the perpetrator, but the report by Centrum Praw Kobiet quoted by Amnesty International indicates, that in 2005 57% of perpetrators used their right to refuse testimony¹⁸).

Of the preventive measures available to prosecutors, motions for arrest are issued relatively rarely (annually 3–4% of suspects in crimes according to article 207 of the penal code). Police supervision is used equally rarely (2–5% of suspects).

¹⁷ See: Amnesty International Report, op. cit., p. 35.

¹⁸ See: Amnesty International Report, op. cit., p. 36.

As far as measures resulting from the act on counteracting domestic violence are concerned (art. 13 and art. 14, regarding the possibility of issuing a restraining order or ordering the perpetrator to leave accommodation shared with the victim), the situation looks as follows: 68% of respondents informed, that no court restraining orders were issued (almost 32% of respondents answered, that such orders were issued – usually in isolated cases). Almost 66% of respondents answered, that there were no cases of courts ordering the perpetrator to leave accommodation shared with the victim (34% confirmed such orders – usually in isolated cases).

The above data clearly indicates that courts seldom use the prerogatives (however limited) granted to them by the Act on counteracting violence of 29/7/2005¹⁹.

Statistical data from the Ministry of Justice indicate, that in 2006 courts of first instance sentenced 17171 persons on the basis of art. 207, paragraph 1 of the penal code. Of those, only 10% were unconditional prison sentences, conditional suspension of the sentence was passed in 85% of cases, confinement of freedom constituted 4.5% of sentences, and a fine – slightly over 1%. Penalties according to paragraphs 2 and 3 of the article were slightly more severe, nevertheless it is shocking that in case of people suspected of extreme cruelty (art.207, paragraph 2) the court ordered conditional suspension of sentences in 42% of cases, and in case of sentences according to paragraph 3 of the article (cruelty leading to a suicide attempt) the court suspended prison penalty in about 68% of cases.

Information obtained from the survey clearly indicates a vast disproportion between the number of domestic violence cases (affecting mainly women and children) reported to prosecutors, and the number of resulting prosecution orders and sentences. It is particularly alarming, that very

¹⁹ According to the data presented by Dorota Krzysztoń, the Chief Coordinator of The Aid Programme for Victims of Crime at the Ombudsman's office, conditional police supervision based on the Act on counteracting domestic violence was used in total in 120 cases.

often prosecution is not initiated, in spite of suspicion of occurrence of domestic violence. Furthermore, a very high percentage of procedures are discontinued at the initial stages of investigation. Another alarming issue is the extremely rare usage of the limited prerogatives granted to courts by the act of 29/7/2005 (restraint order and order to leave accommodation shared with a victim). In case of final stages of the procedure, it is shocking, that in almost 90% of cases courts conditionally suspend the sentence of imprisonment. Surely, such actions cannot deter perpetrators of domestic violence.

2.3. Positive heroes: how the third sector does the state's job

A list of 115 of organisations whose statutory objective is the prevention of violence was compiled on the basis of the database from www.ngo.pl. The interviews usually contained two basic questions:

- 1) Did your organisation conduct any actions connected with prevention of violence between 2005 and the present?
 - 2) If the answer is „yes“, can you describe their essence, target group and results?
- Out of 115 interviewed organisations, 17 did not exist or moved to another, unidentified location;
 - Of the remaining 98 organisations, 11 are completely uninvolved in violence prevention (wrong information on the Internet site);
 - Almost a half of organisations concentrate on helping children experiencing domestic violence (38 organisations)
 - The remaining organisations in most cases deal with broadly defined domestic violence, and seldom concentrate solely on the situation of women (we estimate, that there are over 20 organisations of this type);
 - One organisation concentrates exclusively on the rights of fathers.

Most organisations declared, that they did not consider their operation as a consequence of the Act, but as purposeful implementation of the idea of helping dysfunctional families and injured people (most commonly children, women in the second place).

On the basis of telephone interviews, several forms of implementation of the Act by NGOs may be identified, in spite of the fact that under the Act, non-profit organisations have no such obligations; their actions in this context support observance of the law. The act is implemented by NGOs in the following forms:

- legal and psychological advice; support groups, mediation, consultation points and help centres for women experiencing violence;
- training, e.g. for mothers, families, staff of institutions and organisations providing help;
- telephone help lines;
- co-operation with appropriate institutions: the police, schools, curators, GPs, prosecutors;
- participation in advisory bodies established by local authorities;
- running social therapy clubs for children;
- publications – usually leaflets or brochures.

The biggest challenge facing the organisations helping people experiencing violence is the shortage of financing for their operations. A vast majority of NGOs perform their tasks via volunteer work (advisory services, help lines, clubs for children, cooperation with institutions). Another problem is cooperation with institutions obliged by law to prevent and intervene. People working in the third sector paint a vision of a helpless, or perhaps inactive state, which pushes the entire weight of implementation of the Act on counteracting violence on non-profit organisations, not providing them, even potentially, by organising a larger number of grant competitions, with appropriate sources of financing. A question might be asked, for how much longer those organisations are going to be able to do the state's work for the

state, with the hands of volunteer workers. What is more, for how much longer are the NGOs going to work against the state, or rather its institutions – police units not always happy to cooperate, bureaucratic structures of courts and prosecutors? Those questions and reflections were often present during interviews with representatives of non-governmental organisations. At a purely cognitive level, one can only express surprise, as well as deep admiration for all the organisations supporting persons experiencing domestic violence practically without remuneration and without any institutional support. However, such situation may result in activities conducted irregularly, or by insufficiently qualified people.

Another problem diagnosed in the operation of NGOs is the low share of programmes addressed to perpetrators of domestic violence. During the telephone survey we managed to reach only two such projects: in Łowicz and in Gdańsk. Both concerned working with perpetrators of domestic violence in prisons. Leaders of those programmes did want to address them to perpetrators outside prisons, but prisoners proved easier to reach. Men, who remained free were extremely difficult to recruit and maintaining their participation proved impossible. Organisations running those projects complained about lack of earlier examples of such programmes in Poland – it was impossible to determine which solutions would work. The projects do not receive proper attention from state institutions, which ought to introduce such programmes on a broader scale. The organisations observed that running such programmes is difficult due to lack of earlier experience, lack of a holistic, systemic approach to domestic violence, and, on a purely practical level, due to lack of psychological qualifications.

The last important problem is frequent understanding of the issue of domestic violence in a narrow manner: as violence in the family against children. A large part of organisations state that in their operation the welfare of children comes first, and consequently they focus on helping children. We do not criticise those organisations, nevertheless proportions are telltale: 3/4

of organisations working with people experiencing violence define those people as children. Domestic violence against women is still viewed as secondary. Interestingly, „children“ are of unspecified sex, so it is difficult to check whether they are girls or boys. Would classification of data according to sex change anything in our view of domestic violence?

On the other hand, NGOs seem to do a really huge amount of work to prevent domestic violence, therefore the above passage is not aimed at criticising the third sector, but rather at reflecting upon lack of information concerning sex of children experiencing violence from members of their families. Importantly, collecting this sort of data ought to be the duty of curators, educators and the police.

2.4. Poland says nothing. Preventing violence against women in the context of international documents

Numerous European and global organisations have for years fought against violence against women (including domestic violence against women). The basis for their actions are the regulations of the international law: agreements, conventions, pacts – legally binding to their signatories – as well as other acts (recommendations, declarations, instructions). As pointed out by Beata Gruszczyńska, „recommendations, declarations, instructions formulated by international organisations do not bear the significance of conventions, and usually do not provide a system of control, but set standards of observance of the law and directions for action. The nations signing or declaring compliance with recommendations [...] have both moral and legal obligation to comply with them”²⁰.

²⁰ B. Gruszczyńska, op. cit., p. 172

Among the most important documents on combating violence against women and preventive actions are the ones created by the United Nations, the Council of Europe and the European Union.

One of the key documents concerning women's rights is the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), approved by the UN General Assembly in 1979, and ratified by Poland in 1982.

On 16/1/2007, during its 37th session, the CEDAW examined periodical reports of the Polish government on implementation of the provisions of the Convention. Polish delegation, led by Joanna Kluzik-Rostkowska – the then vice-secretary of state in the Ministry of Labour and Social Policy – presented three periodical reports²¹: the 4th (for the years 1990–1994), the 5th (for the years 1994–1998) and the 6th (for the years 1998–2002), concerning implementation in Poland of the provisions of the Convention. The Committee recommended presentation of the reports no. 7 (for the years 2002–2006) and 8 (for the years 2006–2010) in 2010, and expressed their regret, that the reports of the Polish government arrived „extremely late”. 39 final recommendations of the Committee express „concern” about the actions of the Polish authorities, which defy several provisions of the Convention. This includes the lack of a general law forbidding discrimination, which would define discrimination against women according to article I of the Convention (in particular, the Committee meant the rejection by the Sejm in June 2005 of the project of the Act on equal status of women and men); liquidation in November 2005 of the post of Government Plenipotentiary for Equal Status, and situating the equality mechanisms in the Department of Women, Family and Counteracting Discrimination at the Ministry of Labour and Social Policy; lack of information on implementation of the objectives planned for the second stage of the National Action Programme for Women during the years 2003–2005.

²¹ The reports are available at the Ministry of Justice website: www.ms.gov.pl

The Council of Europe's recommendation of a particular importance is the Recommendation Rec(2002)5 of the Committee of Ministers to member states on the protection of women against violence²², which emphasises the connection between violence against women and inequality of positions between women and men leading to discrimination of women in the society and the family.

In connection with the recommendations of 2002, the Council of Europe launched a campaign for prevention of violence against women, including domestic violence. The document concerning the launch of the *Stop Domestic Violence against Women* campaign – *Blueprint of the Council of Europe Campaign to Combat Violence against Women, including Domestic Violence*²³ was proclaimed by the Council of Europe on 27/11/2006. The main objective of the campaign was to oblige states to conduct actions, including legislative and promoting the programmes combating violence against women, as well as to introduce a system of regular monitoring of those initiatives²⁴.

Another response to the postulate of the Council of Europe concerning implementation of the Recommendation Rec(2002)5 was the programme entitled *Time for Equal Treatment*, connected with monitoring of the equal

²² An important earlier document by the Council of Europe was the Recommendation of 1985 on domestic violence (Recommendation No. R(85)4). It recommended that member states ought to design strategies of counteracting violence, introduce a system of official registration of cases and interventions concerning violence. See: B. Gruszczyńska, op. Cit., p. 174.

²³ The document *Blueprint of the Council of Europe Campaign to Combat Violence against Women, including Domestic Violence* is available from www.coe.int

²⁴ The official site of the campaign by the Council of Europe www.coe.int lists the actions of individual member states participating in combating violence against women, including domestic violence. Polish recognition of the campaign was limited to two „actions”: (1) a conference of the first action group on counteracting violence against women at the Department of Women, Family and Counteracting Discrimination at the Ministry of Labour and Social Policy. The objective of the group was to create the first intra-ministry monitoring group for government programmes, and to organise a conference for NGOs on fundraising from national and European sources (*Daphne III, Progress, Razem Bezpieczniej*); and (2) a meeting at the Senate between senators and vice-minister Joanna Kluzik-Rostkowska, concerning the situation of women in Poland, including domestic violence. See: Por. M. Ksieniewicz, *W obronie równości praw, „Niebieska Linia”, no. 3/2007.*

status situation in the basic areas of the social and political life. The Internet site www.rownystatus.gov.pl created as a part of this programme contained, among others, statistical data on various areas of the social, political and economic life, with regard for the „sex“ variable. Along with liquidation of the post and the office of the Government Plenipotentiary for Gender Equality in November 2005, the Internet site on gender equality disappeared as well. It „returned“ in 2007 (www.monitoring.rownystatus.gov.pl) thanks to an intervention of NGOs, but works on its reconstruction are still in their initial stage.

In July 2007, the Steering Committee for Equality between Women and Men RE-CDEG issued a report entitled *Protecting women against violence. Analysis of effectiveness of implementation of the Recommendation Rec(2002)5 on protecting women against violence in Council of Europe member countries*²⁵, based on a questionnaire concerning implementation of the Recommendation in individual member countries of the Council of Europe. Unfortunately, Poland did not participate in this initiative, therefore the Steering Committee did not have a chance to take a stance regarding the present actions undertaken by the Polish authorities in order to implement the Recommendation.

The issue of gender equality and support for the strategy of gender mainstreaming is presented in the document „*Incorporating Equal Opportunities for Women and Men into All Community Policies and Activities*“, issued by the European Commission in 1996²⁶. Also the article 2 of the Treaty of Amsterdam (1997) specifies, that equality between women and men is among the Community's basic principles.

²⁵ The document: *Protecting Women against Violence. Analytical Study on the Effective Implementation of Recommendation Rec(2002)5 on the Protection of Women against Violence in Council of Europe Member States* is available from www.coe.int

²⁶ The document: *Incorporating Equal Opportunities for Women and Men into All Community Policies and Activities*“ COM (96) 67 final is available at: www.aei.pitt.edu/3991/01/000091_1.pdf.

Another important document is the Framework decision on the standing of victims in criminal proceedings, in response to which the Polish party developed in 2006 the National Programme for Victims of Crime. The Programme includes objectives and tasks connected with protection of women and children – the people most often experiencing domestic violence. Its inauguration was planned for 2007, and duration – for 12 months²⁷.

Community framework strategy on gender equality 2001–2005 (COM(2000)335) also refers to the issue of counteracting violence against women, and help for victims. As well as providing for actions aimed at introduction of equal opportunities for women and men in different areas of social and economic life, the strategy devotes particular attention to women victims of violence and/or sexual exploitation.

A part of the Strategy was the Daphne programme for the years 2000–2003, which provided funding for a lot of actions aimed at combating violence against children, young people and women. Its continuation was the programme Daphne II for the years 2004–2008, providing funding for protection of persons experiencing violence, subsidies for operation of NGOs dealing with the issue of counteracting violence, as well as organising actions aimed at raising awareness, addressed specifically to persons experiencing violence or endangered by it, teachers and educators, the police, local and national authorities etc. Poland is a beneficiary of the Daphne II programme, the total budget of which amounted to euro 50 million. One of the projects prepared in Poland as a part of the programme was the training programme addressed to the police: *Stop the conspiracy of silence – the police officer of the first contact as an ally of the victims of „four walls“*²⁸.

²⁷ More information about the National Programme for Victims of Crime is available from: *Raport o stanie prewencji kryminalnej i zadaniach realizowanych w tym zakresie przez jednostki organizacyjne Policji w 2006 roku*, op. cit.

²⁸ More information on the subject can be found at the website of the Warsaw Police Constabulary: www.ksp.waw.pl

Recently, there has been an abundance of international reports, analyses, studies etc., concerning the issue of combating and preventing violence against women (including domestic violence against women). Unfortunately, Poland has not been included in many of them – usually due to the fact, that it did not provide any data regarding the actions undertaken in this area in our country. Some studies contained outdated information, blocking the possibility of an in-depth analysis of the situation as far as prophylactics of violence in Poland was concerned. This leaves our country open to criticism from various research centres, as well as decision-making institutions, alarmed by incomplete information on counteracting violence against women in Poland.

Analysis of international studies and Polish reports on respecting the provisions of European and international law indicates, most of all, that even if Poland „reacts“ to recommendations of organs of the EU, the CE or the UN and implements their directives, it has a serious problem with consistent and effective implementation of many tasks constituting a part of the equality policy. Another problem concerns lack (or existence of outdated or incomplete) information on implementation of individual actions, and on physical effects of operation of the forces and services performing those actions. Furthermore, many reports are presented extremely late (e.g. the periodical reports to CEDAW presented in January 2007 concerned the period of 16 years!), and the information they contain requires additional comments and explanations (e.g. it is still unclear, what the state of implementation of several tasks defined within the second stage of implementation of the National Programme of Actions for Women for the years 2003–2005 is).

3. Recommendations to the state, regarding a more effective manner of combating domestic violence against women

An in depth analysis of actions of the state (government and territorial administration) shows that combating domestic violence against women still lacks effectiveness. The Authors believe that the problem areas listed below require closer attention from persons responsible for implementation of the Act of 29/7/2005 on counteracting domestic violence:

3.1. Statistical data on violence:

- Introducing a procedure of segregating data according to the victim's gender – implementation of the EU gender mainstreaming strategy.
- Creating a single (collective) database and a consistent methodology on the topic of violence, showing the disproportion between the initiated preparatory investigations and the number of legally binding sentences – recommendations of the European Commission, e.g. from March 2006.

3.2. Education and information:

- Organising training for officials of the government and local administration, police officers, prosecutors, staff of courts, social services etc., sensitising them to the issues of gender mainstreaming and domestic violence against women, and not solely against children and young people.
- Organising awareness-raising campaigns sensitising to the issue of domestic violence against women, and not only to the problem of domestic violence (it would have to involve redefining certain concepts, such as „family“ or „partnership“).
- Creating a bank of good practices, which would combine experiences of all counties, communities and regions.
- Compiling an information brochure for persons experiencing violence, updated annually, containing addresses of crisis intervention centres, specialist centres for victims of violence, telephone numbers of specialists etc., which would be available at all institutions and services dealing with the issue of violence. The brochure ought to be available in all communities and counties, in every region.
- Obliging perpetrators of violence to participate in therapy (similarly to American solutions).

3.3. Co-operation between services, institutions and organisations:

- Clear and public division of responsibilities regarding implementation of the Act on counteracting domestic violence, at the level of government administration.

- Close cooperation of services and institutions (including a broader flow of information between services, regarding actions they undertake in the field of prophylactics of violence), and building anti-violence coalitions.
- Better coordination of operation of services and institutions working towards combating domestic violence against women.
- Consultations with NGOs and considering their opinions on methods of counteracting domestic violence against women.

3.4. Funding

- Directing more resources from the state budget and local authorities towards counteracting violence, including implementation of statutory objectives of organisations working towards counteracting violence, and to individual projects aimed at counteracting violence against women, including domestic violence against women.

3.5. Procedures and legal regulations:

- Amending the Act on counteracting violence against women, to allow for immediate (at the stage of police intervention or investigation conducted by the police or the prosecutor, and not just the court procedure) ban on contacts between the perpetrator of violence and the injured person, and for issuing orders to leave shared accommodation by the perpetrator – the acts can be modelled on legal acts from other countries, e.g. Austria, Spain or Germany²⁹.

²⁹ See: S. Spurek, *Przemoc w rodzinie: izolować sprawcę od ofiary*, www.rzeczpospolita.pl.

- Amending the penal code, so that it includes the definition of domestic violence contained in the act of 25/7/2005 on counteracting domestic violence.
- Improving effectiveness of the „Blue Card“ procedure, so it can be used not only by the police, but by the social services as well (such possibility exists, but social services seldom use the „Blue Cards“)³⁰.
- Paying more attention to prophylactics of violence and propagating prophylactic actions, introducing school prophylactic programmes addressed to girls.

The general demand made at this point by the Authors of the report concerns shifting the weight of implementation of the Act of 25/7/2005 on counteracting domestic violence from the third, to the first and the second sectors, i.e. from NGOs to the services and institutions of the state at the level of government and local administration.

Translated by Katarzyna Nowakowska

4. About organisation and authors

Feminoteka was established in 2001, as a feminist information service and bookstore. From the very beginning, this initiative has been independent from any organization or institution, yet it has been co-operating with many of them. On October 10, 2005 Feminoteka has been turned into Foundation and legally registered as such. The aims of the Foundation are:

- 1) to act for the elimination of sex-based discrimination in literature, culture, arts and public life;
- 2) to support and publicize women's and gender issues, as well as feminism;
- 3) to promote authors and publications devoted to broadly understood women's issues;
- 4) to promote equality of women and men;
- 5) to combat violence against women;
- 6) to combat sex-based discrimination;
- 7) to support women's participation in public and political life;
- 8) to liquidate barriers preventing women from accessing knowledge about new technologies;
- 9) to spread knowledge about new technologies among women.

Feminoteka Foundation is a partner in Gender Index project, realized in the framework of the EU EQUAL initiative.

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Equal Pay for Equal Work? Aspects of the Gender Pay Gap

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Aspekt, Slovakia

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1. Introduction

The publication about current gender differences in earnings in the Slovak Republic contains papers discussing this issue from various aspects. The book is the eighth one from the series *Aspekty* (Aspects). This series of books opens up different approaches to gender issues that have become a part of the public and political discourse (reproductive and sexual rights of women, violence against women, women in politics and women's politics, gender mainstreaming, histories of women, gender aspects of parliamentary elections).

The publication collects the results of analyses carried out within the project „Gender Pay Differences as an Important Aspect of Gender Equality Discourse – the Analysis of the Current Situation in Slovakia“ which was coordinated by the Feminist Publishing and Educational Project ASPEKT Bratislava and financially supported by the Heinrich Böll Foundation Regional Office in Warsaw in the second half of 2007.

2. The Gender gap.

What statistical and research data do (not) tell us about women's and men's earnings

Jarmila Filadelfiová

2.1. Situation in Slovakia

In Slovakia, there are two institutions providing data about the gender pay gap: the Statistical Office of the Slovak Republic and Trexima. Data sources are surveys of the income structure and so-called integrated system of labour value based on the selection of employers' organisations providing statistical data on behalf of their employees. In panel household surveys (surveys of family budgets) gender difference is not tracked. Although in 2004 Slovakia joined the European survey of living conditions known as EU-SILC (so far two out of four planned surveys have been conducted, mapping the situation in 2004 and 2005), the data collected to this date have not been analysed from the gender perspective. Therefore, this study utilizes only the first two of the data sources mentioned above. Data provided by the Statistical Office of the SR are based on annual averages; Trexima publishes gender differences for the third quarter of each given year.

Women in the SR make on average considerably less than men

Statistical data for the year 2006 show that women in the SR made on average 26, 9 % less than men. Average monthly earnings of men came close to 23 thousand SKK while women's salary did not reach 17 thousand SKK.

While in the past decade the European average of the gender pay gap has a decreasing trend, in Slovakia the gender pay gap is increasing. In 1997 women made 21, 5% less than men, nowadays the difference has increased to 27 %. With this kind of difference Slovakia ranks among three countries with the largest gender pay gap – Cyprus and Estonia have similar figures (*Tackling...*, 2007).

The dynamics of men's income increase has been higher than the dynamics of women's income increase. While from 1997 to 2006 men's average income before taxes increased by 51%, i.e. it increased more than twice. In the same period women's average income increased only by 47 %.

Gender pay gap is larger when we compare monthly earnings rather than hourly rates

International analyses have pointed to the fact that there is a difference when comparing hourly and monthly earnings of women and men. In general, the difference is higher in monthly rather than hourly rates, as monthly earnings are also influenced by the number of hours spent working, overtime, and various bonuses. This also holds true for the situation in Slovakia.

According to the data provided by Trexima, in the third quarter of 2006 the difference in hourly wages between men and women was 23, 3 %, in monthly income it was 26, 2 %. Compared to hourly rates, monthly averages increase the gender pay gap by 3 %. In addition to differences in the labour market status and gender difference in the employment rate, this difference is also caused by a different system of income calculation (its fixed part and bonuses).

■ Gender difference in remuneration varies according to various components of the income

The difference between women and men in Slovakia varies according to individual components of the final financial remuneration. Some of them reflect horizontal and vertical labour market segregation, lower remuneration in occupations with the prevalence of women, others are more influenced by the number of hours spent working and the type of job (additional payments – e.g. financial compensations for worse working conditions, overtime payments), while others allow for more subjectivity (merit and performance bonuses, premiums).

The smallest difference between women and men was in the fixed base pay. In 2006 it was less than 22 %, which is 5 % less than in the case of the overall income. A much bigger difference can be observed in those components of income that depend on subjective assessment of entitlement or on collective bargaining – merit and performance bonuses. In 2006, women in the Slovak Republic received on average bonuses 50 % lower than men, and their premiums and bonuses represented only 52, 9 % of those of men. This huge difference indicates that women in Slovakia probably work in positions where bonuses are not provided, but also that they receive less of them than men. This difference increases the already existing gender pay gap even further.

■ In Slovakia the gender pay gap is much more pronounced also in the private sector

Also in the comparison of the private and public sector, the situation in Slovakia is in line with European trends. Salaries in the private sectors are overall much higher. And the gender pay gap is also much bigger. While the average hourly earnings of women in the public sector are about 85 % of those of men, in the private sector it is about 75 %.

A look at the individual components of income shows that the gender-based pay difference in the private and public sector is huge already at the base pay. While in the public sector the base pay of women was 88, 6 % of men's, in the private sector it was 77, 7 %. The pay gap increases with other components of income. Women's premiums and merit pay were in the private sector only at the level of 58 % of men's bonuses, other income components were at only 56 % of those of men.

■ Horizontal segregation of the labour market is very pronounced in Slovakia and „female“ jobs are less valued

As many international studies have identified, among factors that significantly influence the gender pay gap is the labour market gender segregation and undervaluing of jobs with the prevalence of women.

Concentration of women and men in certain jobs is a long-term issue in Slovakia and it has not changed much in the past decade. There are sectors in which men dominate and in which the percentage of women has even decreased. On the other hand, in the female dominated sectors the prevalence of women is stable or has even increased. In the Slovak Republic in the long term women prevail in health care and social work, but also in education, hotel and restaurant services, banking and insurance, and, according to the last survey, women have gained majority also in so-called other public services.

Most female dominated sectors are characterized by salaries lower than the Slovak average. For instance, in healthcare and social services, where in 1997 women made up 79, 6 % of the labour force and where the average salary was 10 % below the average, the share of women even slightly increased in 2006 (to 80, 6 %) while salaries have fallen 20 % behind the Slovak average. Similar trends can be observed in hotel and restaurant services, education or other public services. On the other hand, there are

sectors in which, relative to the Slovak average, the decrease of the percentage of women has been accompanied by salary increase – for instance in transport and telecommunication, or banking and insurance business. Above-average earnings are visible especially in male dominated sectors such as production and distribution of electricity, real estate, trade, transport, postal services and telecommunications, and mining and mineral extraction. High earnings were recorded also in two sectors where in 2006 women prevailed – these are trade and repairs, and financial services. In the latter sector, the earnings were the highest of all: 38 409 SKK which is more than twice the average monthly salary. However, in this sector the gender pay gap was the largest – women reached less than 55 % of men's earnings. This indicates that the gender pay gap is also likely to be large within these particular sectors.

■ **The gender pay gap occurs not only between sectors but also within sectors**

When looking at both the absolute and relative income difference within particular sectors we can see that the gap is largest in those with the highest earnings. It means that even if women do work in sectors with high earnings this advantage does not concern them as much as men. In 2005, the gender gap was largest in trade and repairs (37, 1 %) and banking and insurance business (36, 9 %). These were followed by industry (34, 7 %) and real estate (34, 1 % of difference between women and men). Also in well-paying sectors women earn less than men. In all four analysed sectors, the gender pay gap has increased within the past 10 years. It should also be stressed, that the gender pay gap occurs without exception in all sectors, even in the feminized ones – where the difference is slightly lower (less than 30 %).

■ **Increase of the educational level does not automatically mean that women get better positions and a better pay**

In spite of a higher education level, women occupied less than a third of the highest level jobs. In 2006, among legislators and top managers only 27, 9 % were women. On the other hand, women prevail in office jobs, and in services and trade (almost 70 %). Analyses of concrete occupations show that more than 40 % of women work in only 5 occupations (shop assistants, cleaners and domestic workers, restaurant workers, office workers and nurses). The concentration of women is much higher than the concentration of men – only 30 % of men work in the top 6 male occupations.

However, even if women hold top positions or work in the highest-paying occupations, they do not earn the same money as men. The gender pay gap is the most pronounced in the highest-paying occupations. While in 2006 the average hourly rate of men was 310, 9 SKK, women's hourly rate was almost 100 SKK less (227, 4 SKK).

■ **The gender pay gap is universal, it concerns all groups in the labour market**

The comparison of women's and men's earnings according to age groups shows that the gender pay gap is universal, concerning all age groups. The pay gap is smallest for women just entering the labour market after finishing school, it increases with age. The biggest gap – when women earn almost one third less than men was in the age group of 35 – 39 years. Then the gap decreases slightly – to about one quarter, but the difference still remains even in the oldest age group.

The situation is similar when comparing the average hourly rate controlling for education. Even in Slovakia, the rising level of education does not bring women a decrease in the pay gap. Statistical data indicate that the

tendency is even to the contrary. The gender gap is the biggest in the groups with the highest attained education. While the average difference in the hourly rate of women is about 24 %, women with a science degree earn less than 50 % of men's earnings. Also from the perspective of education, the gender pay gap is universal – it concerns all educational levels.

■ **Women in Slovakia are concentrated in lower income levels while men prevail in higher ones**

Due to the universal nature of the gender pay gap, when looking at individual and labour market characteristics it is not surprising that the share of women and men in particular income levels differs. Women are concentrated in lower income intervals, men are spread more evenly across the income spectrum and they concentrate more in higher income levels.

In 2006, the average salary of up to 10 thousand SKK was earned by 10, 7 % of men compared to 20 % of women. Almost 55 % of women earned up to 15 thousand SKK compared to 36 % of men.

On the other hand, in 2006 more than 23 % of men earned an income higher than 25 thousand crowns compared to 11 % of women. In the top income category the pay gap is triple. In the income bracket of 50 thousand SKK and more, there are 4, 6 % men but only 1, 6 % women.

■ **In Slovakia part-time work is used only to a small extent and more often by women**

According to international analyses and European documents, the gender pay gap is partly caused by the fact that more women than men work in part-time jobs. However, in Slovakia this factor plays a minimal role, as very few people take advantage of part-time work. Nevertheless, it is usually women who tend to work part time.

In 2006, 4, 6 % of women worked part time compared to 1, 3 % of men. It means that women represented three quarters of all people working part time.

It is evident that this factor has little impact on the final earnings of women and men. Relative to the year 2000, only a small increase has been recorded, which allows us to surmise that no significant change will occur in the near future. So what is the division of gender labour related to housework and family care?

■ **It is usually women who interrupt their careers or take a job with less responsibility**

Studies carried out in the past years indicate that also in Slovakia women carry the biggest share of responsibility for the household, children and dependent family members. The 2006 survey of the Slovak National Center for Human Rights showed that the tendency towards shared responsibility (a participatory model) is growing and there is even a small group of families where fathers are the primary caretakers. But the rule still is that a larger share of responsibility for the running of the family is on women's shoulders. The participatory model of family care prevails only with leisure activities, other (everyday chores) still rest with women.

A representative survey carried out within the project *Plus for Women* 45+ showed that a relatively large group of women indicated that they made compromises in their careers due to family responsibilities. Almost 10 % of women 45 years of age and older, who have been employed, stated they had to take on a less responsible work position. More than a quarter of these women had to find the kind of job that enabled them to take care of their children or other family members. More than 16 % of them even left their jobs completely for some time.

Studies show that a major share of family and household care still lies with women and that women's careers are much more impacted by family problems

and responsibilities. It also seems that changes towards new models of care and related participation of women in the labour market are occurring very slowly.

2.2. The Need for Intervention and Identification

Statistical and research data indicate that the gender pay gap in Slovakia not only persists, but has even deepened in the past years. Causes of the gender gap are multiple; even direct discrimination by the employer is not a matter of the past.

The gender pay gap is an important indicator that something is going on, something is wrong. It is not just a matter of remuneration. It is also related to choices and opportunities impacting the income. Therefore, it is necessary to work with aspects such as equality of opportunities in the labour market and in reconciliation of work and family life.

It is not possible to achieve positive change without broader interventions – from legislative changes to development of family and gender policies to social campaigns. The gender pay gap can only be overcome when interventions take place at all levels, with participation of all responsible actors and when attention is paid to all underlying factors (see *Tackling...*, 2007).

As far as data is concerned, we would need more reliable statistical indicators enabling more nuanced access to the analysis of the gender pay gap, and unification and better definition of studied indicators that would allow for a reliable comparison in time and study of additional characteristics. The problem mostly lies in the lack of characteristics tracked – independent variables. It is not possible to make more in-depth analysis such as according to the sector or occupation or basic demographic features (marital status, number of children and the like).

There are other shortcomings in the quality of the data. It does not suffice to just collect data about independent and dependent variables; their analysis is

also equally important. The Statistical Office of the SR is conceived solely as a data provider, it does not have a strong analytical unit; competencies or possibilities to combine and complement statistical data with other types of research findings (also quantitative). Slovakia is not exceptional in this respect, statistical offices of other countries are conceived in a similar way. But if sociological and social analyses are not in the competency of the national statistical office, other research institutes and monitoring institutes fill this gap. Slovakia, however, lacks such kind of institutions. Gender analyses and research are only carried out by individual analysts working within existing general research organisations. The Monitoring Center for Human Rights, founded on the basis of the antidiscrimination law in 2004 whose task – according to its Foundation Charter, should be to monitor and analyse gender equality indicators – including the gender pay gap, is not fulfilling this task. It does not have the required capacities and professional qualities.

The third area of working with data on the gender pay gap is regular publishing of trends in individual indicators and their analysis. In this respect, the inspiration could be taken from Eurostat, which regularly provides EU institutions and the public not only with reports on gender equality in general, but also with reports on the gender pay gap. Data provided by the Statistical Office of the SR are often discontinuous – they are irregular and do not follow the same format or indicators. The gender pay gap should be regularly included in reports about the situation of women and men presented to the government and parliament – just like it happens at the EU level. More attention should also be paid to other research. It can be said that the inclusion of gender research in the EQUAL and Sectoral Operational Program Human Resources has not helped to improve the situation in gender research. Some initial probes have been carried out; but only one project (Trexima) focused specifically on gender. In other projects the issue of the gender pay gap has been tackled at the level of opinion polls. Therefore, more effort should be exerted also to achieve improvement in the area of statistical data collection and research.

3. Undervalued women's work. History, legislation and conceptualization of the gender pay gap

Olga Pietruchová

The paper points to the theses put forth by a feminist economic theory and the need to take them into account in so-called general economic analyses. Feminist theory emphasises (Madörin, 2004) that the production of material conditions for meeting basic needs must be taken into account as a separate economic issue, as the basic precondition of human freedom. Economic theories are based on the assumption that political, social and economic rights are accessible to all, which is not true. Also in this sphere, the hierarchical and asymmetric power arrangements between men and women play a role. Therefore, we need a specific economic approach focusing on human rights. Current economic gender analyses – with the exception of a few positive examples – are done in line with the neoliberal approach according to the „Add-Women-and-Stir“ method. Feminist economics is skeptical about achieving gender equality e.g. in income as long as the overall view on the economy and labour values does not radically change.

Pietruchová states that we can identify three separate models of gender equality (Rees, 1998):

- equality when male standards are applied to women and they have to adjust, i.e. equality in the sense of sameness. Rees calls this „tinkering with equality“;

- equal evaluation of inputs and outputs by which men and women contribute to gender segregated society. Rees calls this „re-stitching“ of the situation so that it would be acceptable for both men and women;
- a new standard for men and women in which changed gender relations will replace current segregated institutions and standards of masculinity and femininity.

It is obvious that only the third model can lead to overcoming of the andocentric perspective on economy and labour value. At present, the only starting point is systematic gender mainstreaming. It is important that the women's movement, which initiated the process of gender mainstreaming, „safeguards“ its application in real life, so that its main idea – new arrangements of gender relations, would not get lost in the bureaucratic process.

4. Gender coordinates of the value space. Analysis of value orientation of women and men in Slovakia

Olga Gyarfášová, Martin Slosiarik

The analysis focuses on gender differences in the perception of importance of selected values; internal differentiation within the group of women; characteristic traits of this internal differentiation; main lines defining and structuring women's value system and boundaries revealed by gender comparisons. It is based on research done by the International Republican Institute in which respondents were asked to indicate the level of importance of 33 listed values. They concerned both the private and public sphere and represented ideological priorities on various axes: citizenship and the nation, market values and welfare state values, labour values and leisure values.

The analysis of value priorities of women and men in Slovakia revealed some interesting facts. First of all, values perceived as the most important – family and security, are equally important for both women and men, both regard them as priorities. Differences occur in the perception of values considered less important.

Further analysis of gender differences showed that the value space is defined by the dimension of community and individualism, the second dimension was the world of work and the private world. Empirical analysis

indicates that women emphasise community, spiritual and traditional values more, while men are more oriented towards individual (personal) values. More marked differences can also be observed in the sphere of formalized public rules and institutions (competition, capitalism). However, gender differentiation is influenced by a number of intervening variables – young women of 18 to 34 years and women with higher education score more on the side of the male value world; women living in cities score close to it. On the other hand, older men score more on the side of the female value ladder. The analysis indicates that the distance between women and men in general is much smaller than between some particular groups of women and men.

An important variable contributing to heterogeneity of the female world is age. It defines value priorities for both men and women, and it can be said that in the young as well as the older age groups, the value worlds converge. Another differentiating factor is education. Value priorities of women with more education are close to those of educated men and they diverge from the value world of older, less educated women living in the countryside. In other words, these data may be said to disconfirm straightforward gender stereotyping and point to a high degree of internal differentiation and individuality disturbing the imagined gender boundary.

5. What does gender equality have to do with feminism? Gender discourses on equal pay and work-life balance

Lubica Kobová

This study partly explores the way of media appropriation of selected events and themes in the period from May to July 2007. It is based on the assumption that gender discourse specifically focusing on gender equality in the labour market is in the Slovak language media being formed in two main discursive strands. These define „what has been 'said' and/or what is, was and will be 'sayable' at a particular past, present and future point in time“ (Jäger, 2005, p. 47).

These discursive strands are studied on concrete analysis of modes of presentation of concrete events.

5.1. Methodological approach: critical discourse analysis

The study analyses the issue by applying the tools of critical discourse analysis. We believe that policy making, to a large extent, depends on who, even temporarily, is winning in the struggle for means of communication and

interpretation (Fraser, 1995, p. 44). The main part of political struggle is taking place at the level of defining political agendas and their further interpretation and utilization. This struggle is equally the work of experts in narrowly defined epistemic communities as well as the outcome of exchange between various types of majorities or minorities among the public.

5.2. Definition of the discursive strand of gender-based pay inequality

The discursive strand of gender-based pay inequality is defined by presentation of statistical survey *Development of the income structure and differentiation in 1997-2006* (2007) published on 31 May 2007 by the Statistical Office of the Slovak Republic. This report contained data about the income structure divided according to the criteria of gender, education, occupation, region and economic sectors. It was not a matter of course to expect that the gender pay gap will become the leitmotif of the press conference presentation of the report. This theme was subsequently reflected in a number of dailies, and the broader issue of labour market gender equality was further elaborated on in the ensuing discussion in the following months. The discussion was for some time stopped on 18 July 2007 when the Commissioner for Employment, Social Affairs and Equal Opportunities Václav Špidla presented the Communication from the EC *Tackling the Pay Gap between Men and Women* in which, inter alia, summarized the gender pay gap, analysed its causes and introduced ways of their elimination at the level of the EU.

5.3. Definition of the discursive strand of reconciliation of work and family

The discursive strand of reconciliation of work and family is examined during the presentation of winners of the „The Most Family-Friendly Employer“ („Zamestnávateľ ústretový k rodine“) on 28 May 2007. On this occasion, the Ministry of Labour, Social Affairs and Family of the Slovak Republic organised the conference „Employers Supporting the Family and Gender Equality“ („Ústretovosť zamestnávateľov k rodine a rodovej rovnosti“) that spurred media reactions to the topic.

In these two discursive strands, that study identifies the following characteristics.

5.4. Issues are raised by experts

The issue of pay equality is framed and raised by bearers and transmitters of expert knowledge. In the media, the problem has not been raised by a certain law suit or by the publicizing of a certain case by e.g. a labour union – i.e. by a subject that would be directly impacted by pay inequality.

The pay equality discursive strand is characterized by mutual confrontation of experts – scientists from the Slovak Academy of Sciences, an analyst from the private sector, a representative of the bank sector. This confrontation problematizes the issues in order to frame it by unquestionable expert knowledge backed by „hard“ quantitative data provided by the Statistical Office of the SR.

A broad spectrum of presented expert opinions points to the importance of the expert epistemic authority in formulation of the issue. However, if a concrete actor (e.g. a scientist) is granted the authority to formulate expert opinions, his or her epistemic authority is also transferred to their individual

experience, which can reproduce gender stereotypical framing of the issue.

In the studied case, the dialogue of experts considerably narrows the issue down: from the broader issue of pay differences in general viewed from various angles (SITA, 2007), to the problem of the gender pay gap as such (Kahanec, 2007; Štulajter, 2007), to the issue of the gender pay gap in managerial positions (ĕurana, 2007; Janáík, 2007).

5.5. The problem is the family, not work

The problem of reconciliation of work and family is dramatized and the main actors – employers and families, are identified as two antagonistic subjects. The media discourse articulated the perspective of employers when stressing that reconciliation of work and family life is beneficial for them in the first place. It is assumed that employers' adherence to nondiscrimination principles stipulated by the law is commonplace, and thus employers can broaden positive regulations beyond the definition of their duties for the benefit of their employees. Hence, if the employer-employee relations in the workplace are not problematic, the causes of employees' discontent must lie outside of the workplace. Measures taken by employers shall then intervene in the sphere usually regarded as strictly separated from the sphere of work, i.e. in the family. This creates a direct, unmediated relationship between the family and employer – labeled as: „happy family means direct profits“.

5.6. Flexible work is the solution

Flexible work arrangements, as practically the only way of reconciliation of work and family life, are legitimized by a broad spectrum of credible public actors and nonmaterial actants. The scope of positions that can occupy the

empty or un verbalized place of the agent having an interest in establishing flexible work is broad, and it forms a representative coalition consisting of domestic and international representatives of employers, also mediated by the EU via the document *Prínosy politik ústretových k rodine v rámci krajín EÚ* (Benefits of Family-friendly Policies in the Countries of the EU). According to the media discourse, the coalition of subjects and actants is being lead by the amended and hence progressive legal norm – the Labour Code.

5.7. Slovakia is „catching up“

The usual discourse about the need to catch up and simultaneously about Slovakia's lagging behind the old EU members states is being reproduced. For instance, the assumption of insufficient knowledge about reconciliation of work and family among Slovak employers is illustrated on one concrete case to which the media discourse finds solutions in the form of broadening and application of „non-discriminating strategies“, which of course are „compulsory figures“ – but not in Slovakia, but rather in Great Britain. In contrast to the grey past, their application in the progressive spirit bears the promise of a rosy and uncomplicated future for employers, strengthened by references to the context of old EU member states. However, it is not assumed that these states could share several problems of life-work balance and hence have the need to resolve them further.

5.8. Genders are oppositional and thus complementary

The pay equality discourse is presented as a pay gap between two oppositional sexes. Gender equality should mean gender balance – women

are the men's counterpart and their different identities are, in this understanding of gender equality, harmonized – rather than acknowledging the equality of rights and opportunities.

There is an assumption that the space that women are to enter is defined as male. Men have the authorization to open up avenues for women. Women should be successful not due to the change in the non-supporting environment but because they have the kind of education that authorizes them to enter this male space.

5.9. Gender equality is articulated in an anti-feminist manner

Parts of both discursive strands are also non-feminist or even anti-feminist stances. In spite of the fact that gender discourse adopts many gender equality concepts – esp. through EU legislation and policies, and implicitly also their feminist and other transformative political stances, it is characterized by continuity with established non-feminist ways of understanding of the gendered nature of social relations. Therefore, I believe it would be more productive not to expect radical change towards a more pro-feminist position, but to study how individual gender equality concepts are linked together.

5.10. Pay difference is not understood as the violation of the equality principle

Media discussion did not touch upon the complicated nature of proving violations of the Labour Code, which in Article 119a Point 2 stipulates that „Women and men have the right to equal pay for equal work or for work of equal value“. The pay equality theme has not been raised due to some

concrete case of violation of the equality principle, but due to publication of statistical data concerning all people in the labour force in the Slovak Republic. Out of those, the area of the most pronounced difference – that of high managerial and decision-making positions, was singled out.

5.11. The Issue of vertical labour market segregation can diminish the importance of horizontal segregation

Narrowing of the gender pay gap issue to the area of managerial jobs can potentially lead to changes in the dynamics of participation of women and men in the labour market and in their remuneration. As Catherine Hoskyns (1999) writes, the times of economic and labour market boom, during which the foundations of European equal pay legislation were laid out (esp. by the Amsterdam Treaty), are over, as is the increase of women in paid employment which was related to that boom. „Market pressure is now more likely to be directed at persuading men into insecure and risky jobs rather than at improving the situation of women any further.“ The only exception is the situation at the highest positions, in which it is more likely to „achieve cracks in the glass ceiling than to gain advantages for women in low-paid, low-skilled jobs.“ (Hoskyns, 1999, p. 40.)

There is a warranted fear that the issue of vertical segregation may overshadow horizontal segregation, just like it happened in the pay equality discourse analysed in this study. Also, systematic diminishing of the importance of horizontal segregation can potentially contribute to systematic decreasing of state finances that are the only source of income of women in horizontally segregated occupations such as in education and health care.

Broadening of the discussion to include questions of women's remuneration in horizontally segregated areas of the labour market requires

opening of the question of the social value of particular occupations. Public discussion must include questions like: whose work is more important for social reproduction of inhabitants of the same state unit, or who plays what role in this reproduction and who is entitled to money from the state budget? Shall we value higher a nurse or a policeman, an elementary school teacher or a professional soldier?

5.12. Economization of reconciliation of work and family delegitimizes social citizenship

The fact that work-life balance measures are applied almost exclusively by employers in the private sector attest to economization of the issue that could otherwise be a legitimate part of the state social policy. Responsibility for provision of a narrowly defined set of social securities and increasing of the quality of life is, in the case of a concrete population group – employees of companies applying work-life balance measures, placed on the labour market actors who present this issue as a benefit that goes beyond the standard definition of duties and responsibilities of employers towards their employees. However, the concept of social citizenship is for the majority of citizens just an empty normative foundation of the disappearing welfare state.

Individual responsibility of an employer providing so-called social benefits can become a modality of a new – market – organisation of citizenship. But failure in ensuring these benefits can lead not only to the exclusion of citizens from the labour market but to social exclusion as such.

5.13. Familization – the family should be the key place of social integration

Reconciliation of work and family life together with the processes of work flexibilization can happen on the background of *familization*, where family means the main place of social integration. It is the family or the couple with children, not an individual employee, who is the target of an intervention on the part of the employer.

The issue of resolution of gender-based pay inequality is also relegated to the individual level. For instance, the decision about which partner will take the so-called parental leave to care for small children depends on which partner has the higher salary. The pay gap between men and women is the most pronounced during the time when they raise small children – people adjust to the possibilities of the labour market when the partner who can bring a higher income enters the labour market. It is not necessary to emphasise that this partner is usually the man, and hence that it would be hard to speak about the reconciliation of work and family in terms of transformed gender division of labour. The family is still a dominant value for both men and women in Slovakia. But what is its present-day face? It is important to look at it in the continuity of social and historical changes, which does not mean its automatic „traditionalization“ in the sense of hegemonic catholic Christian ideology.

Gal and Kligman (2000) state: „The general assumption seems to be that it is the „public“ that changes, not the *private* sphere. (...) While the state and other institutions are questioned and viewed with suspicion by large segments of the population, the family is generally sacralized, and not only by nationalists. (...) The private household continues to be valued as the place where people live their honest, authentic, and meaningful lives. In the communist era the danger was understood to be the intrusiveness of the state; now it is more often the uncertainty and untrustworthiness of state action, and the insecurity of

markets and employment. The image of a stable, autonomous family survives, despite the fact that in East Central Europe too, over the last several decades, there have been profound changes in household composition, dramatic increases in divorce rates and in single parenting, as well as decreases in fertility and in the public subsidizing of childbearing and child rearing. The idea of the East Central European family as an almost isolated, reassuring constant in a world of social uncertainty must be understood as a discursive construction“ (Gal – Kligman, 2000, p. 68–69.).

5.14. Reconciliation of family and work does not mean redistribution of care work between women and men

The concept of reconciliation of work and family contains an idealized and stereotypical discursive construct of the family. Not even its „translation“ from the transnational setting of the EU contributes to its more transformative and feminist understanding. As Maria Stratigaki points out, reconciliation of work and family, initially meant as a measure to support gender equality in the labour market, has during several decades of „moving“ between various European documents, institutions and politicians gradually changed its originally feminist meaning from sharing to reconciliation. She argues that the „original policy goal, the redistribution of domestic work between women and men, has been obscured, if not abandoned, to accommodate a growing policy priority on the creation of employment. Reconciliation, reformulated to mean improving women's ability to combine paid work and family work in their own lives, eventually became an integral part of the EU employment policy in the late 1990s, but reconciliation now served the goal of legitimate and more flexible work conditions rather than changing gender relations within the family“ (Stratigaki, 2004, p. 32.).

5.15. Public policy and media discourse co-opt feminist concepts

In Slovakia, the gender discourse is characterized by cooptation of feminist concepts.

„In the cooptation process, the concept itself is not rejected, but its initial meaning is transformed and used in the policy discourse for a different purpose than the original one.“ Cooptation undermines gender equality in two ways. Transformation of the concept is gradual and it can easily be unnoticed while its impacts on gender equality deteriorate or can have an effect to the contrary. And what is important, „cooptation works against mobilization and pressure by interested parties and individuals by suing the original as well as the transformed concept as an alibi. It is difficult to mobilize against a claim that appears to be one's own even if it is no longer used to mean what one intended“ (Stratigaki, 2004, p. 36.).

The study of gender discourse can no longer point to the positive fact of mere presence of gender concepts and gender policies in the public discussion. It is necessary to study how the creation of gender policy, including the pay equality and labour market participation policies, change and transform concepts coming from the transnational setting of EU gender equality policies, and how such fundamental value concepts as the family, social security and health acquire meaning. They do not attest only to changes in usage; they participate in formation and management of social practices. Despite the fact that the state administration keeps ignoring the expertise coming from NGOs and individual experts studying gender equality from the feminist perspective, due to the fact that these actors contribute to creation of the public gender discourse, the feminist concepts have gained currency and by being used by other, mostly non-feminist actors, have been gaining new meanings.

5.16. „Gender stereotype“ as a co-opted concept

Both discursive strands – pay equality and reconciliation of work and family – co-opted feminist concepts, and in their hegemonic form are becoming the means of perpetuating the status quo. Rather than being part of transformation policy, they perpetuate and reproduce gender inequality. It is happening e.g. with the concept „gender stereotype“ and the adjective derived from it – „stereotypical“ and the like. Gender stereotype is not seen as a relational category defining gender attributes of masculinity and femininity in their mutual interaction. More often it becomes the confirmation of insurmountable gender differences that, however, can complement each other. The ideal of gender relations to be followed is becoming the vision of harmonic family happiness situated within the global economy – the happy family brings profits to employers.

5.17. In conclusion: not even a „hard“ economic theme can guarantee seriousness of gender discourse

One could expect that the topic of the labour market and economy in general, together with explicit deliberation about women and men (i.e. not about gender neutral citizens), might be that critical moment for women's public agenda to be finally taken seriously. There are other gender-related themes present in public discussion: e.g. violence against women which was opened for public discussion by a minoritarian feminist public mostly during the Fifth Woman campaigns, or the issue of reproductive and sexual rights consistently utilized by political elites for building their political authority – the legitimacy of the former was questioned while the latter has become an

obvious indicator of competency of political leaders to hold office. In contrast to these themes, the issue of the labour market and the economy is „finally“ a serious, or, from the perspective of the media, a „hard“ topic. However, the very presence of the issue of the different status of women and men on the labour market (be it the issue of pay differences or work-life balance) together with the co-opted feminist vocabulary do not guarantee the kind of transformative policies that would lead to gender equality.

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6. Recommendations

- Responsible state authorities and public organisations should further a non-exclusive public debate on gender equality that would encourage feminist opinions to be expressed, and treat them as relevant.
- The Ministry of Labour, Social Affairs and Family and the Bureau of Statistics of the SR should invest their resources into methodological development of a gender pay gap study.
- The Ministry of Labour, Social Affairs and Family in its capacity of a leading state institution in the field of reconciliation of work and family should aim to develop alternative approaches to the most pressing issues such as flexibilization of labour, feminization of specific segments of the labour market and the gender pay gap.
- The Bureau of Statistics of the SR should publish the gender pay gap data on a regular basis and present the research findings to a wide array of public actors (ministries, the parliament, respective ministerial committees, governmental councils, non-governmental organisations, think tanks etc.).
- The Bureau of Statistics of the SR should strengthen its analytical unit in order to be able to combine and complement gathered statistical data with other types of research findings.
- Individuals with expertise in the field of gender analysis, based in a wide array of institutions – think tanks, non-governmental organisations, universities, research institutions – should be institutionally supported. Furthermore their expertise should become a valuable resource for state institutions in need of feminist-situated gender analyses.
- Journalists writing about economic affairs and domestic politics are needed to participate in socially responsible and reflective production of gender discourse in public.

- Interdisciplinary networks of experts and policy makers working across all levels of society should focus on production of knowledge on social, political and economic issues with a significant gender dimension.
- In order to prevent continuous and narrowing economization and accompanying formalist simplification of gender equality discourse, impact studies focusing on redistribution of care work and paid labour from feminist standpoints should be supported.
- Wherever possible, situated feminist knowledge production in the field of economic, social and political analysis recognizing the principles of gendered social equality should be strengthened and used as an instrument for preventing gender policies to be co-opted by non-transformative and formalized public policies.

Translated by Eva Riečanska

About organisations and authors

ASPEKT is the first feminist organisation in Slovakia. It was founded in 1993 as an interest association of women, who agreed it was time to take the discourse on equality and democracy seriously, and apply it to the lived realities of the people of female gender in Slovakia. Already in its second decade of operation, ASPEKT realizes its mission by means of its (subversive and pioneering) publishing, political, research and educational activities. www.aspekt.sk

FOCUS Agency since its establishment in 1991 belongs to top-notch research institutions in Slovakia. It specializes in provision of complex analytical services and expert consultations in marketing and public opinion research. The agency strives to provide relevant, accurate, timely and objective, data about the market and society.

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The gender policy of the European Union: challenges for Ukraine

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1. Introduction

European integration is declared to be one of the main priorities in Ukrainian politics. Introducing European standards, such as gender equality, in political, economic and social domains constitutes a strategic objective for Ukraine. Gender equality is one of the priorities included in the EU-Ukraine Action Plan for 2005–2007 and it constitutes an essential part of EU's Strategy for Ukraine for 2007–2013.

At the same time, gender analysis of the EU's Strategy for Ukraine for 2007–2013 shows that the theme of gender equality is not emphasised enough to address women's needs or problems such as female unemployment and low-paid jobs, segregation on the labour market and gender-based salary differences, participation of women in decision-making processes, their access to funds, property, credits, healthcare etc. The need to balance gender equality with other national strategies remains a challenge.

2. European Neighbourhood Policy

In 2003 the European Union developed a new formula of its relations with neighbouring countries, such as Ukraine, known as the **European Neighbourhood Policy (ENP)**.

The EU's objective is to share the benefits of 2004 EU enlargement with neighbouring countries to strengthen the stability, security and well-being of all included in the actions of this policy. The policy was developed with the objective of avoiding the emergence of new lines of division between the enlarged EU and its neighbours and to offer them the possibility of participating in different forms of EU activity thanks to more intensive cooperation in the fields of politics, security, economy and culture.

European integration is declared today to be one of the main priorities in Ukrainian politics. Introducing European standards, such as gender equality, in political, economic and social domains constitutes a strategic objective for Ukraine.

The central element of ENP is a bilateral ENP Action Plan, negotiated between the European Union and each country. This document sets out an agenda of political and economic reforms by means of short and long-term priorities.

The ENP Action Plan for Ukraine was approved in 2005. The implementation of Action Plans is supported and monitored by sub-committees. The Partnership and Cooperation Agreement between Ukraine and the EU (PCA) provides for the organisation of Summits and the creation of two joint Ukraine-EU bodies – the Council and the Committee on the cooperation between Ukraine and EU as well as the Parliamentary Cooperation Committee Ukraine-EU. The Ukrainian part of the Ukraine-EU

Cooperation Council is presided by the Prime Minister of Ukraine. The Ukrainian part of the Ukraine-EU Cooperation Committee was established as a subsidiary body of the Ukrainian part of the Council. Seven sub-committees were created within the Ukraine-EU Cooperation Committee.

The EU-Ukraine Action Plan for 2005–2007 lists gender equality as one of its priorities. In particular, it sets the objective of „continuing efforts to ensure the equality of men and women in society and economic life“¹, as specified in the chapter „Political dialogue and reform“, subchapter „Democracy, rule of law, human rights and fundamental freedoms“, paragraph 9 – „Ensure equal treatment“.

Although the EU-Ukraine co-operation within the EU-Ukraine Action Plan for 2005–2007 included gender aspects of political, economic and social reforms in Ukraine, they did not become a priority.

Within the new European Neighbourhood and Partnership Instrument, Ukraine will also obtain assistance in the domain of cross-border and interregional cooperation between Ukraine and member states of the EU. There will also be support through the European Investment Bank for projects involving infrastructure investments.

The EU Strategy for Ukraine for 2007–2013 within the European Neighbourhood Policy opens new perspectives for partnership, economic integration and cooperation between Ukraine and the EU and offers financial assistance in the following fields:

1. Political dialogue and reform.
2. Economic and social reform and development.
3. Trade, market and regulatory reforms.
4. Cooperation in the fields of justice, freedom and security.
5. Transport, energy, information society and environment.
6. People-to-people contacts.

¹ EU-Ukraine Action Plan – p. 9.

7. The EU Strategy for Ukraine for 2007–2013 provides for maximum integration of gender issues as essential ones in the elaboration of all programmes connected with the abovementioned fields². At the same time, unfortunately, the description of each of the six priorities has no gender dimension. What we would like to present below is an analysis of the implementation of the EU-Ukraine Action Plan as well as an analysis of each of the six priorities of the EU Strategy for Ukraine for 2007–2013 from the perspective of gender issues.

3. Gender analysis of the implementation of the EU-Ukraine Action Plan for 2005–2007 and the EU's Strategy for the Development of Ukraine for 2007–2013³

3.1. Political dialogue and reform

Women in politics

From the perspective of gender issues, *strengthening of democracy*, mentioned in the chapter „Political dialogue and reform“, is supposed to provide for improving gender equality in economic, social and political domains.

The EU Council of Ministers recommended to the EU member states to introduce legislative, regulatory and stimulating measures in order to establish gender balance in the decision-making process. One of the effective mechanisms of ensuring gender equality in the decision-making process is the

² ENPI Ukraine Country Strategy Paper for 2007–2013. Draft. p.19.

³ „Gender Analysis of EU Development Instruments and Policies in Ukraine“, a lecture written by Oksana Kyselyova and Iryna Trokhym within the project *EU Gender Watch* of the Network of East-West Women– Poland, includes elements of gender analysis of the EU Strategy for Ukraine 2007–2013. See: <http://www.neww.org.pl>

introduction of gender quota. Ukraine should take into consideration the experience of the EU member states concerning ensuring gender balance at parliamentary level.

The development of parity democracy is specified as one of the expected results of the National Program on Strengthening Gender Equality in Ukrainian Society for the period until 2010, however, the elaboration of measures for introducing gender quota has a very vague and manipulative character⁴.

An analysis of the programme of parties and blocs which entered the Verkhovna Rada after the 2007 pre-term general election shows that only one political force out of five (Lytvyn Bloc) put a clear emphasis in its program on the issue of gender equality and promised to fight the discrimination of women in all domains. However, this political party is the one which has the lowest rate of female MPs (5%, which means that only 1 MP in 20 is a woman) of all the parties in parliament. And the other way round, the Communist Party, which does not mention European standards or gender priorities in its programme, traditionally has the highest rate of female MPs (18,5%).

In their election programmes, political parties tried to outbid one another in the amount of benefits obtained upon the birth of a child, which demonstrates their perception of women – as mothers, in the first place, not as political agents. As a matter of fact, the 2007 general election, just like the 2006 election, put gender issues aside of the main political debate. It would have been naïve to expect that a powerful female legislative lobby could be created in the newly-elected Verkhovna Rada of the sixth convocation, where female representation is as low as 8,2%, slightly less than in the parliament of the previous convocation (that is 8,7%).

It has to be emphasised that political parties are not the only ones who tend to underestimate women as politicians – the society in general does not

support the idea of a female leader of the country, despite the prestige enjoyed by the leader of Yulia Tymoshenko Bloc. According to a recent sociological study, the chances for a woman to become the President of Ukraine, are indeed very small.

There are no formal restrictions on the participation of women or men in political life in Ukraine. However, there are some obvious factors which determine the usual male domination in politics, political parties and political structures, as well as the female alienation from politics – namely the social stereotypes of the primary role of men in socio-political life and the secondary role of women; triple commitment of women (work, housekeeping and childbearing) and their resulting low participation in socio-political life; limited access of women to economic resources, indispensable for participation in political life; creation of a negative image of a female politician (incompetence, masculinity, hysterical behaviour etc.) or of a dull average idea of a female politician, who is not an agent in Ukrainian politics; and finally, the rejection of feminist ideas by the society.

Fostering the development of civil society

The development of civil society, mentioned in the chapter „Political dialogue and reform“ is supposed to include financial assistance for female civil organisations, which are trying to make the government integrate gender perspectives into its national programmes and projects with the objective of protecting their rights and interest.

Since 1990, the women's movement has been developing dynamically with the number of women's organisations increasing every year. Today there are over 45 all-Ukraine and international female civil organisations and political associations as well as more than 1,500 local civil organisations uniting women. The contribution of female civil organisations to public life and to the development of civil society has been very significant, however, the absence of a female legislative lobby in Verkhovna Rada is the main factor limiting the

⁴ The National Program on Strengthening Gender Equality in Ukrainian Society for the period until 2010 (the resolution 1834 of the Cabinet of Ministers of Ukraine of December 27, 2006).

participation of women in decision-making process and the improvement of gender equality. Both sexes should be equally represented in all authority bodies (from Verkhovna Rada to local rural institutions) on the basis of parity principle, independent of whether gender quota is recognised as an absolute value or as a „temporary special measure to strengthen the equality of rights of men and women“.

Gender challenges in the area of political dialogue and reform

1. State promises to strengthen gender equality tend still to remain „on paper“ and institutional mechanisms of strengthening gender equality do not function in a proper way.
2. The lack of political will is the principal reason for the low representation of women in Verkhovna Rada in Ukraine (8,2% compared to the European average of 23%, and the world average of 14%).
3. Considering the low representation of women in political life, the authorities should make efforts to promote the advancement of women, as well as to take their voices into account at the level of political parties.
4. Women's NGOs and female politicians should unite their efforts in order to create a female legislative lobby in Verkhovna Rada.

3.2. Economic and social reform and development

Establishment of a fully-functioning market economy

On the 30th of December 2005 Ukraine was recognised by the EU as a market-economy country (it was excluded from the list of the countries with transition economy as a measure of the EU antidumping legislation). Today it seems obvious that establishing conditions for a fully-functioning market economy does not automatically entail the establishment of social justice and

gender equality. Economic and social structural reforms which do not take into account gender issues and women's interests tend to deteriorate their position and opportunities.

Creating a market economy should not be an end in itself, but should be accompanied by a sustainable, gender-sensitive and people-centred human development, as specified in the Montreal Consensus. Because of that we have to take into account the social and economic consequences of economic reforms, their impact on „obvious“ changes in the production of goods and the level of income, but also „invisible“ tendencies on the labour market, especially gender segregation, the load of unpaid housekeeping work, the quality of working conditions, the opportunities of men and women on the labour market.

Politicians should evaluate the consequences of economic reforms for non-market forms of economic activity – taking care of sick people, children, the elderly etc., agricultural households and housekeeping, which are vitally important for development and for which women are usually responsible. Women are responsible for their children and their whole family, and this is why they suffer to a greater extent from lower pay or lack of it, from unemployment, lack of social security etc. Partial social reforms, especially in the fields of education and healthcare, closing numerous light-industry factories, where women used to constitute the majority of the workforce, have all led to serious deterioration in the financial status and health of women. All of this, in turn, not only limits the possibilities for women to find a job, but also prevents them from taking an active part in social and political life.

Employment, reducing poverty

The approximation of Ukraine to EU social standards concerning the labour market, the reduction of poverty and improvement in the area of employment all include the implementation of EU Strategy on Gender Equality in the labour market. According to the objectives of the EU labour market policy all member states of the EU as well as the EU in general should reach

60% participation of women in the labour market and activate the working potential of aging people. Unfortunately, the main principles of the Strategy on Gender Equality were not included in the EU Strategy for Ukraine.

On the whole, there is a visible tendency in Ukrainian economy to offer low level of salaries in the traditionally female areas of employment: light industry, education, healthcare, culture and services. Such forms of discrimination of women as lowering the salaries depending on the sex of the worker still exist in Ukraine, although under the Ukrainian legislation men and women have equal rights in the area of employment and remuneration. Another disguised form of discrimination is the widespread practice of discriminating women on the basis of their family situation, which particularly concerns single or recently-married women. There exists a practice of making women sign employment contracts on the basis of which they can be dismissed if they become pregnant.

The average official unemployment rate in Ukraine in the first half of 2007 was 3,7% of the economically active population of working age. The rate was higher for women (4,7%) compared to 2,7% for men. Ukraine has the third highest official unemployment rate among CIS countries, after Armenia (7,2%) and Tajikistan (4,5%)⁵. In comparison to January 2007, in September 2007 the percentage of unemployed women rose by 3,3%, so unemployment in Ukraine is increasingly a problem of women.

Investment climate

From the point of view of gender issues, improving the *investment climate* should include gender-sensitive allocation of investments to education, healthcare, nutrition and social security programmes. Gender analysis of the budget should be a priority for all programmes of EU financial and technical assistance to Ukraine.

⁵ The summary report of the CIS Interstate Statistical Committee „Socio-economic state of the countries of the Commonwealth of Independent States in the first half of 2007“, June 2007.

According to the Position Paper on Ukraine-EU Action Plan Implementation in 2005–2007 there seems to be certain progress in improving the investment climate, including ensuring transparency, predictability and simplifying the mechanisms of its regulation and application. However, the analysis of the structure of direct foreign investments shows that the vast majority of them are aimed not at developing new companies, but at taking over already existing businesses.

The decisions of central and local authorities concerning the priorities of development, services and regulation influence the life of both men and women, but not necessarily in the same way. In most countries there are certain differences between men and women as to the funds at their disposal, type of their work and their household duties. Similarly, men and women differ when it comes to their needs in services and priorities in capital investment. The analysis of capital investment priorities according to the needs of men and women has been called a „women's budget“ or a „gender-based budget“.

The idea of gender budgeting is becoming increasingly known and popular among women's organisations in Central and Eastern Europe and in New Independent States. In particular, gender budget analysis can suggest ideas and plans for improving women's health and for ways of implementing these ideas at a low cost. For example, in Kharkiv, a gender budget of the city has been prepared for several years on the initiative of women's organisations and female MPs. Unfortunately, however, gender budgeting has not become a measure of achieving gender balance in the socio-economic area for the Ukrainian government.

Gender challenges in the area of social and economic reform

- I. Although Ukraine signed the UN Convention on the Elimination of All Forms of Discrimination against Women, the state openly admits that gender-based discrimination can be seen in every area of life of Ukrainian

society, including labour market – a lack of gender balance can be seen in salaries earned and in employment.

2. The analysis of the structure of direct foreign investments in Ukraine shows that the vast majority of them is aimed not at developing new companies, but at taking over already existing businesses. Ukrainian investors invest money not in national economy, but in foreign companies. Such an investment structure is not likely to foster the creation of new jobs.
3. The methodology of gender budgeting should be applied in defining the national socio-economic policy and should become a measure of achieving gender balance in social and economic areas.

3.3. Trade, market and regulatory reforms

EU-Ukraine Free Trade Agreement within the New Enhanced Agreement (NEA)

The next step after Ukraine's accession to the WTO is going to be the signing of an enhanced and detailed Free Trade Agreement between EU and Ukraine. It is expected that as a result of signing the agreement, the well-being of Ukrainian citizens will increase by 4–7%⁶. Such branches as metallurgy, fuel, textile and chemical industry as well as agriculture will be the first to benefit in the area of export⁷. At the same time, reduction of export will be visible in the sectors of economy connected with communication services, transport, air and water transport, recreation and entertainment, culture and sport, social activity, business services, public administration, education, healthcare, water supply systems, street cleaning as well as waste disposal and management.

⁶ Kholod N. The prospects of Ukraine's integration into the world economic sphere. // *Agora. Ukraine in the European context*. – Issue 5. – Kiev. – 2007. – p.43.

⁷ Ibidem – p. 46.

Neither the documents regulating the EU-Ukraine trade relations, nor the agreements referring to Ukraine's accession to the WTO take into account the gender aspect. Although the gender question is mentioned as a pressing problem in the EU-Ukraine Strategy for development, the policy of creating trade relations between the EU and Ukraine does not take into account the gender dimension. Neither is the gender approach adopted in the analysis of the consequences of Ukraine's accession to the WTO and of the creation of a free trade area between Ukraine and the EU.

Women and business

When defining the EU-Ukraine trade policy it is necessary to take into account the fact that women constitute 49% of the economically active population in Ukraine⁸. As a result of economic structural transformation, women were eliminated from the traditional labour market. They were forced to seek new ways to support themselves and their families financially.

A significant part of small enterprises with women in charge (29,8%) were set up recently, whereas the percentage of recently-established small enterprises with men in charge is considerably lower (22,7%). We can assume that women's small business is starting to develop more intensively than men's, and we can also optimistically forecast further development of female small entrepreneurship.

Most enterprises in Ukraine deal with wholesale and retail trade, independent of whether a man or a woman is in charge of the enterprise in question. However, the percentage of enterprises of wholesale and retail trade with women in charge is significantly higher compared to those with a man in charge (69,9% and 36,8% respectively). Other important areas where female business is developing are: agriculture, public catering and industry. They account for a considerable percentage of medium and big enterprises with women in charge. Services, hotel industry and leisure are other important areas.

⁸ *Gender Issues in Ukraine: Challenges and Opportunities*. – Kiev, 2003. – p. 29.

Women as employees

The trade policy should also take account of the problems faced by women having permanent jobs. In the analysis of trade issues, there is a general tendency to emphasise the fact that trade liberalisation will make it possible to create new jobs in export-oriented branches of industry. However, women are proportionally underrepresented in the branches which are going to benefit from Ukraine's accession to the WTO. The highest percentage of Ukrainian women can be seen in food industry (84%), education, healthcare (78,3%), financial sector (56,6%), wholesale and retail trade (57,7%)⁹. As mentioned above, it is expected that the branches aimed at developing cultural and social areas, education and healthcare will face some decline. The number of women in the branches likely to benefit from Ukraine's accession to the WTO – metallurgy and fuel industry – is not significant, so this is not going to create many new jobs for women. However, the development of the textile industry, where women are usually employed, is going to have a positive impact on female employment.

The textile industry was the one to suffer the most during economic transformation. In the 90s, the unemployment rate in this branch reached 80%. Today in Ukraine, there are examples of successful EU-Ukraine joint enterprises in Western and Eastern Ukraine (the factories in Uzhhorod and Luhansk). The working conditions in these enterprises, such as flexibility and the possibility of working part-time, correspond to the European standards to a greater extent than in Ukrainian enterprises.

Women in agriculture

Despite the agricultural reform started at the beginning of the new millennium, the agricultural sector is in a permanent crisis. The structure of Ukrainian agriculture looks as follows: 58% of farms are operated by a single

individual, 22% are factory farms, 6% are collective farms and 3% are enterprises with different forms of ownership. Women account for 42,9% of workers in agricultural farms¹⁰. 35,254 farms were registered in Ukraine in 2006, 12% of which (4,129) were managed by women. Over the past two years we noted a 2% increase in the number of farms managed by women.

It has to be emphasised that after Ukraine's accession to the WTO the products made by female farmers will have to face the competition of cheap imported ones. Taking into account the insufficient mechanisation of Ukrainian agriculture and women's limited access to credits, the products of female farmers will encounter some unequal competition. Because of the process of privatisation and the creation of private farms women are put in a situation of being unpaid family workers with no social benefits whatsoever.

Gender challenges in the areas of trade, market and regulatory reforms

Because of the fact that the gender dimension has not been taken into consideration in defining the trade policy referring to Ukraine's accession to the WTO and the creation of a free trade area with the EU, it is necessary to:

1. Carry out a detailed gender analysis of all aspects of the trade policy connected with Ukraine's accession to the WTO and the creation of a free trade area with the EU.
2. Achieve greater transparency and more public debate concerning all political decisions connected with Ukraine's accession to the WTO and the creation of a free trade area with the EU.
3. Take into account the differences in income, in employment (in particular in the unofficial sector) and the rate of unpaid work of men and women, while defining the trade policy.

⁹ Gender Issues in Ukraine: Challenges and Opportunities. – Kiev: UNDP, 2003. – p. 30.

¹⁰ Ibidem.

4. The national tax policy should be analysed from the point of view of gender priorities. International experience has shown that the form of taxation – direct or indirect – influences the income of women and of low-paid groups. Women can benefit from large part of tax revenue reimbursed in direct taxation¹¹.
5. To develop a gender-sensitive financial sector, the state should adopt a policy which would grant men and women equal access to real estate, property, credits and savings. Such a policy should give priority to granting credits to small and medium female enterprises.
6. The policy of protecting consumer rights should be directed at women, who are the ones to be primarily responsible for the consumption and preparation of products in families and on the national market. Therefore, the strategy of constant production should ensure women's access to credits and new technologies, as well as control of land.

3.4. Cooperation in the field of justice, freedom and security

From the gender point of view, the cooperation in the field of judicial power and supremacy of law should include the implementation of the legislative basis already existing in Ukraine, which guarantees equal rights and opportunities of men and women, as well as establishing institutional mechanisms corresponding to the contemporary notion of gender equality.

¹¹ Maria Floro. Gender Audit of the Facilitator's Draft Outcome International conference on Financing for Development.

Creation of institutional mechanisms guaranteeing gender equality in Ukraine

The Ukrainian law on ensuring equal rights and opportunities of men and women entered into force on the 1st of June 2006. It opens new prospects for the development of institutional mechanisms. The second chapter of the law specifies a mechanism of ensuring equal rights and opportunities of men and women. State institutions enjoying authority in the area of ensuring equal rights and opportunities of men and women include: Verkhovna Rada of Ukraine, Verkhovna Rada's Plenipotentiary for Human Rights, the Cabinet of Ministers of Ukraine and a specially empowered central executive institution for ensuring equal rights and opportunities of men and women. Local government institutions, specially empowered coordinators for equal rights and opportunities of men and women chosen among their members and civil associations are also specified as included in the mechanisms of ensuring equal rights and opportunities of men and women.

All normative and legal acts in Ukraine are to be amended to conform to this law, and those which are contrary to its provisions are to be cancelled.

The fact that the provision on quota („the representation of each gender shall not be lower than 30% nor exceed 70% of the total number of candidates“ in nominating the candidates running for the general election in Ukraine¹²) was not adopted in the law shows that the agents of contemporary policy-making are not ready for putting the principle of gender equality into practice.

Gender policy is now to be realised by the Ministry for Family, Youth and Sport. But gender policy cannot be emphasised because of other tasks of the Ministry – defining and implementing the state policy for family, children, youth, physical education, sport, demographic processes, promoting the

¹² The draft law „On ensuring equal rights and opportunities of men and women“, presented by the Cabinet of Minister as a legislative initiative for the consideration of Verkhovna Rada (registration number 4415-I from 22.01.2004).

development of sport in Ukraine etc. The Department for Family, Gender Policy and Demographic Development is responsible for defining and implementing the state policy for family, demographic processes, equal rights and opportunities of men and women as well as preventing family violence. In September 2007, in order to coordinate the state policy for gender equality, the Interdepartmental Coordination Council for family, gender policy, demographic development and preventing human trafficking was created next to the Cabinet of Ministers.

The State Program for Strengthening Gender Equality in Ukrainian Society for the period up to 2010 specifies the following as its main tasks: to define and implement the state policy for ensuring gender equality; to adapt Ukrainian legislation to the EU legislation on ensuring gender equality; to create institutional mechanisms of ensuring equal rights and opportunities of men and women. Similar programmes for strengthening gender equality in Ukrainian society for the period up to 2010 have been prepared and adopted or are about to be adopted in all regions of Ukraine.

Working groups for implementing gender strategies have been attached to central and local executive institutions. These groups are composed of scientists and representatives of civil organisations. In particular, this will create the possibility to carry out the examination of teaching curricula and coursebooks in terms of their conformity with the principles of gender equality, to train or re-train specialists for ensuring equal rights and opportunities of men and women, to elaborate educational programmes aimed at eliminating gender stereotypes and creating gender culture.

Several obstacles for the functioning of institutional mechanisms can be indicated, such as: lack of understanding of the importance of European integration and gender strategies, absence of evaluating instruments or progress rates in the area of gender equality. Other significant obstacles are unclear mandates, insufficient funds and a shortage of competent specialists in the area of the functioning of institutional mechanisms.

Labour migration

According to official figures, approximately 7 millions of Ukrainians have migrated abroad to find a job, women accounting for 80% of them. However, not more than 500,000 migrant workers have an official work permit. The average monthly salary of a Ukrainian migrant worker is 800 USD (from 500 USD per month earned on Polish farms to 1,500 USD on construction sites in Portugal).

According to the data of the National Bank of Ukraine, the total migrant capital sent into the country through banking systems in 2006 amounts to almost 3 billion USD and another 3 billion was sent through specialised money transfer systems. However, in the opinion of some experts, the actual amount of money sent is a lot higher – almost 21 billion USD, that is one fourth of GDP in Ukraine and a lot more than the total figure of foreign investment in the country. This estimate is based on the fact that the vast majority of funds transferred by migrant workers are sent through unofficial channels – couriers, friends and relatives.

It is known that Ukrainian women are probably the ones who most often fall victim to sexual slavery and violence in Europe. Smuggling and trafficking in women is a problem for all countries. Ukraine has become the source of white slaves for the countries of former Yugoslavia, Hungary, Czech Republic, Italy, Cyprus, Greece, Turkey, Israel, USA, United Arab Emirates etc.

The state should carry out a policy of protecting its migrant workers abroad and create opportunities for them to return and use their knowledge, experience and money in the economy of the country.

Gender challenges in the field of justice, freedom and security

1. Despite the existing antidiscrimination legal basis, women are still discriminated against in economic, political and social areas.
2. The status, mandate and functioning of gender institutional mechanisms depend on the changes in Ukrainian government. These mechanisms

deal mainly with work and social issues, concentrating their efforts on the protection of mothers and children as well as on female employment.

3. Several obstacles for the functioning of institutional mechanisms can be indicated, such as: lack of understanding of the importance of European integration and gender strategies, absence of evaluating instruments or progress rates in the area of gender equality. Other significant obstacles are unclear mandates, insufficient funds and shortage of competent specialists in the area of the functioning of institutional mechanisms.
4. The government should create opportunities for the return of migrant workers, the majority of whom are women, and for investing their knowledge, experience and money in the economy of the country.
5. Reforms aimed at improving business climate in Ukraine, creating a favourable climate for the development of small and medium enterprises and lowering the rate of corruption should be continued in order to encourage people to stay.

3.5. Transport, energy, information society and environment

Transport

The main objectives of the EU-Ukraine cooperation in the field of transport and communication are: to increase the level of safety in transport and to adapt the relevant national legislation; to modernise and renovate fixed and rolling stock in transport; to increase the transit potential of the country, to develop the international network of transport corridors; to improve normative and legal regulations in the domains of transport, communication and computerisation.

The external loss of Ukraine due to low effectiveness of transport infrastructure amounts to hundreds millions of USD, and internal economic loss due only to road accidents exceeds 3 billion USD every year. During the

last 5 years 35,000 people died because of road accidents, that is 7,000–7,500 a year. Currently Ukraine has one of the highest rates of risk of death in a road accident, approximately 8 times higher than in Western Europe and 4 times higher than in Eastern Europe.

One of the reasons for such a disastrous situation is the unsatisfactory state of roads in Ukraine. Today in the streets of different populated areas in Ukraine more than 4,000 places have been registered as those where accidents happen regularly and on general access roads there are over 800 such places. Another reason is a low level of road manners both among the pedestrians and drivers.

Yet another reason is the insufficient effectiveness of prosecution and courts in cases referring to violating the traffic regulations and too lenient norms of responsibility for such violations. It is not normal that currently the fine for breaking traffic regulations in Ukraine is 17–85 UAH, if in Europe it is from 50 to 1,500 EUR and considering that after introducing high fines in Russia, the accident rate fell by 30–50%.

The European challenge for the central and local authorities is to develop the scope and quality of transport services, to strengthen the protection of rights and security of their users in accordance with European standards, to increase the mobility of the workforce, to create new jobs etc.

Bad organisation of municipal transport, lack of public transport timetables, traffic jams etc., all have a direct influence on health and the quality of life of both women and men. It is considered that about 75% of woman's health depends on her commuting to work and back home, so solving transport problems should become a priority for Ukrainian authorities and not one to be postponed.

Energy

The analysis of measures which would promote further integration of Ukraine into the energy markets of the EU member states shows both positive and negative consequences for everyday users of electric energy in Ukraine –

better protection of interests as to the price and quality of power supply services and among disadvantages – a sudden increase in costs, which, however, can be compensated by state social programmes. Apart from the sudden increase in power supply costs, another challenge for Ukrainian authorities will be the social support for elderly women, who, according to demographic figures, live 13 years longer than men and have to deal on their own with the problem of utility bills.

Since becoming an independent country Ukraine has lost over 5,000 miners and has the second highest mine death rate in the world, as it loses on average 317 miners a year. It is most disturbing that very often the wives of the deceased (especially if their husbands are classified as „disappeared without a trace“) have to wait years to receive damages. Currently, there is a debate concerning the expediency of closing dangerous coal mines in which the state is to consider female aspects of the problem – employment and healthcare for women living in coal-mining regions, social security and inclusion of widows etc.

Currently in Ukraine there are approximately 6,000 illegal coal mines, employing approximately 60,000 people, children and women included, which mine 5 million tons of coal a year. Those who died in illegal mines are not included in national statistics, since there is no proper control carried out by the state. Illegal mines do not pay taxes, do not support the social sphere and, as a result, coal-mining towns are deteriorating. The socially adopted way of reducing surplus workforce should take into account the employment not only of miners, but also of their wives.

Environment

The new member states of the EU have obtained considerable funds for environmental programmes. However, Ukraine needs some substantial investments to renovate inadequate service infrastructure of water supply, sewerage, solid waste management, power supply and heating. In some regions, the ecological infrastructure is on the verge of collapse with critical consequences for people's health and economic activity.

According to general estimates, 25–33% of all illness cases all over the world are linked to environmental factors. Some groups of people (the poor, children, women and aging people) living in particularly dangerous areas (especially areas of high waters or industrial areas) are subject to highest risk.

The European Regional Office of WHO is developing and testing a Pan-European system of environmental health indicators covering all principal environmental risks having influence on health. In our opinion, Ukraine should be included in the creation of the Pan-European environmental health indicators system.

In the national healthcare programmes, it would be advisable to introduce prophylactic tests for gender-specific diseases into primary medical care, taking into account the environmental risk factors in a given region, and to ensure family doctors have special training in environmental health issues.

Gender challenges in the fields of transport, energy, information society and environmental protection

1. The European challenge for the central and local authorities is to develop the scope and quality of transport services, to strengthen the protection of rights and security of their users in accordance with European standards, to increase the mobility of the workforce, to create new jobs etc.
2. Municipal authorities should take account the interests and opinions of both groups in the process of public consultations, that is they should develop a gender-oriented process of public participation in solving transport problems.
3. The socially adopted way of reducing surplus workforce should take into account the employment not only of miners, but also of their wives.
4. In the analysis of environmental programmes and budgets it is necessary to use detailed gender-sensitive data concerning the state of health, level of employment and density of population.

5. It is necessary to promote the participation of women in the environment decision-making process by supporting women's environmental NGOs and networks and by taking female initiatives into account in defining national environment policy at all levels.

3.6. People-to-people contacts

Education

The EU assistance for reforming and improving the education system in Ukraine in accordance with the EU standards is an important component of democratic development, social stability and economic competitiveness of the country. There has been some significant progress in this area.

In 2005 the Ukrainian government adopted the Concept of the National Program for Education Development for 2006–2010 aimed at integrating Ukraine into the European education area. Starting from 2010, Ukrainian students should obtain diplomas of the European model.

From the point of view of gender issues, the process of reforming and improving the education system in Ukraine should be aimed not only at ensuring equal access to education, science and technology for men and women, but also at introducing education on gender equality. The gender principle should be introduced in all teaching curricula for general and higher education institutions. It is also necessary to carry out courses on gender equality for different categories of civil workers.

According to the EU standards, in order to strengthen gender equality, both men and women should be included in educational programmes. Special emphasis should be put on the education of men with the objective of eliminating gender stereotypes on maternity or paternity leave. In deciding which of the parents is going to take leave, the needs of the family and of both parents should be considered. Experience shows that the idea of taking

paternity leave is unpopular and sometimes even perceived by men as humiliating.

Considering the role of women in taking care of the health of their family, but also of the nation, it seems that more attention should be paid to increasing the knowledge of both parents as to the protection of the health of their children. With regard to that, it is necessary to review all teaching curricula and materials in order to eliminate any negative gender stereotypes.

The national programme for strengthening gender equality in the Ukrainian society for the period up to 2010 includes a very broad spectrum of measures for gender education, courses and teaching. There was for example a Gender Awareness Class carried out on the 10th of September 2007 in general education institutions, and in November a competition for scientific works on gender issues was held among high school, graduate and postgraduate students.

Nowadays many universities and higher education institutions offer courses on gender issues. But in our opinion, the main problem for gender education in Ukraine is the insufficient number of specialists qualified in gender equality issues or of experts in economic, social and political aspects of gender equality.

Public health

In the first place we need to point out that doctors all over the world have been emphasising the need for different approaches to treating men and women for a very long time. Suggestions for developing gender-sensitive medicine were made all across the European Union, however, they are very far from being put into practice. The more so in Ukraine.

In comparison with men, women tend to have health problems earlier and they suffer from them longer in their older years. Women live longer than men, but they have health problems more often. The causes of health problems are very often not biological, but economic, social or psychological.

In Ukraine, as in other countries undergoing social transformation accompanied by mass impoverishment, the scale of death of so-called unnatural causes (accidents, murders, suicides) has increased. This category of causes of death is the second most frequent for men and the fourth for women. The mortality rate caused by psychic disorders has increased twofold in Ukraine. According to sociological research, women demonstrate a higher level of anxiety, fear and depression than men, which is probably their cost for better social adaptation.

According to recent data of the Gerontology Institute, the average lifespan in Ukraine is 74 years for women and 61 for men. Compared to the average lifespan in the European Union, Ukrainian women live 8–9 and men 12–13 years shorter than in the EU.

In Ukraine death is most often caused by cardiovascular diseases, cancer, accidents, poisonings, trauma and diseases of respiratory system. These are the causes of death in 88,6% of cases. On the whole, the greatest losses caused by the increasing death rate in the transformation period touched the economically active population, the mortality rate among men rose, increasing the gap in the average lifespan of men and women (which in is almost 13 years, compared to 5–6 in the EU member states).

The inaccessibility of quality healthcare also causes the reduction of the Ukrainian population. Currently in Ukraine an increase in gender inequality can be seen in all areas of social life, including women's access to medical care. This is a consequence of quality medical care becoming officially or unofficially paid, and women's financial means are more limited than men's. We also have to take into account that in Ukraine women are usually the ones to provide care for children and elderly people. So not only do women have a limited access to medical care, they are also responsible for taking care of the health of their family members.

Another acute problem is protecting the reproductive health of men. As far as reproductive health and environmental knowledge among parents is

concerned, we would like to emphasise the existence of many gender stereotypes such as for example that infertility and reproductive problems are mainly caused by women's health problems, or that women are solely responsible for procreation. According to the results of 2005 sociological research 40–50% of all 868,000 infertile couples in Ukraine are infertile because of men. 60% of people having sexually transmitted diseases are men, and in particular 6 out of 10 HIV-positive patients are also men.

In the domain of public health there is a positive example in the National University of Kyiv-Mohyla Academy, where a course in women's health was introduced. The objective of carrying out this course is to prepare specialists competent in public health protection – managers and social workers – having an interdisciplinary (bio-psycho-social) gender approach to the question of disease prevention and women's health protection.

Gender challenges in the domain of education and public health

1. Efforts should be made to introduce gender balance in the educational system, in particular drawing male teachers to general, specialised and higher education institutions.
2. The main problem for gender education in Ukraine is an insufficient number of specialists qualified in gender equality issues and, as a result, the EU's technical assistance in training such specialists is essential and indispensable.
3. Women's civil organisations should be included in the process of gender education, as they have a considerable experience in this field and have been cooperating with European women's organisations for many years now.
4. There is a lack of political willingness in Ukraine to recognise the demographic situation in the country as disastrous and take immediate steps to improve it.

4. Conclusions

As mentioned above, although the EU Strategy for Ukraine for the period 2007–2013 does include gender dimension as an essential issue, it still remains gender-neutral. This diminishes Ukraine's chances of reducing the poverty level as specified in the Development Objectives of the Millennium, complicates the process of building democracy and of attaining the European values.

The gender analysis of the six main areas of the EU Strategy for Ukraine for 2007–2013 presented in this document specifies the problems and needs of both men and women in the priority areas for Ukraine's approximation to the European Union. The recommendations presented after each chapter should help all social agents concerned about gender equality to lobby the representatives of authorities at all levels to realise their commitments on the implementation of the policy of equal rights and opportunities of men and women in Ukrainian society.

About Heinrich Böll Foundation Regional Office Warsaw

The Heinrich Böll Foundation (**Heinrich Böll Stiftung**), with headquarters in Berlin, is a German political foundation linked to the Bündnis 90/Die Grünen party.

The Foundation's basic objective, both in Germany and abroad, is civil education aimed at supporting formation of democratic attitudes, social and political activism and understanding between nations. Its key values are: ecology, democracy, solidarity and nonviolence.

The Foundation is particularly devoted to building a democratic society based on respect for the rights of immigrants and the principles of gender democracy, understood as a domination-free relation between women and men. Both those principles constitute a basis for cooperation inside the Foundation, as well as in all areas of its public operation.

International operation of the Foundation involves cooperation with over 160 partner organisations from 60 countries on 4 continents, as well as running 27 foreign branches.

For over 15 years, the Foundation has been active in Central Europe, including Poland. In the 1990's, the Foundation mainly supported projects of partner organisations working towards human rights, equal opportunity for women and men, and balanced development of the natural environment. The Polish branch of the Foundation inaugurated its operation at the beginning of 2002, when the negotiations before EU accession of the countries of Central Europe reached their final stages. One of the tasks of the Polish branch

was to monitor and support actions aimed at inclusion of the equality perspective into the process of integration of those countries with the EU. Since the accession, the branch has faced new challenges: it initiates and supports social and political debate in Central and Eastern Europe (i.e. in Poland, the Czech Republic, Slovakia and Ukraine), including the perspective of other issues close to the „Greens“.

At the moment in Central Europe the Foundation implements the programme entitled „Our New Europe“, aimed at reaching an agreement between the „old“ and the „new“ members of the European Union and their neighbours on the principle issues of European politics. The programme is divided into regional components: „Dialogue Forum Europe“, „Gender Democracy and Women’s Politics“ and „Energy Policy and Protecting the Climate“, as well as national components: „Democratic Ukraine“ and „Integrated Development of Rural Areas“. The Foundation’s operation across the region is divided between the regional office in Warsaw, the national office in Prague, and the currently organised branch in Kiev.

You can find more information about Heinrich Böll Stiftung, its operation and publications on our websites: **www.boell.de** or **www.boell.pl**.