

# ANNALES

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## VSEBINA / INDICE GENERALE / CONTENTS

<b>Jasna Podreka &amp; Milica Antić Gaber:</b> Femicid: pomen poimenovanja pri preučevanju nasilnih smrti žensk <i>Femminicidio: l'importanza della denominazione nell'esaminazione delle morti violente delle donne</i> <i>Femicide: the Meaning of Naming in the Study of the Violent Deaths of Women</i> ..... 1	<b>Renata Allegri:</b> The Terraced Landscape in a Study of Historical Geography <i>Il paesaggio terrazzato in uno studio di geografia storica</i> <i>Terasirana krajina v študiji zgodovinske geografije</i> ..... 69
<b>Jasna Podreka:</b> Characteristics of Intimate Partner Femicide in Slovenia <i>Caratteristiche dei femminicidi perpetrati da partner intimi in Slovenia</i> <i>Značilnosti intimnopartnerskega femicida v Sloveniji</i> ..... 15	<b>Martina Slámová, František Chudý, Julián Tomašík, Miroslav Kardoš &amp; Juraj Modranský:</b> Historical Terraces – Current Situation and Future Perspectives for Optimal Land Use Management: The Case Study of Čierny Balog <i>Terrazzamenti storici – la situazione attuale e le prospettive future per una gestione del territorio ottimale: il caso studio di Čierny Balog</i> <i>Zgodovinska terasirana krajina – trenutno stanje in prihodnje perspektive za optimalno upravljanje rabe zemljišč: študija primera Čierny Balog</i> ..... 85
<b>Magdalena Grzyb:</b> Violence against Women in Poland – the Politics of Denial <i>La violenza contro le donne in Polonia – la politica della negazione</i> <i>Nasilje nad ženskami na Poljskem – politika zanikanja</i> ..... 27	<b>Martina Bertović &amp; Goran Andlar:</b> Kulturni krajobraz sive Istre – analiza terasiranog krajobraza grada Oprtlja <i>Paesaggio culturale dell'Istria grigia – analisi del paesaggio terrazzato di Portole</i> <i>The Grey Istria Cultural Landscape – The Analysis of Town of Oprtalj Terraced Landscape</i> ..... 101
<b>Vedrana Lacmanović:</b> Femicid u Srbiji: potraga za podacima, odgovorom institucija i medijska slika <i>Il femminicidio in Serbia: ricerca di dati, risposte dalle istituzioni e immagine multimediale</i> <i>Femicid v Srbiji: raziskovanje, odgovori institucij in multimedijska podoba</i> ..... 39	<b>Ines Hrdalo, Anita Trojanović &amp; Dora Tomić Reljić:</b> The Terraced Landscape as a Part of the Dubrovnik Regional Identity: Cross Time Study of the Region Dubrovačko Primorje (Republic of Croatia) <i>Il paesaggio terrazzato come parte dell'identità regionale di Dubrovnik: ricerca nel tempo della regione Dubrovačko Primorje (Repubblica di Croazia)</i> <i>Terasirana krajina kot del dubrovniške regionalne identitete: raziskava regije Dubrovniškega Primorja tekom časa (Republika Hrvatska)</i> ..... 125
<b>Boštjan Udovič &amp; Danijela Jačimović:</b> Osamosvojitve držav in »pozaba« zgodovinskih dosežkov: primer ne-nadaljevanja gospodarske diplomacije Jugoslavije v Sloveniji in Črni gori po njuni osamosvojitvi <i>L'indipendenza degli stati e «l'oblio» dei loro risultati storici: il caso della discontinuità della diplomazia commerciale in Slovenia e nel Montenegro</i> <i>The Independence of Countries and the "Forgotten" Legacy: the Case of Discontinued Commercial Diplomacy of Socialist Yugoslavia in Slovenia and Montenegro</i> ..... 55	

<b>Boris Dorbić &amp; Milivoj Blažević:</b>	Kazalo k slikam na ovitku .....	162
Povijesni prikaz uzgoja i zaštite ukrasnih ptica u Šibeniku tijekom 20. stoljeća	<i>Indice delle foto di copertina</i> .....	162
<i>Rassegna storica dell'allevamento e della protezione di uccelli ornamentali a Sebenico durante il XX secolo</i>	<i>Index to images on the cover</i> .....	162
<i>A Historical Review of Breeding and Protection of Ornamental Birds in Šibenik during the 20th Century</i> .....	Navodila avtorjem .....	163
	<i>Istruzioni per gli autori</i> .....	165
	<i>Instructions to Authors</i> .....	167
		141

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## VIOLENCE AGAINST WOMEN IN POLAND – THE POLITICS OF DENIAL

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### ABSTRACT

*The paper discusses how that political climate in Poland and the politics of the present government enforcing patriarchal ideology can affect and further undermine already limited women's rights. The author tracks the situation of women during the communist era, during the transformation and while shaping liberal democratic order. It introduces a concept of the 'politics of denial' of violence against women as a suitable analytical framework that helps to understand the dynamics of Polish public debate in last decades, and also reasons and implications of such a political stance.*

**Keywords:** women's rights, violence against women, Poland, Catholic Church, gender equality, post-socialism

## LA VIOLENZA CONTRO LE DONNE IN POLONIA – LA POLITICA DELLA NEGAZIONE

### SINTESI

*L'articolo discute su come il clima politico in Polonia e la politica dell'attuale governo, il quale impone l'ideologia patriarcale, possano influenzare e ulteriormente indebolire i diritti delle donne, già piuttosto limitati. L'autrice traccia la situazione delle donne durante l'era comunista, durante la fase di transizione e nell'attuale sistema democratico liberale. Introduce il concetto di "politica di negazione" della violenza contro le donne, come un quadro analitico adatto per aiutare a comprendere le dinamiche del dibattito pubblico polacco negli ultimi decenni, nonché le ragioni e le implicazioni di una tale posizione politica.*

**Parole chiave:** diritti delle donne, violenza contro le donne, Polonia, la Chiesa cattolica, uguaglianza di genere, post-socialismo

## INTRODUCTION

Femicide is a killing of a woman because of her gender. It is the ultimate form of violence in the continuum of violence that women suffer in patriarchal societies. It takes different forms across the world, although the most common one form is killing of women by their partners or relatives. The term femicide it is not only a simple acknowledgement that some women are killed because of their gender. It does not only suggest that femicide is a form of discrimination that women suffer in patriarchal societies. Besides that, it is a political call for action to end violence against women and femicide as its most extreme manifestation (ACUNS, 2013). The mere public acknowledgement of femicide as a fact can become an important political step that many countries and policymakers are still reluctant to make.

The Global Study on Homicide 2013 (UNODC, 2014) indicates that almost half of all female victims of homicides worldwide have been killed by their family members or partners (former or present), while among male victims only 1 in 20. It is estimated that of all the females killed in 2012 (93 000 women), 47% (43 600) were killed by their relatives or intimate partners, whereas only 6% (20 000) of all male victims were killed in analogical circumstances. Accordingly, at the global level, more than twice as many women as men are killed by their intimate partners or family members. In Europe itself the data from 15 countries shows that 55% of killed females are killed by their intimate partners whereas only 18% of men are killed in such a way.

Femicide is a widespread phenomenon, ubiquitous in every country, also in Poland. Despite dynamic research on femicide, internationally and in most Western and many non-Western countries, there are still no reliable studies nor official statistics regarding femicide in Poland.

The article explains the lack of political and public interest in violence against women, including femicide, in Poland and traces its roots in overall context of the women's rights predicament in post-communist Poland. Part 1 presents the current estimates of the female homicide victimization in Poland and discusses its credibility. It argues that despite the lack of official data and political recognition, the issue of violence against women is highly politicized. Part 2 describes the broader context of women's rights before and after 1989 in Poland and how the democratic transition affected gender equality. Part 3 focuses on current political debates around violence against women, particularly on occasion of ratification of Istanbul Convention. In conclusion I will try to summarise how that political climate and the politics of the present government enforcing patriarchal ideology can affect and further

undermine already limited women's rights. In my argument, I introduce a concept of the 'politics of denial' of violence against women as a suitable analytical framework that helps to understand the dynamics of Polish public debate in last decades, and also reasons and implications of such a political stance.

## LACK OF OFFICIAL (AND UNOFFICIAL) DATA ON FEMICIDE

Despite the fact that Poland ratified the *Council of Europe Convention on preventing and combating violence against women and domestic violence* (Istanbul Convention) in 2015 which obliges State parties to collect disaggregated relevant statistical data, and support research on violence against women (article 11), there is still no official data on forms of violence against women covered by the Convention nor homicide data disaggregated by gender of the victim therefore no one is able to measure female homicide victimization in Poland.

Media releases reproduce two figures that are actually estimates, quite disparate ones. The first is that each year approximately 400–500 women are killed (but also commit suicide) as the result of domestic violence. This is an estimate published in brochure *Stereotype beyond the Law. The Criminal Justice in cases of family violence related homicides* launched by Women's Rights Centre (CPK, 2014). That number though seems highly exaggerated and improbable, given the relative low homicide rates for the whole population (in 2016 there were 456 homicides overall).<sup>1</sup>

The second number reiterated in the public discourse is 150 female homicides. That figure comes from Beata Gruszczyńska's study on violence against women (Gruszczyńska, 2007) conducted in 2004 which was the part of International Violence Against Women Survey. However, since the survey did not cover lethal violence that number seems also to be an estimate. Given that overall homicide rate was at that time roughly 980 (in 2004) 848 (in 2007), the number of 150 female victims of lethal domestic violence seems plausible. Nevertheless, such a figure is still an approximation.

Given that according to Global Study on Homicide (UNODC, 2014, 13, 50) an average rate of female homicide victimization in Europe is 28% (based on conviction rates, not police data) one can assume that probably also in Poland less than one third of all homicides victims would be female. That would give us around 128 female victims in 2016. Moreover, the share of intimate partner/family-related homicide in Europe also accounts for 28% of all homicides. Hence the estimation of that sort of homicide, which affects mostly women, would also be around 128.

1 Source: Police statistics, <http://www.statystyka.policja.pl/st/kodeks-karny/przestepstwa-przeciwko/63411,Zabojstwo-art-148.html> (last access: 22. 5. 2019).

Basically, Poland has quite low homicide rate that has been gradually decreasing since 2005, however one has to bear in mind that intimate partner/family-related homicide has totally different dynamics than other types of homicides. Their enduring factors may prevail and resist decreases in overall homicide rates (UNODC, 2014, 51), thus their overall share in dynamic homicide rates may vary. The decrease in homicide rate in Poland is attributed chiefly to demographic factors – the generation of baby boomers born in 1980s grew. Currently, according to Police, 9 in 10 homicides are related to family or acquaintance disputes. Most of perpetrators knew their victim for years beforehand.

The mainstream media seldom covers femicide cases, and if ever, it never frames it as a structural problem of gender-power relations and/or gender inequality issue. The latest high-profile case that captured public attention was from August 2017 of a young 26-years old woman who died as a result of injuries after 10 days-long abduction and gang rape by three men. The victim met one of the perpetrators in public transportation and accepted his invitation to a house party. Once she arrived she realized there were only two other men and she was locked in the apartment with them. After 10 days in captivity, she managed to escape, yet few days later she died in hospital of injuries. The case was depicted as an unusual act of cruelty, the perpetrators being referred to as ‘degenerates’ (Super Express, 2017). The media criticized the Minister of Justice, Zbigniew Ziobro, for penal populist exploitation of the tragedy (Płatek, 2017). However nowhere, either in tabloids or mainstream press, not even progressive liberal ones, the crime was framed as misogynous crime or even an act of violence against women or gender inequality issue. That kind of framework of analysis seems alien to the Polish public debate. The systemic and structural dimension of violence against women, so the gender component of such crimes, are in fact refused.

#### POLITICAL INSTRUMENTALIZATION OF VIOLENCE AGAINST WOMEN

The victimization surveys on non-lethal forms of violence against women indicate rates similar to other countries in the region. The above-mentioned IVAWS survey from 2004 showed that 30% of women experienced physical violence in their lifetime and 6% in last year, and 16,5 % experienced sexual violence in their lifetime (3,2% were raped) and 1,6% within last year (Gruszczyńska, 2007, 58–61). The recent FRA survey (2014) conducted in 2012 showed slightly lower rates: 19% of women experienced physical violence since the age of 15 (4% in last year), and 5% experienced sexual violence (1% in last year prior to interview) (FRA, 2014). The FRA survey (2014) was the first EU-wide study using uniform methodology that demonstrated that there were not great disparities in rates of

domestic violence within all EU countries (it showed less variation than other international surveys), hence it is rife and of a great concern in every single European country. Nonetheless, the FRA survey displayed also that Poland was the country with the lowest rates of violence against women. This information has been politically abused.

Right-wing politicians, particularly of Law and Justice Party (PiS) and journalists used these results in public and political debate as a pretext to belittle or even deny the existence of the violence against women in Poland. It was also exploited as an ultimate argument to reject the Istanbul Convention, which according to them (and the hierarches of Polish Catholic Church statements) was posing a threat to Polish family, Polish tradition and our Christian legacy. They were saying ‘since we have the lowest rates of VAW in Europe, VAW is not an issue in Poland, and we do not need such a Convention. We have always treated our women with respect and no one will tell us otherwise or impose on us an obligation to eradicate our values/traditions and so forth’ (Grzyb, 2014).

The women’s rights organisations contested these results as underestimated. They argued that there had to be something wrong with the methodology or interviewing method, and that the authors did not take into account our cultural context and very low willingness among women to report/talk about victimization experiences (Grabowska & Grzybek, 2016, 13–14).

The most recent study, published in 2016 by a NGO STER (Grabowska & Grzybek, 2016), conducted on a sample of 541 women, showed way more ‘alarming’ rates. For instance, 22% of women since the age of 15 have experienced rape (unwanted intercourse (8% of perpetrators were strangers, 63% ex-partner, 22% current partner); 37% have experienced some other form of sexual violence; 87% of women suffered some form of sexual harassment. As far as reporting is concerned, 91% of victims did not report a sexual violence to the Police. Nevertheless, the sample of that survey was said unrepresentative.

The whole situation, namely a denial of violence against women, is actually a part of a wider phenomenon observed in Polish politics since transformation that has exacerbated in recent years, namely the withdrawal of an entire women’s agenda in democratic Poland.

#### ANTI-FEMINIST AGENDA IN POLAND SINCE 1989

##### Communist era in Poland 1945–1989

Political reluctance or even actual denial of violence against women in Polish politics is part of larger anti-feminist agenda set since the collapse of communism. Democratic transition and establishment of liberal democracy were shaped by two ideological forces –



neoliberalism and conservative Catholicism – which combined undermined gender equality. It affected both the gains of communist era and new challenges that emerged later.

The imposition of communist regime in Poland by Soviet Union after World War II in 1945 meant a radical social change, a breaking down the *ancien regime* and construction of a new society. New authorities were fiercely fighting tradition, and so were the old elites and the Catholic Church that was holding hegemonic position in Poland. Both, existing elites and Catholic Church were being perceived as reactionary forces. Apart from robust industrialization, modernization, post-war reconstruction, the social upheaval also intended social equality, which of course included equality between men and women. One of the main goals of communism, particularly in its Stalinist version (Fidelis, 2010) was the advancement of women particularly in terms of equal participation in labour force and doing the same work as men. Communist regime was formally pursuing gender equality as a key element of its ideology. Women were legally equal to men, had their reproductive rights guaranteed and had broad access to education and labour market. They could enjoy rights and access to education, labour sphere and economic independence that their female peers in capitalistic bourgeois West could only dream of (de Beauvoir, 1949).

It is noteworthy though that the massive inclusion of women into the workforce during the post-war period was the result both of policies imposed by the authorities and of economic necessity, but not of the individual decisions of the women themselves nor of the manifestation of its real liberation. Since equality in the employment,<sup>2</sup> economic and reproductive rights was imposed “from above” by the State, the change of the system and public discourse was not preceded or accompanied by the change of social mentality in this regard (Zielińska, 2011; Marody & Giza-Poleszczuk, 2000).<sup>3</sup> In the private sphere, women continued to be oppressed. Socialist emancipation did not mean liberating women from domestic tasks or involving men, but rather facilitating them through technological progress and mechanization. One of the strongest feminist critiques of state socialism, is that despite the progressive policies that helped women in employment and education, the State failed to reduce gender inequalities within the family – women were still expected to manage the household and care for children, husbands and elderly or sick relatives – as well as the workplace where the gender wage gap and segregation persisted (Mishtal, 2015, 166).

It is also important to bear in mind that the majority of society, especially in the early years of the regime, was very hostile towards the communists. As the sociologist Henryk Domański (2014, 185) points out, the Communist system had little support in Poland. The symbolic image of Polish women during Stalinism – a young and cheerful woman on the tractor – then disappeared and the authorities after 1956 returned to the more traditional imaginary of women. This retreat aimed as a way of legitimizing the authorities towards society (Fidelis, 2010). The communists stopped enforcing gender equality in society. It was also observed in the workplace. Although women did gain access to employment, segregation to the ‘male’ and ‘female’ jobs persisted. Likewise, their opportunities for promotion at work were not the same as men’s. Consequently, traditional female roles rather than transforming were upheld. It was only complemented by the new duty of professional work. Professional work for many women meant only additional burden to their domestic duties (Ślusarczyk, 2014, 282), not liberation or personal fulfilment. And hence it is said, that forced equality was in fact in many cases illusory.

In fact, what the communism did accomplish in Poland, was the mass incorporation of women’s labour into production sphere, however in private/moral sphere women were still subject to conservative and traditional gender roles and patriarchal domination (Fidelis, 2010). Economic empowerment of women was not followed by their moral/social emancipation from traditional gender roles.

While women gained economic independence in the communist regime, their labour and reproductive rights (since 1956 abortion was legal) were ensured, people used to seek refuge in private life and in the Church as the only places where they could hide from the ideological power of the State. Family and Church became bulwarks of freedom and at the same time the refuge from the oppressive State. As a result, women felt appreciated for their position in the family and did not want or strive for success in professional or public activity. According to some historical explanations in the period of the communism in Poland, women were accepting their discrimination, because, exactly as in old times of noblesse, thanks to their high position in the family and the Poles’ appreciation for family life and Christian values, discrimination did not threaten their self-esteem and dignity.

This was also the case when the first democratic opposition movements emerged in the 1970s (Titkow, 1995). In fact, women played an important role in democratic opposition movement during the 1970s and 1980s

2 The legislator in the workplace granted women certain privileges and protection measures regarding their reproductive role and which would compensate for opportunities in the labor market. What is more all jobs were provided by the State, since the private sector was inexistent, thus there was easier to secure women employment.

3 The self-satisfaction of the legislators of that time was expressed in the opinion that the legal system in the countries of real socialism is so progressive that it overtakes the aspirations of the women themselves (Walczewska, 1999, 65).

(Penn, 1994). They constituted half of the members of massive *Solidarność* movement, carried out organizational, logistic and communication tasks. When during the 1980s male leaders were imprisoned or hidden, they took on the mission of upholding and developing the movement. However, feminism was regarded by them either as an unfulfilled Party promise or as a Western capitalist indulgence (Penn, 1994, 57). Moreover, groups and movements linked to the Church actively participated in the opposition, and subsequent transition and the formation of the new democratic order.

The Catholic Church played very important role in the period of communism since it emerged as the only independent structure from the authorities and as an alternative to the ideology of communism, gaining moral authority as the only force that managed to oppose the communist regime, despite the fact that it was not exactly the truth (Fidelis, 2010; Sowa, 2015). The election of Karol Wojtyła as the Pope and his pontificate of John Paul II strengthened the position of the Polish Church *vis-a-vis* the communists and then during the transition and shaping of the new democratic system.

The radical reinforcement of the Church and the conservative model of the family began during the last years of the regime. Solidarity movement leaders glorified family and traditional gender roles as the nuclei of Polish identity and patriotism. Lech Wałęsa, the leader of Solidarity movement identified very strongly with the Church. One can say that the Catholicism, religious values and Catholic Church as an institution were perceived as anti-systemic forces that contributed to the collapse of the communist system. As a social scientist and priest Piotr Mazurkiewicz (2014, 202–203) claims:

*The events of 1989 are sometimes perceived as the triumph of the Catholic Church over communist dictatorship. With no doubts, at the time of the Polish People's Republic, the Church played a particular role, unlike in the other Eastern bloc countries. It survived all attempts to surrender to the state and remained the only independent institution. It was in the Church where opposing groups that had different worldviews after 1981 found an adequate space of freedom. [...] The symbolic achievement of this victory was reflected in the invitation of the representatives of the Catholic Church to participate in the negotiations of the Round Table (1989) as a witness and guarantor of the agreements signed.*

Subsequently, the same content and values – Catholic and conservative – forged the new reality after 1989. Particularly the first decade of the III Republic of Poland

was marked by the recovery of its territory, i.e. the spontaneous saturation of public institutions, public life and the politics with Catholic ideology (Mazurkiewicz 2014, 204–205). Enormous ideological contribution to the new post-communist order together an image of the Catholic Church as a moral winner over communism turned out to have detrimental effect on women's rights agenda and subsequent denial of violence against women.

### Democratic transformation

Despite women actively participating in the democratic opposition since its beginnings in the 1970s and then in Solidarity movement, their activity was focused on the general struggle for workers' rights or democratic reforms and did not embrace any feminist postulates. On one hand thus women's rights were not part of the rights that *Solidarność* was fighting for, on the other, during democratic transition the contribution of women, and their role had been silenced and they were excluded from the construction of democracy (Penn, 1994).<sup>4</sup> It soon became clear that the transition to democracy and liberalism for women resulted in the reversal of their rights.

One of the landmark features of the political transformation period in Poland is that it has been accompanied by an increase in the importance of the Catholic Church and an incorporation of its ideology into the legal order, especially in education system, family life and reproductive rights. From an independent trade union *Solidarność* became a party allied with the Catholic Church. So the first democratic governments were right wing composed of ex-solidarity members, and enjoyed the support of the Church. The latter substantially shaped the new order in democratic Poland, reminding women of their natural caregiving duties in households and renouncing their reproductive rights. Therefore, in the period of transformation there were changes in the law intended to exclude women from public life and restore their traditional role in the family ("strengthening the family") (Zielińska, 2011).

The most controversial reform was the introduction of the abortion ban in 1993 (legal since 1956) accompanied by protests by women's groups. The decision was considered as the symbolic ideological turn of the State. In 1992, the Civil Procedure Code was amended with respect to divorce in order to hinder access to divorce.<sup>5</sup> In 1997 the Constitutional Court declared the 1996 law, which liberalized access to abortion, also for social reasons, as unconstitutional, referring to the protection of the foetus.

The other particular feature of the transition was the establishment of the neoliberal economic model that was to be the redress for the malfunctioning and inef-

4 For example in the Round Table meetings - that is, the negotiations of the Communist Party with the democratic opposition – in 1989 for 60 participants of the democratic opposition there was only one woman.

5 Divorce litigation was transferred from the jurisdiction of the district courts (the first instance for all suits) to the regional courts (in principle the second instance).

ficient economy (it was after the Minister of Economy ‘Balcerowicz Plan’). The model of the socialist welfare was replaced by the neoliberal model. This resulted during the 1990s and 2000s in the dismantling of the social insurance system and social infrastructure, such as child day care facilities for working mothers. Certain privileges and protection measures for women in the employment with respect to their reproductive functions and maternity, which under the conditions of socialist economy benefited them, in capitalism and free market were a factor leading to the exclusion of women from the labour market (Zielińska, 2011, 107–109).

Indeed during the years following the transformation, the family and its symbolism have been used as a totem in the ideological and political game. According to the right wing political ideology prevailing within the new system and bolstered by the Catholic Church, the emancipation of women was exclusively associated with its false communist version. The main objective of this game was to recreate and reinforce the patriarchal social relations, the exclusion of women from public life and their return to the private sphere. The shift from socialist to neoliberal state meant the transfer of the responsibility in social sphere to the family realm, i.e. virtually to women, which contributed to the re-establishment of the new-old gender order and women’s exclusion from public life (Zielińska, 2011, 114). As described by the sociologist Małgorzata Fuszara (2011) and supported by public opinion polls, the causes of women’s underrepresentation in political life are above all the burdens and responsibilities in the private sphere, not being able to reconcile them with the activity in public life, and discrimination and obstacles placed in front of women by men (preferential treatment of men and fear of competition from women). As Polish-American scholar Joanna Mishtal (2015, 74) pointed out, state’s feminism of the socialist era resulted to be a double-edged sword. On the one hand many important rights were handed down to women by the regime, but on the other hand, these top-down gains contributed to women’s political passivity after 1989. The feminist movement actually awoke as the reaction to the establishment of a new ‘gender order’ in the 1990s. Feminist groups have emerged in the region since 1989, though they never succeeded in entering into political mainstream or gain massive involvement.

Thus, the traditional conservative values bolstered by right wings politicians and policies and the Catholic Church in the post-communist period overlapped with neoliberal model in economics, so one can term the new ‘gender order’ in democratic Poland as *catoneoliberalism*, since these two ideologies shaped the new political system and social policies in Poland following the collapse of the communist regime. The key aspect of

*catoneoliberalism* in terms of women’s rights are reproductive rights, however it also impacted deeply public and political acknowledgement of violence against women, when the that process started in 1990s.

#### THE POLITICS OF VIOLENCE AGAINST WOMEN

Restricting reproductive rights became a key public tool of the church and the conservative right to reassert their political dominance, and revive the masculinism of the patriarchal society of the past (Mishtal, 2015). Yet the politics and public responses to violence against women and domestic violence were also deeply affected by ideological climate of III Republic and fell within political reluctance to any feminist postulates. The additional obstacle to recognize the gendered nature of domestic or sexual violence and gender inequality issue was the fact that there had already was one provision in Polish Penal Code regarding domestic abuse.

As a matter of fact, domestic violence was criminalized by the Polish legislator as early as 1932, although only with regard to the abuse of dependent, especially vulnerable persons, or dependent children, but not any family member. The Penal Code of 1969 in Article 184 typified the crime of habitual physical or psychological abuse – exercised over the family member, another person dependent on the perpetrator, a minor or especially vulnerable person. That offence was punishable with a penalty of 6 months to 5 years of imprisonment. The aggravated type was when the victim attempted suicide as the result of the violence suffered. Then the penalty was harsher, from 1 to 10 years in prison.

The new Penal Code from 1997 basically included the same offense in the article 207, but reduced the minimum penalty to 3 months of imprisonment, although the sentence was increased by the attempted suicide of a victim from 2 to 12 years in prison. The other aggravated type was also punishable with a penalty of 1 to 10 years’ imprisonment, when violence was exercised with a special cruelty.

The introduction of the offense of habitual abuse in the family to the penal code in Poland in 1969 was obviously not the result of the activism of feminist groups (in the 1960s even the second-wave feminism in the United States did not denounce the problem) – in-existent in communist countries at that time – but of international obligations aimed at criminalizing tortures.<sup>6</sup>

The offense of domestic abuse is constructed in a neutral way and does not bear any reference to gender. It is part of the chapter on crimes against the family and custody, therefore the protected legal good is the well-being and proper functioning of the family unit and each of its members. Criminal law professor Maria Szewczyk (2006) argues that there is also a second-

<sup>6</sup> See for example: Article 3 of the European Convention on Human Rights of 1950, article 7 of the International Covenant on Civil and Political Rights of the United Nations of 1966. For communist Poland, the relevant one was only the latter.



Image 1: "Because the soup was too salty", campaign "Stop Domestic Violence", 1997 (Source: [kampaniespoleczne.pl](http://kampaniespoleczne.pl)).



Image 2: “Because he had to let off steam somehow”, campaign “Stop Domestic Violence”, 1997 (Source: [kampaniespoleczne.pl](http://kampaniespoleczne.pl)).

ary protected legal good which is – depending on the intensity of the abuse – life, health, physical integrity, freedom and dignity of the victim.

Although family mistreatment constituted an offense in Poland long before the world feminist movement began to denounce the phenomenon of wife battering, and following the social recognition of the problem in Western societies, it was not accompanied whatsoever by social awareness or political recognition of the problem.

Since the period of political transition has been marked by the revival of the right-wing ideology and influence of the Catholic Church on public life, the issue of partner violence did not emerge in public discourse until 1997. That year the first social media campaign “Stop Domestic Violence” was launched. The posters with the victims’ photos and the texts – banal excuses of abusers, like “Because the soup was too salty” were hung all over the country (Images 1, 2 and 3). The campaign proved to be very successful in terms of raising social awareness on the subject. Moreover, apart from raising awareness, the campaign was intended to popularize the help line number (so-called “blue line”) for victims of abuse that was launched in 1996 and financed from public funds. In the aftermath of the campaign, number of calls to the line increased by 70%.<sup>7</sup>

The next important moment came in July 2005 when the Polish Parliament adopted the *Counteracting Family Violence Act*. The Act was the initiative of the Government Plenipotentiary for Equal Treatment Izabela Jaruga-

Nowacka. Although some important provisions (such as the protection or eviction orders imposed by the police of the immediate regime) were removed during legislative process in parliament, the adoption of the law itself was a success. The enactment of the Act was related to the processes of EU accession in 2004. The regulations of the Act were inspired by the Austrian model. The bill was the first legislative framework to address the problem of family violence systemically (Spurek, 2011). It contains above all provisions and tasks for public administration in the field of eradicating family violence, treatment rules for victims and for perpetrators. The amendment from 2010 introduced a ban on corporal punishment of children and established interdisciplinary teams within each municipality to tackle cases of family violence. One of the Act’s most important advances in the system’s response to violence in the family has been the introduction of the so-called “Blue Card” procedure (Article 9d). The procedure covers all activities undertaken and implemented by representatives of social welfare organization units, alcohol problems, municipal committees, police, education and health care, in relation to the suspected occurrence of violence in the family. These representatives are also the members of the interdisciplinary team (set up in each municipality) to solve the problems of violence in the family established by the law reform in 2010. This is an expression of the comprehensive and multi-agency approach. Besides the introduction of protective orders, the law does not resort actually to the penal system.

<sup>7</sup> Information about the campaign: <http://kampaniespoleczne.pl/bo-zupa-byla-za-slona/>.

Furthermore, the public response to violence in the family environment is not characterized by any reference to gender and the fact that women are primary victims of domestic violence and most common form of domestic violence is intimate partner violence. Such an approach falls within family violence paradigm (Gelles, 1985).

Polish lawmakers are extremely cautious about making any legal provision being gender neutral and not to privilege women in any case. When during legislative works in 2010 expert law professor Eleonora Zielińska, proposed to include in the preamble a statement that the victims of family violence are mostly women and that violence has a gender dimension, the MEPs rejected this proposal. They agreed only on the statement that family violence constitutes a human rights violation (Spurek, 2011, 60). Among Polish politicians and big part of the society, a myth has persisted that domestic violence is a private problem that must be resolved within the family and in which the State should not interfere. Only recently such a belief begun to change slowly. This also explains their strong objection to the introduction of the prohibition of corporal punishment on children and, what was also very visible during the parliamentary work, the greater concern for the perpetrators of the violence than the victims themselves, who in case of issuing eviction order, had nowhere to go and this would violate their property rights (Spurek, 2013, 97–100, 110–111).

Battered women won their place in mainstream politics only in 2012 when public debate broke out around signing and ratifying the Istanbul Convention. The question of ratification of the Convention became a battle for ideological domination. The Catholic Church, which at that time faced scandals and accusations of tolerating paedophile priests, took advantage of the issue and strongly opposed the Convention as a supposed manifestation of “gender ideology” – an anti-Christian, destructive and pernicious for Polish identity and Polish families. Political conservatism, widespread within all political parties, together with the moderate and opportunist politicians gave way to the Catholic hierarchy, although since 1990s the Church has been gradually losing the base in the society.<sup>8</sup> It seems clear that the Convention and the political instrumentalization of the problem of battered women has served the hierarchs of the Church as a means of symbolically marking the territory, the governance over Polish family and women’s bodies. Politicians in Poland still believe that without the Church’s support they will not win elections. The political obstruction lasted more than two years. Finally, the Parliament adopted the Convention in February 2015 and the President Bronisław Komorowski signed it (i.e. ratified) in March 2015.

Conservative and Church-related politicians and journalists were particularly opposed to the notion that violence against women has structural dimension and is rooted in cultural patterns that attribute to women subordinate and inferior roles to men, and also that the Convention obliges combating tradition, i.e. Polish culture and its Catholic identity (Article 12 of the Convention). They argued that the victims of family violence are already sufficiently protected by existing laws, and that the rates of violence against women are also the lowest in Europe (they referred to the FRA Report), so there was no need to adopt the Convention (Grzyb, 2013).

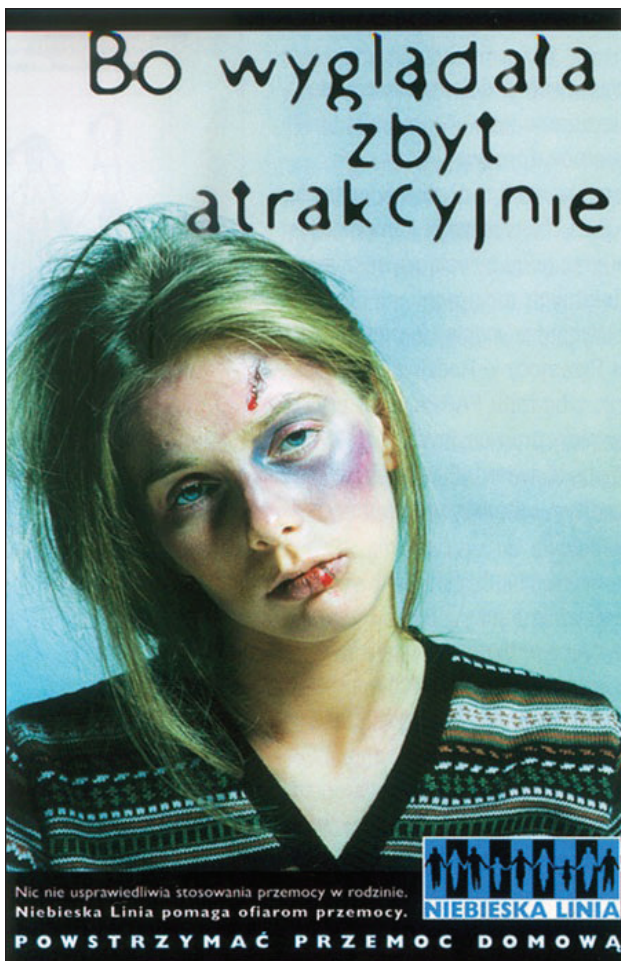
In such a political climate, when even a statement that violence against women was a serious problem in Poland seems challenging. Emergence of femicide in public realm, which entails political call for action, seems virtually impossible.

Denying or downplaying the extent of violence against women and femicide and its discriminatory facet is a form of upholding patriarchal domination over women in *catoneoliberal* society.

When in 2015 Law and Justice (PiS) party won parliamentary elections and their candidate Andrzej Duda became a president, the predicament of women’s rights has exacerbated. The main battlefield in ideological struggle remained reproductive rights. So-called *Black Protest* against ruling party’s plans to introduce total ban on abortion (in any case) and criminalize women, in October 2016 led hundreds of thousands of Polish women all over the country on the streets to defend scarce reproductive rights they had left (Kubisa, 2017).

Nevertheless, the ultraconservative authoritarian populism of PiS also has affected the area of policies against family violence. The ruling party, before it came to power, strongly opposed the ratification of Istanbul Convention, and from 2012 joined the campaign against so-called “gender ideology” initiated by the Church. Between one and another rumour that the government was preparing to revoke Istanbul Convention, the current President Andrzej Duda in February 2017 stated publicly not apply Istanbul Convention by public institutions. It seems that for ultra-conservative and populist Law and Justice party it is not domestic violence itself that poses a threat to Polish families, their unity and well-being, but rather laws and organizations fighting the problem. In 2016 the government cut funding to NGO’s helping women victims of domestic violence, alleging that their service was discriminatory, since they were providing help only to women. In this way the government launched the politics of gender-denial, which was a step further from dubious gender-neutral.

<sup>8</sup> Church statistics confirm the secularization of Polish society. Since the 1990s, the number of people who attend the service every Sunday has decreased by 10%, from 50 to 39%. Also since 2005 has doubled in number of people who declare that it is non-believer (from 4 to 8%) (Wiśniewska, 2012).



**Image 3: “Because she looked too attractive”, campaign “Stop Domestic Violence”, 1997 (Source: [kampaniespoleczne.pl](http://kampaniespoleczne.pl)).**

Despite all of that, in such a hostile political climate, the social consciousness is changing. In spring 2017 a wife of a young and promising local politician of PiS Rafał Piasecki went public with drastic recordings of him abusing her. The case received high media coverage and sparked public outcry. It also highlighted the hypocrisy of conservative defendants of tradition being

at power. Piasecki was known for his ultra-conservative, homophobic and traditional views. He was leading the Marches for Family every year in his hometown Bydgoszcz. He also excused his abuse with traditional and Christian beliefs about gender roles in the family.<sup>9</sup>

## CONCLUSION

During the communism 1945–1989 the gender equality in Poland was confined to incorporation of women to workforce and access to education. Communist state, except a short period of Stalinist era, did not challenge traditional gender hierarchy both in public and private realm. The chief role for women were to be a mother and a worker. As a consequence of democratic transition emerged a new ideological order coined by me a *catoneoliberalism* that resulted deeply disadvantageous to women’s rights and feminist agenda. Catholic Church, public institutions and competitive neoliberal labour market worked together to send women back to their sanctified natural female roles – mother and caregiver. In patriarchal order and traditional family there is no place for domestic violence against women. Wife abuse, gender-based violence and intimate partner femicide cannot be acknowledged as systemic and structural problems under *catoneoliberal* paradigm.

To acknowledge that femicide exists would mean that ultraconservative catholic ‘gender order’ is dysfunctional and men’s patriarchal domination over women enforced by the Church and the State is unfair and harmful for at least half of the Poles. To acknowledge on political level that gender-based violence prevails also in Poland is an attempt to undermine traditional and family values and an evidence that natural gender female role may not always be the best one for women.

The denial of violence against women serves to underpin patriarchal model of family and traditional gender roles. Patriarchal family –ideologically promoted by the Catholic Church and enforced by Polish governments after 1989 cannot have flaws, and domestic violence, so intimate partner femicide are imminent by-product of patriarchal system.

<sup>9</sup> Newsweek, Były radny PiS stanie przed sądem. Znęcał się nad żoną, 1. 12. 2017, <https://www.newsweek.pl/polska/polityka/byly-radny-pis-bije-zone-i-zneca-sie-nad-rodzina-pani-karolina-wrzucila-do-sieci/mgwosztpt>.

## NASILJE NAD ŽENSKAMI NA POLJSKEM – POLITIKA ZANIKANJA

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### POVZETEK

Članek tematizira vprašanje političnega in javnega zavračanja problematike nasilja nad ženskami, ter femicida znotraj njega, kot del širše anti-feministične agende poljskih vlad od leta 1989 dalje. V središče prispevka avtorica postavi tezo, da korenine takšnega javnega odpora do pravic žensk izhajajo iz demokratične preobrazbe, ki se je na Poljskem zgodila leta 1989. Prispevek proučuje, kako je padec komunizma in vznik novega demokratičnega režima prispeval k tako velikemu političnemu odporu do feministične agende. Avtorica predstavi, da sta k oblikovanju nove anti-feministične politike prispevali predvsem dve sili: vpliv katoliške cerkve na nov režim ter neoliberalne politike. V prispevku avtorica analizira politike poljskih vlad (tako levega kakor desnega krila) in javni diskurz okoli vprašanj nasilja v družini in nasilja nad ženskami od leta 1990, ko je bila izvedena prva javna kampanja na to temo in so bile na to temo narejene tudi prve raziskave. Kot posebej zanimivo in povedno izpostavi javno diskusijo, ki je spremljala ratifikacijo Istanbulske konvencije med leti 2012 in 2015.

**Ključne besede:** pravice žensk, nasilje nad ženskami, Poljska, katoliška cerkev, enakopravnost med spoloma, post-socializem



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