

GENDER-BASED VIOLENCE IN UNIVERSITIES AND RESEARCH ORGANISATIONS

NATIONAL FIELDWORK REPORT

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1. INTRODUCTION

The issue of GBV at HEIs and RPOs is a new topic in Polish reality, still functioning rather as a taboo than as a problem that needs implementation of adequate measures. Nonetheless, a lot of Polish HEIs in Poland take measures to counteract discrimination and include in their internal regulations – usually in the form of rector's ordinance, organization's regulations or codes of ethics - rules concerning GBV (for instance, such regulations exist at the Jagiellonian University in Kraków, the University of Warsaw, the Adam Mickiewicz University in Poznań, the Gdańsk University of Technology, the University of Gdańsk, the University of Łódź, the Nicolaus Copernicus University in Toruń, the Medical University of Warsaw) (Sierpowski, 2020; Teutsch, Stoch, & Kozakoszczak, 2017, p. 79). Furthermore, the very prestigious HR in Excellence Award, which is connected with the implementation of the European Charter & Code for Researchers and the Code of Conduct for the Recruitment of Researchers, as well as the participation of many RPOs in the Horizon 2020 framing program for research and innovation has fostered gender equality change at Polish universities and research centers. Since their establishment, many Polish RPOs have been implementing projects or/and measures focusing on the development of anti-discrimination/gender equality policies, indicators or/and plans (for example, GENERA and ACT project carried out at the Jagiellonian University in Krakow) (Krzaklewska, Sekuła, Struzik, & Ciaputa, 2019; EIGE, 2020).

Meanwhile, gender equality issues and the prohibition of discrimination based on gender provoke many heated political and social discussions. However, the background of public discourse on this subject, along with low social awareness of GBV (only 15% of Poles perceive it as a common problem, see RPO, 2020, p. 52) and the legal system behind GBV forms and of needs of GBV victims hinder both data collection and protection against discrimination (Zima-Parjaszewska, 2020, pp. 41-42). Moreover, undermining of women's rights in law and policy, which is successfully imposed by the Polish political party in power – Prawo i Sprawiedliwość (PiS, *eng. Law and Justice*) only worsens the situation. One should notice that PiS.

(...) introduced legal and policy measures to target and stifle civil society. These measures include curtailing the right to freedom of assembly, restricting freedom of expression, and centralizing funding of nongovernmental organizations (NGOs). (...) Since PiS gained power, the government has targeted women's rights activists and organizations through raids, denial of funding, and disciplinary action against public employees. High-level PiS leaders and politicians have taken no action to counter smear campaigns vilifying women's rights groups and activists (Human Rights Watch, 2019, p. 13).

Among specific measures undertaken by the PiS party campaign against 'gender ideology' (that serve to disregard the concept of gender and women's rights activists and actions in the society), erosion of institutions and policies on human rights and equality (for instance by cutting



the budget of the Ombudsman Office; by closing standalone Government Plenipotentiary for Equal Treatment Office and creating a new one responsible not only for gender equality and anti-discrimination issues but also for civil society matters) (Human Rights Watch, 2019, pp. 14-18). Additionally, since 2016 a lot of Polish NGOs (for instance, Women's Right Centre, BABA Association for Women, Niebieska Linia/Blue Line, Autonomia Foundation) have been experiencing the withdrawal of government funding which results not only in reduction of human resources, activities and services for victims (Human Rights Watch, 2019, pp. 39-40), but also in lack of possibility to conduct prevalence studies regarding the topic of GBV.

2. MAPPING OF POLICIES AND LEGAL FRAMEWORKS

Protection against discrimination in the Polish legal system is dispersed. It means that there are many legal acts (national and regional) that concerns equal treatment or prohibition of discrimination. Nevertheless, although there is no specific document on GBV in universities and RPOs in Poland, the principle of equality and right to nondiscrimination based on gender in education are included in:

- The Constitution of the Republic of Poland (1997; Journal of Laws 78.483, article 32 and 33) guarantees equal rights of women and men and their equal treatment in all areas of life (equal access to education, see article 70(4)), and
- the Labor Code (1974; as amended; Journal of Laws 2020.1320; see specifically article 11(3)) which states that any discrimination in employment, direct or indirect, in particular discrimination based on sex, age, disability, race, religion, nationality, political beliefs, trade union membership, ethnic origin, denomination, sexual orientation, as well as employment for a specified or indefinite period, or full-time or part-time, is unacceptable (see article 18(3) for definitions of GBV) (RPO, 2020, pp. 6-9).

Although Poland has introduced the Act on Higher Education and Science (*pl. Prawo o szkolnictwie wyższym i nauce*, 2018; Journal of Laws 2018.1668) in July 2018 that provides regulation on the disciplinary liability of academic teachers and students when they commit a general violation of university's regulations and/or undignified acts, it does not refer explicitly to cases of harassment, sexual harassment, or sexual offences at higher education institutions (cf. ERAC, 2020, p. 36; Zima-Parjaszewska, 2020).

Further, Poland has introduced on 3rd December 2010 the Act on the implementation of some regulations of the European Union regarding equal treatment (*pl. Ustawa z dnia 3 grudnia 2010 roku o wdrożeniu niektórych przepisów Unii Europejskiej w zakresie równego traktowania*, Journal of Laws 2010.254.1700), but the Act protects against discrimination in education only to a limited extent. In the area of education and higher education, discrimination is prohibited solely on the basis of such characteristics as race, ethnicity and nationality (Teutsch et al, 2017, p. 70). Although Poland ratified the Convention Against Discrimination in Education, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Racial Discrimination, the Convention for the Protection of Human Rights and Fundamental Freedoms, and - with regard to discrimination based on sex - the Convention on the Elimination of All Forms of Discrimination against Women and the Council of Europe Convention on preventing and combating violence, it does not incorporate the resulting obligations to national legal system and policy frameworks (Teutsch et al, 2017, pp. 69-70).



Therefore it seems that the European Charter & Code for Researchers and the Code of Conduct for the Recruitment of Researchers is of fundamental importance for RPOs' staff. Those documents provide prohibition of discrimination based on gender, age, ethnicity, national or social origin, religion or belief, sexual orientation, language, disability, political beliefs and social status (Teutsch et al, 2017, p. 71).

Similarly, neither national authorities nor relevant bodies such as Euraxess Poland, National Contact Points, and Foundation for the Development of the Education System responsible for the coordination of the Erasmus Program in Poland have taken any measure for the safety of internationally mobile researchers and students in regard to gender-based violence in the higher education field.

In Poland, the issue is seen as part of a general problem dealing with violence against international students (mainly) and researchers. While there are no specific policies addressing academic mobility and gender-based violence, the umbrella organisation CRASP (The Conference of Rectors of Academic Schools in Poland) has launched the appeal 'Universities against Racism', in which they state that providing effective measures to better protect international students is the shared responsibility of public institutions and the academic community. This is, however, a call to action against expressions of racism and xenophobia generally and not gender-based violence in particular (ERAC, 2020, p. 51).

Finally, concerning the RFOs, the issue of GBV in universities and RPOs is a rather new phenomenon in Poland with the stigmatization of victims and no political #metoo movement following the revealed cases of sexual or gender harassment. This implies that the topic is still hidden in the taboo sphere (Rojek-Socha, 2020). As main RFOs in Poland are under the authority of the Ministry of Education and Science and this unit of the Polish government does not perceive the topic as a problematic and demanding implementation of preventive measures or solutions/adequate policies. Thus neither regulations concerning GBV in the process of funding application nor funding schemes are put in place. Further, expectations towards other bodies - like the Government Plenipotentiary for Equal Treatment or the Ombudsman that are responsible for monitoring the GBV issues, conducting prevalence studies, and if necessary create policies and measures - along with lack of national incentives to research this issue, lack of funding dedicated to conducting prevalence studies/qualitative research on GBV in RPOs, as well as taking up this topic by other entities - NGOs and individually by universities 'relieve' RFOs of the need to take any action.

However, research and development funding agencies – Narodowe Centrum Nauki (National Science Centre) and Narodowe Centrum Badań i Rozwoju (National Centre for Research and Development) adopted rules that support young researchers - the time spent on maternity and child-care leaves are excluded from the age of grant eligibility and might be a basis for prolongation of realization of a granted project (see for instance Act of 5 July 2016 on the National Science Centre; Ordinance of 16 September 2019 of the Director of National Science Centre).

Main actors/stakeholders that should be in charge of setting actions and policies to combat GBV in universities and research organizations would include the Ministry of Education and Science; the Ministry of Labor and Social Policy, the Ombudsman, Government Plenipotentiary for Equal Treatment, and the National Network of Plenipotentiaries for Equal Treatment; Rectors; Rector's Proxies for Equal Treatment; Antidiscrimination/Disciplinary/Antimobbing Commissions at Universities and RPOs.



In my opinion, several factors play a role here. Firstly, the dispersion of anti-discrimination provisions hinders rector's, students' and university staff's perception of the scope of normative protection against discrimination and leads to blurring of responsibility for its application in organizations. Secondly, the multitude of norms and provisions expressing equal treatment and anti-discrimination does not translate into their practical use in the form of internal procedures or regulations preventing GBV violence. According to The Helsinki Foundation for Human Rights study (Gerlich, 2019) only 14 out of 94 public universities have a body responsible for counteracting discrimination. Moreover, universities do not inform about the rights of the parties and of the procedure for reporting discrimination cases. Thirdly, GBV in higher education and RPOs is still a taboo topic which translates into no specific prosecution and disciplinary measures as well as provision of services offered to victims. The overwhelming majority of Universities in Poland do not provide preventive measures, and response procedures are not effective.

Moreover, while the law protects only employees as the provisions of the Labor Code regarding the prohibition of discrimination based on gender apply only to contracted employees, and in case of the Act on the implementation of some regulations of the European Union regarding equal treatment, also to people with a civil law contract, students can exercise their rights only in relation to the Civil Code (Teutsch et al, 2017, p. 75).

Measures and activities taken by national authorities to address gender-based violence in RPOs vary widely and include: conducting prevalence surveys on harassment at public universities and preparing reports with recommendations (see action number 1 and 2 in the LimeSurvey), co-organization of conferences on the topic (see action 3 in the Lime Survey), issuing appeals (action 4 in the LimeSurvey). Their main aim is to raise awareness of the scale of discrimination in public universities in Poland, exchange of good practices and networking.

Meanwhile, since 2015 many umbrella and non-governmental organizations are also very active actors in the sphere of GBV at universities. They organize conferences, seminars, initiate surveys, issue reports and recommendations (see action 1-5 in the LimeSurvey), but as well develop partnerships that support initiatives regarding antidiscrimination prevention, protection of victims, prosecution and provision of services. As indicated in the LimeSurvey, in 2014, several experts from Pedagogical University in Kraków, Jagiellonian University in Kraków, Special Pedagogy Academy in Warsaw, University of Gdańsk and Autonomia Foundation, Antidiscrimination Education Association, and Foundation for Social Diversity developed partnership within a framework of the project "Uniwersyteckie standardy przeciwdziałania przemocy i dyskryminacji"/ University standards of counteracting violence and discrimination" which resulted in the development of policy standard for universities titled 'Standard antydyskryminacyjny dla uczelni'/Antidiscrimination standard for university (see Grid_2).

Lack of incentives and initiatives, along with lack of funding dedicated to the topic from national authorities and RFOs to deepen the knowledge about GBV in academia and research organizations, results in a lack of research projects in the last five years. Nevertheless, cases of sexual and gender harassment revealed via social networks and covered by mass media initiated NGOs' and universities' greater interest in the topic. As a result, several seminars were organized. They not only served as a place of knowledge and experience exchange but also as networking events of interested parties - political actors, stakeholders, students and RPOs staff. Concerning organizational change, in some universities, it brought the development of preventive measures regarding anti-discrimination policy (for instance, providing training and



guides for students and staff as at the Jagiellonian University in Krakow and the University of Warsaw; creating equal treatment/gender equality/anti-discrimination offices and/or bodies).

Since 2010 GBV in academia and research organizations has been the subject of several research projects (see Annotated Bibliography – Gutowska, 2011; Czapska, Klosa, Lesińska, & Okrasa, 2012). Nevertheless, very often, their results met a wall of resistance from university staff who questioned their data. Meanwhile, the promotion of gender mainstreaming and the possibility of using European Union funds for research projects contributed to antidiscrimination change at Polish universities and research centres. Many Polish research and HE institutions carry out or collaborate within international consortiums in projects that include the subject of violence, microaggressions or discrimination in academia (for example, GENERA and ACT projects; cf. Sekuła, Struzik, Krzaklewska, & Ciaputa, 2018; GEAM Tool).

As far as the author of the report is concerned, the Polish higher education system lacks incorporating anti-discrimination and/or intersectionality perspectives into its curricula. This significant lack of interest in incorporating those topics into teaching and research content makes the courses gender insensitive.

3. DEBATES REGARDING #METOO AND THE ISTANBUL CONVENTION

In the beginning, it is worth mentioning that the Istanbul Convention was mainly presented by Polish authorities, NGOs and the Polish feminist movement as a document aimed at combating domestic violence, so other aspects like GBV in politics or at RPOs were not highlighted during the most heated public debate on it. Nevertheless, the debate has resulted in a hostile perception of gender equality education, gender perspective and gender studies by the society (Karat, 2014, p. 40). According to Marta Warat's (2016) discourse analysis on the Istanbul Convention

The debate has been shaped by right-wing and conservative circles (politicians, journalists, conservative women's and pro-family organizations) and some members of the Roman Catholic Church who have opposed the Convention (the conservative, nationalist religious discourse) while feminists, pro-equality activists, academics, women's organizations working in the field of equality and the Plenipotentiary for Equal Treatment have emphasised its importance and relevance for gender-equality policy (the counter-discourse based on individual rights and equality) (p. 106).

Therefore, strategies of the nationalist-religious discourse included: 1. using arguments that evoke anxiety around gender concept and its destructive impact on social order, particularly on women's and men's roles and the role of the family; 2. underling negative influence of the European Union on Polish tradition, culture and religion; 3. emphasizing anticonstitutional of the Convention and its inconsistency with Polish values rooted in Catholic morality; 4. devaluating of pro-equality opinions and actions by undermining the sources they rely on (Warat, 2016).

Concerning #metoo debate in universities and research organizations, although there was media coverage of sexual and gender harassment cases revealed at Polish higher education institutions, there is no #metoo movement following. As an effect, the debate focuses mainly on cases description and its moral judgement. According to the latter, one can state that most of the articles condemn discriminatory behaviors and claim that the Polish higher education system is not prepared to tackle the problem of GBV. Further, although the main discursive framework was rather negative, which means that the authors of the articles/TV news regarded cases of GBV as shameful and unacceptable, comments posted as a response to the article/news



rather disregarded victims by accusing them of lie and bad intentions (cf. Grzyb; Kopczyńska, 2019; Molestowanie i przemoc..., 2020; tod, 2018; Wykładowca UJ..., 2020).

4. PUBLIC OPINION ON GBV

According to the CBOS's national public opinion survey on sexual harassment in the workplace and place of study (see Annotated Bibliography: CBOS, 2018), which is a repetition of 2007 study, it is worth noting that the prevalence of discrimination in the workplace and place of study is witnessed by every fourth employed or studying person (25%). As verbal and physical sexual harassment is more likely to occur in the place of study than in the workplace, pupils and students are twice as likely to be confronted with the crossing of verbal boundaries by their peers as those in employment, they are four times more likely to observe inappropriate gestures or physical violations of privacy boundaries, and they are also four times more likely to witness this type of behavior of lecturers and teachers. Among people who have experienced sexual harassment, there are twice as many women as men (16% in total compared to 8%). Taking into account other studies on GBV prevalence in RPOs (see Annotated Bibliography: Gerlich, 2019; RPO, 2018; Czapska et al, 2012) and social reluctance to speak about discrimination experiences probably only the lower limit of the real scale of the phenomenon was recorded. Comparing the results with the 2007 study (CBOS, 2007) it is visible that the percentage of women and men having such experiences has slightly increased (2% difference). It can be an effect of an increase in social awareness and sensitivity to the topic, as well as a result of #metoo action in social media.

5. IMPACT OF COVID-19 ON DISCUSSIONS ABOUT GBV

Unfortunately, as far as the author of this report is concerned, there is no data on COVID-19 pandemic impact on the discussion about GBV in RPOs. Although there are already some studies on academic teachers' experiences with distance learning during the coronavirus pandemic (Wawrzyniec-Romaniuk, Łukasiewicz-Wieleba, & Kohut, 2020), no relevant data concerning GBV is published. Nevertheless, one can observe that there have been some actions initiated in regards to the topic of GBV and academia in the COVID-19 pandemic. Firstly, within the framework of the ACT project (in Poland led by the Jagiellonian University in Krakow, and implemented by several other public universities in the country) the Gender Equality And Monitoring Tool (GEAM Tool) has been adopted to the current situation by incorporating questions on the impact of coronavirus pandemic on work experiences and more generally gender equality in academia. Secondly, at the Jagiellonian University in Krakow, an interdisciplinary research group have been created to study the subject, particularly of women's 'invisible work' during the pandemic and its impact on their productivity in academia. And thirdly, the interdepartmental initiative of scientists initiated the appeal to the Ministry of Education and Science to include the situation of women-scientists - being the main or sole carers during the COVID-19 pandemic - during the evaluation of their work in the future.

6. CONCLUSION

In my opinion, it is crucial that the Ministry of Education and Science as well as respective bodies responsible for monitoring and development of policies regarding anti-discrimination in higher education issue a document (an act) that would tackle the problem of GBV in RPOs and oblige



RPOs to develop their own regulations, practices, services and policies to prevent gender-based discrimination. If this is not possible, national authorities should develop incentives and campaigns aimed at taking up this topic by HEIs and research centres not only to monitor the scale of the phenomenon but also to prevent its growth. Moreover, encouraging to incorporate GBV prevention into teaching and research content should be of particular relevance as it helps people to deal with real-life examples and experiences in their daily working practice. Nevertheless, to achieve this, the author believes that a strong #metoo social and political movement is required to force people in power to change their attitudes, de-tabuize topics and include it in the range of topics of their interest.

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