

"GOOD CHANGE" AND BETTER ACTIVISM: FEMINIST RESPONSES TO BACKSLIDING GENDER POLICIES IN POLAND

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Introduction

In March 2015 Andrzej Duda, back then a little-known member of the Law and Justice (hereafter PiS) who was the party's presidential candidate, promised that he would not ratify the Convention on Combating Violence Against Women (the Istanbul Convention), which Poland had already signed in 2012. In a public interview Duda described the Council of Europe treaty as "a legal act that carries not only danger, but also perfidy",¹ and highlighted that according to him, it includes concepts that are in conflict with Polish tradition and culture, and thus, poses danger for Polish society and even for the future of the nation (TVN, 2015). With this fearmongering statement, the soon-to-become president of Poland aligned with the ongoing conservative outcry over what other right-wing politicians and religious fundamentalists call "the gender ideology," framed as an imminent foreign threat to Christian civilization and its values. However, Duda did not get a chance to fulfill his promise, because just a month after this public statement, president Bronisław Komorowski ratified the Istanbul Convention shortly before leaving the office (MSZ, 2015).

1 All translation from Polish to English are done by the author.

Up until this point, most reports and policy documents on the changing landscape of gender politics in post-state-socialist countries praised Poland as an example of positive changes in the domain of gender equality policies (Gruziel, 2015). In political science scholarship the period between 2007 and 2014 has been characterized by progressive reforms in terms of equality measures and infrastructure (Krizsán and Roggeband, 2017). With strong feminist civil society and pro-EU political context there was a tendency towards improvement in implementing anti-discrimination infrastructure: the long-awaited “anti-discrimination” law introduced in 2010 along with setting up the governmental office of Plenipotentiary for Equal Treatment, the introduction of electoral gender quota system in 2011, the new Programme for the Prevention of Domestic Violence for the Period 2014-2020, and finally the aforementioned, signing and ratification of the Istanbul Convention.

This period of relative progressive reforms in selected areas of equality legislation (mostly concerning domestic violence laws, sexual assault laws, and electoral quotas) was followed by a shift towards more hostile political context after the 2015 presidential and parliamentary elections. After two terms (2006-2014) of center-right and pro-EU Civic Platform (PO) party in office, the mainstream right-wing and increasingly nationalist Law and Justice party (PiS) took the stage and political power. First, Andrzej Duda won the presidential elections. Subsequently, PiS won the overall majority in parliamentary elections securing seats both in Sejm (the lower chamber of parliament) and the Senate. The newly elected conservative government quickly began to dismantle gender equality infrastructure and started substituting it with traditionalistic pro-family reforms. With Beata Szydło² as Prime Minister promoting the slogan “Good Change,” the character of this illiberal transformation is in line with the softened image of “compassionate conservatism” (Fomina and Kucharczyk, 2016).

2 Beata Szydło was a less controversial figure than the party leader Jarosław Kaczyński and served as the Prime Minister between November 16th, 2015 and December 11th, 2017. Since her resignation, Mateusz Morawiecki, a financier and banker, was sworn into the office.

The first part of this chapter maps out the processes of backsliding gender policies in Poland between 2015 and 2018 in order to understand the wider context of transnational anti-gender mobilization (Kováts and Póim, 2015). My description and interpretation of the recent wave of delegitimization of gender equality policies in Poland is based on an analysis of critical policy documents and reports, as well as a comprehensive review of media coverage of governmental actions and various responses to them. In sharp contrast to previous steady improvements in this domain, the 2015-2018 period shows clear evidence of backsliding, cutting across all four dimensions of this phenomenon formulated by Andrea Krizsán and Conny Roggeband, namely 1) policy decay; 2) undermining implementation; 3) erosion of consultation mechanisms; and 4) discursive delegitimization of gender equality policies (2018). Following this conceptual framework, I map out the mechanisms of dismantling and undermining gender equality infrastructure at the levels of policy-making, funding distribution, and discursive attacks.

In the second part, I move to analyzing feminist responses to backsliding to show how these deeply gendered processes of de-democratization transform feminist movement and what counter-strategies they generate. As has been evidenced in previous studies, feminist mobilization across civil society has an enduring impact on policy development (Htun and Weldon, 2012; Krizsán, 2015). In what follows I wonder how Polish feminist movement, that is to large extent institutionalized in NGOs, responds to the rapid change in governance and gradual dismantling of policy infrastructure developed throughout years of state-civil society negotiations (Jacobsson and Korolczuk, 2017). Which models of organizing prove useful under these unfavorable conditions? What kinds of new strategies of resistance emerge when a dialogue with the state becomes impossible? For this section, apart from reviewing press reports on protests and other actions, organizational websites and official statements, I interviewed feminist actors representing both NGOs and formal politics. Additionally, as a feminist scholar and activist I took part in a number of events and solidarity actions I describe below, and have contributed to public debates on the rise of “anti-genderism” in Poland. Thus, my account of these events

often builds on my own experiences of participating in feminist organizing, but also of being the target of the anti-gender discourse.

I believe that in Poland attacks on equality politics, especially if discursive aspects are covered, started well before the formal erosion of policies. These attacks involved various actors, and put into question the progressive narrative on the gender equality reforms conceptualized as individual rights and in terms of recognition. As repeatedly pointed out by the representatives of feminist NGOs in Poland, the anti-discrimination legislature was usually a compromise between centrist and conservative political elites and with a prominent role of the Roman Catholic Church as an extremely powerful third party,³ resulting in a minimalist version of the legal provisions that only partially integrated the EU recommendations, while avoiding controversial areas (Piotrowska and Synakiewicz, 2011). Those unresolved tensions and the initial defensive reaction of the feminist movement to the anti-gender campaign perceived as a backlash, rendered the few hard-won gender equality policies extremely fragile, simultaneously revealing the fragility of liberal democracy with its framework of civil liberties and individual rights subjugated to neoliberal economy. Moreover, the newly emergent version of right-wing politics realized by the PiS government since 2015 not only appropriates the rhetoric of human rights, but also intervenes in those social security areas that have been largely neglected by the neoliberal policymaking model. Combining selected welfare state policies (usually limited to the domain of family planning and pro-natalist social benefits) with authoritarian regime often breaching the democratic rule of law, this new conservative formation makes gender policies its main target in the turn towards illiberal populism (Kováts and Póim, 2015).

- 3 The Roman Catholic Church in Poland is formally separated from the state. According to a concordat between the state and the Church, the teaching of religious education in school is allowed and the government partially subsidizes catholic schools, as well as the salaries of religious teachers. Despite the legal separation of Church and state, the former holds a strong political power in Poland, directly influencing politicians, as well as the larger electorate. For a historical view on the impact of the Roman Catholic Church on women's right in Poland see, (Jankowska 1991; Eberts 1998; Fuszara 2005).

Mapping out backsliding in gender equality policy

Since 2015 Poland experiences democratic backsliding evidenced by the government's attempts to control all independent democratic institutions: courts, media, and the civil society. Especially the reforms of the Constitutional Tribunal raise serious concerns over undermining the rule of law and transparency. In this hostile environment the domain of gender equality is at the forefront of the process of de-democratization.

However, this focus on gender-related issues is no longer an antifeminist opposition to equality policies implemented after the accession to the EU, but rather a broader ideological agenda encompassing attacks on gender studies, LGBT rights, reproductive and sexual health measures, migration and other arenas of exercising human rights. These are demonized under the common denominator of “gender ideology” or “genderism” as one of the main facets of liberal politics. Following feminist scholars who argue that gender is a rhetorical tool that functions as a “symbolic glue” allowing a wide array of right-wing and conservative actors across Europe to unite their programs (Grzebalska and Pető, 2018; Kováts and Póim, 2015), I show how gender policy backsliding is not only driven by moral panic or opposition to liberal elites, but rather is most successful when it responds to neoliberal precarity.

While Polish economy avoided recession in 2008 and with steady economic growth and joblessness at the lowest since 1989 Poland did not need to introduce harsh austerity measures, a recent study of top income demonstrates that the apparent economic growth concerned only the wealthiest eight percent of Polish households (Bukowski and Novokmet, 2017). These structural inequalities bred by the neoliberal economic model coupled with rights-based equality infrastructure largely neglecting the dissolution of welfare state, left gaps in social security system quickly filled by the new brand of conservative politics. In fact, specifically understood “care issues” lie at the core of the pro-family reforms adopted by the current government. Therefore, the specificity of backsliding in the gender domain requires a multidimensional typology of policy changes that looks beyond the formal dissolution of policies and remains sensitive to the fragile political

context that often falls out of the general framework. Both economic and discursive backsliding is present in the Polish context, albeit with different intensity of policy changes. The sections below give a detailed overview of this process.

Dismantling and reframing existing policies

While the PiS government managed to directly intervene in some crucial areas of the democratic rule of law with the reform of the Constitutional Court or with passing the new media law, similar trends follow in the area of gender equality. Although there was no policy termination, other forms of backsliding occur in this context. What can be observed is a multi-faceted process of (a) reversing existing policy frames; (b) reinterpreting existing policies, and (c) introducing new laws as a way of re-contextualize the legal landscape of equality. I discuss those three types of policy decay below.

When it comes to (a) reversing existing policies that is especially evident in the domain of reproductive rights and the ongoing attempts at further restricting the Polish anti-abortion law. Under the 1993 *Act on Family Planning, Human Embryo Protection and Conditions of Legal Pregnancy Termination* abortion in Poland is illegal with the exception of three cases: when the pregnancy is a result of rape or incest, when woman's life or health is in jeopardy, or when the fetus is seriously malformed. The most recent anti-choice project proposals aim at cancelling all or some of these exceptions, while also introducing penalties for women seeking pregnancy termination. It is important to note that since 2015 none of the anti-abortion law projects were authored by the government, but rather by conservative civil society actors gaining more political power under the current regime. The Civic Coalition "Stop Abortion" formally submitted both 2016 and 2017 law project proposals that were prepared by the Ordo Iuris Institute.⁴ Only after major protests against the bill the ruling party dissociated itself from this legislative initiative. Nevertheless, prominent representatives of

4 Ordo Iuris Institute for Legal Culture, conservative, anti-abortion group. Website: <http://en.ordoiuris.pl/>. (Last accessed July 15, 2019.)

PiS expressed their support for restricting abortion, pointing towards the importance of discursive delegitimization of policies in backsliding.⁵

However, the policy reversal also affects other areas of reproductive and sexual health. In May 2017 a law reform limiting access to emergency contraception was passed (Dz.U. 2017 Poz. 1200). This bill drafted by the government reversed the earlier ordinance of the Ministry of Health in accordance with the implementing decision of the European Commission from January 2015 that allowed the sales of emergency contraception without prescription in all member states (C(2015)51 final). In April 2015 only one type of this drug was made available behind the counter from pharmacies for women and girls aged 15 years and older. As a result of the 2017 reform, the so-called morning-after pill is only available on prescription to women above the age of 18. In the context where physicians have the right to refuse treatment based on their religious beliefs, this policy reversal seriously limits women's access to emergency contraception (Federa, 2017).

Another strategy is (b) reinterpreting existing policies, for example when in November 2016 the National Prosecution Office reinterpreted article 152 paragraph 2 of the Penal Code stating that “providing information on access to abortion is punishable with up to three years in prison” and extended it to any information on access to legal abortion abroad (Szczerbiak, 2018). This reinterpretation, based on a memo prepared by the *Ordo Iuris* and circulated by the Prosecution Office to all its regional units, was clearly targeting feminist and women's groups that started to organize support networks providing such information. Within this reinterpretation, policies can be also amended so that their priorities or objectives change. In Poland, it is especially visible in prioritizing the integrity of the “family” rather than safety of female victims in the implementation of anti-domestic violence laws. According to the latest report surveying 318 local programs on combating domestic violence, over 90 percent of them did not recognize the gendered character of this form of violence (Piotrowska, 2016:21).

5 One of the discursive strategies used by the anti-choice campaigners and politicians is introducing a term “eugenic abortion” for the cases when abortion is legally permitted under the current law due to a serious malformation of the fetus. The emotive power carried by reference to “eugenics” is used here to polarize the debate between life and death. That is also consistent with the introduction of the program “For Life” (“*Za życiem*”) discussed below.

This directly links to another very prominent way of reframing existing policies that occurs through (c) introducing new laws aimed at protecting family values as a way of re-contextualizing the legal landscape of equality policies and channeling it towards refamiliarizing care. While attempts at completely outlawing abortion in Poland has been so far successfully halted by massive feminist protests, new legislative initiatives from the government aim at strengthening the “pro-life” discourse. For example, the “For Life” (“Za Życiem”) project for years 2017-2021 introduces a one-time financial benefit (4,000 PLN) for women who decide to give birth to a child that was prenatally diagnosed with a serious malformation, a life-threatening health condition, or if this condition was acquired during the labor (Dz. U. 2016 Poz. 1860). All of these conditions qualify for legal abortion under the existing law. Thus, while the new legislation is explicitly framed as an assistance for women and families, it is part of the larger anti-abortion campaign supported by the government.

Additionally, the Ministry of Family, Labor and Social Policy carried out a large-scale consultation for the “For Life” program with a declared aim of researching the needs of persons with disabilities and their families under the reform of the law on occupational and social rehabilitation of persons with disabilities. The consultation was 85 percent covered by the European Social Fund (“Konsultacje +”, 2018). In other words, instead of surveying social inclusion and anti-discrimination of persons with disabilities on the labor market, the Ministry utilized EU funding for consulting and implementing the governmental program designed for lowering abortion rates. This reveals how these redistributive policies designed to reframe the abortion debate instrumentalize disability rights for the pro-life discourse. The consultations for the program took advantage of EU funding reserved for equalizing opportunities for employees with disabilities to instead survey policies aimed at “protecting the lives of the unborn”, while entirely neglecting the plight of adult persons with disabilities and their families who organized a desperate month-long occupation protest in the Parliament between April 18th and May 25th 2018 (Greniuk and Przybyszewski, 2018).

Another example of reframing equality policy is Prime Minister Beata Szydło’s signature project “Family 500 Plus” that was presented not

only as a pronatalist measure, but also as a tool for combating domestic violence. Launched in April 2016, this child benefit program provides unconditional monthly payment worth PLN 500 (120 EUR) for every child in a family whose per capita income is lower than PLN 800 per month, and for every second and subsequent child regardless of family income. According to Elżbieta Rafalska, the Minister of Family, Labor and Social Policy: “Through the Family 500 Plus program the PiS government gives freedom and choice. A woman who was a mother in a large family got financial support of 1,5-2 thousand PLN. If there was domestic violence in the family she could decide to rent her own flat and it gave her financial independence. This money gave her self-reliance, changed her position in the family” (PTWP, 2017). Feminist activists heavily criticized this approach. Joanna Piotrowska, the founder of Feminoteka Foundation, one of the largest feminist NGOs in Poland warns that there is no evidence supporting claims that “the Family 500 Plus program will help women free themselves from violent relationships” (Piotrowska, 2018).

The program provoked heated debates about social justice. In a way it reinvigorated the redistribution vs. recognition discussion, where, according to Nancy Fraser, “cultural recognition displaces socioeconomic redistribution as the remedy for injustice and the goal of political struggle” (1995: 68). As a governmental handout aimed at boosting fertility rates and introduced in the midst of the “war on gender,” Family 500 Plus was received with a certain dose of skepticism from women’s organizations. While some feminist activists saw positive sides of this redistribution policy that could potentially transform the job market for women, others perceived it as a tool to keep women out of the job market and promoting traditional patriarchal family model. This latter approach further provoked a discussion on classism tangible in certain critiques of the free-for-all program, especially in shaming poor large families for benefiting from the program. After all, the Family 500 Plus is the most expensive and universal social benefit program introduced in Poland after the fall of state socialism.

In the context of this analysis, the generous child benefit functions not only as a pro-demographic measure, but it also re-contextualizes the debate around reproductive rights by appropriating pro-choice vocabulary (“giving

women choice”) for strengthening the pro-family discourse. Moreover, the Family 500 Plus program defines childcare solely as women’s task within a heterosexual family unit with financial, rather than infrastructural support from the state. Combined with no incentives for women to return to the labor market and the recent decision to lower the retirement age to 60 for women and 65 for men, these policies take advantage of the gendered character of care work. Women who retire earlier receive lower state benefits and are expected to contribute to the extended household, thus cementing their poverty and role as the primary caregivers within the traditional family model.

This hijacking of the language of care and welfare by the conservative discourse is an alarming trend (Charkiewicz and Zachorowska-Mazurkiewicz, 2000). Especially because despite the expensive and widespread redistribution policy, the gendered economy of care still functions as an infinitely capacious sphere where the costs of social reproduction are relegated, as in the case with lowering of the retirement age from 67 to 60 for women to exploit their care work potential (Charkiewicz, 2009:5).

The three levels of dismantling and reframing existing policies discussed above, further affected equality infrastructure dependent and curtailed women’s rights group involvement in consultation bodies.

Undermining equality infrastructure

Equality bodies also come under attack. Although the PiS government did not dismantle any equality bodies, some serious changes rendered them inactive or passive in implementing gender equality policies. In January 2016, two governmental bodies were merged when Wojciech Kaczmarczyk was appointed to serve both as the Plenipotentiary for Equal Treatment and the Plenipotentiary for Civil Society. This decision was widely criticized and interpreted as creating a fake office, or in fact, terminating the equality body that was responsible for monitoring and implementing anti-discrimination infrastructure. After only twenty months in office, Kaczmarczyk was replaced by Adam Lipiński, another politician with little interest in civil society, further deemphasizing the role of the Plenipotentiary and thus, stalling the implementation of EU regulations on equal treatment.

Redistribution of funding is another large area in which backsliding takes effect, both at national and local level. After a suggested governmental reform of the redistribution of the Norway Grants (worth 800 million EUR) (Ambroziak, 2017), a new coordinating body was established in 2017 as an umbrella institution to centrally decide on the redistribution of funding for civil society organizations. Thus, the “National Freedom Institute – Centre for the Development of Civil Society” was inaugurated as part of the Program for Support of the Development of Civil Society under the office of the Prime Minister (Dz. U. 2017 Poz. 1909). It was supported by Kaczmarczyk, who since October 2016 served as the director of another newly established body, namely the Department for the Development of the Civil Society in the Chancellery of the Prime Minister. In November 2017, Kaczmarczyk was appointed the director of the Institute.

The declining inclusion of women’s rights advocates in policy processes has been further curtailed by the institutional changes detailed above. In November 2016, thirteen experts resigned from serving as consultants to the office of the Plenipotentiary for Equal Treatment and Civil Society explaining their decision with lack of any actual influence on decisions made by the office. In response to the diminishing role of this equality body, the experts wrote an open letter to Minister Lipiński, listing factors such as lack of consultations on law projects or cooperation programs with NGOs, termination of consultation bodies and dialogue mechanisms next to the ministries, lack of transparency in redistribution of public funding as some of the reasons for their withdrawal.⁶

Apart from dismantling formal consultation structures, activities of other independent public advocate bodies are under scrutiny. The Ombudsman, Adam Bodnar appointed by the previous government, has been vocal about gender equality issues. His ongoing support for minorities and women’s rights was met with criticism from the PiS government manifested by repeated cuts to his office’s budget (Koźmiński, 2017).

6 See <http://wiadomosci.ngo.pl/wiadomosc/2001518.html>. [13 people resign from participation in expert teams]. (Last accessed July 15, 2019.)

Defunding and securitization of actors implementing gender policy

Dismantling policies at the institutional level takes varying forms in the context of Poland from defunding, changing equality bodies, to attacking civil society organizations. One example of such practice is ending public funding for the in vitro fertilization (IVF) treatment. The controversial bill on treating infertility was introduced in 2015. It followed a deeply divisive public debate on the ethical issues surrounding the procedure that was largely influenced by the Catholic Church's opposition to freezing embryos or embryonic tissues. Poland was the last country in the EU to legally regulate this medical procedure. In 2016 the Minister of Health, Konstanty Radziwiłł terminated public funding for the program, claiming that it was too expensive for the state to continue with it (Kim, 2018). Although the law remains in power, defunding the governmental program deactivates the policy.

At the local level, policy implementation is endangered due to cutting and limiting funding for women's organizations that are the main actors executing gender equality policies. Those groups that depended on governmental funding because of being active in implementing the anti-discrimination infrastructure were among the most affected. In December 2016, the Ministry of Labor, Family and Social Politics cancelled the agreement with "Autonomy Foundation" (Fundacja Autonomia) for realizing violence-prevention programs (Fundacja Autonomia, 2016). One of the most illustrative example of this practice is the defunding of the Centre for Women's Rights, one of the oldest women's rights organizations in Poland dealing with issues of gender-based violence. Since 2016, ministerial funding for continuing the Centre's activity was denied for the third year in a row (Ambroziak, 2018). Before that, the Centre was receiving governmental funding regularly since its foundation in 1994. The justification from the Ministry of Justice on terminating the funding was that the Centre is "narrowing down its help to a specific group" (Ambroziak and Chrzczonowicz, 2017). In other words, the problem was that the NGO provides services mostly for female clients, even though according to international standards it is agreed that women constitute the majority of persons experiencing domestic violence (CEDAW, 2004).

In response to these accusations, the organization highlights that it utilized the funding to realize the aims of the 2012/29/EU Directive of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, that obliges the Polish government to provide resources and services for the victims of domestic violence and sexual violence. The effectiveness of this strategic defunding reveals the weakness of the neoliberal model of state-civil society relations, in which social services that the state is obliged to fulfill are relegated to the third sector.

Furthermore, the way that public funding for combating violence was later distributed to Catholic and pro-family conservative organizations (RPO, 2016) suggests that the building of an alternative civil society is another tool for reframing policies through their implementation. In this case the secular anti-discrimination goals are being redefined toward religious, nationalist, pro-family agenda.

In addition to the cutting of public funds, the Centre for Women's Rights was subject to intimidation via targeted audit-like procedure executed with the use of law enforcement. On October 4th 2017, the police entered the offices of Center for Women's Rights in Warsaw, Gdańsk and Łódź and Association "Baba" in Lublin asking for documentation regarding projects financed by the Ministry of Justice for years 2012-2015. Computers, discs, folders and documentation were seized. Officially, this raid was connected to an ongoing investigation on the employees of the Ministry, but the representatives of the NGOs are sure this was a form of policing their activities, especially given that the events took place just one day after the second round of the "Black Protests" which fought against restricting abortion rights. Piotrowska comments on this: "It's actually really easy to finish us off. All you need to do is a control that will be very detailed and will last for a couple of months. All feminist organizations in Poland are small, and if you remove one or two key persons from everyday activities by making her respond to accusations or go to court, it means shutting the works of such organizations for a few months. You can destroy it this way" (Piotrowska, 2018).

Unfortunately, this grim scenario is actually taking place. In their report for 2015-2017, the National Federation of Polish NGOs documented 39 cases of violations of the principle of subsidiarity and partnership by the Polish government in their cooperation with non-governmental organizations (Kiełbiowska and Polubicka, 2017). According to Andrea Petó and Weronika Grzebalska, through securitization of human rights NGOs and ideological distribution of funding the illiberal state manages to radically reshape and re-politicize the civil society: “Their aim is to change the language, the actors and the framework, occupies not only the social space that previous secular, human rights based NGOs were occupying but also support and resources” (Grzebalska and Petó, 2018:169). This has disastrous consequences for the most vulnerable beneficiaries of women’s organizations, who oftentimes depend on their services. Not only women’s rights groups lost their role in implementation, but they are also excluded from consultations on the policy process.

The rise of conservative civil society

At the level of consultation mechanisms, new actors replace former experts and thus, are instrumental to the processes of backsliding gender policies described above. From an analysis of media reports it is clear that when it comes to consulting law projects, new actors emergent in civil society or previously marginal organizations start to play an increasingly important role. This is evident in the burgeoning role of the so-called “government-organized non-governmental organizations” (GONGOs), especially active in spheres such as: the rights of Catholic families, religious freedom, children’s rights, tradition, heterosexual marriage, anti-abortion, anti-migration, nationalist agenda, etc. These are usually pre-existing charity organizations that are now being privileged in the redistribution of public funding. The biggest concern at the moment is that the newly established National Freedom Institute – Centre for the Development of Civil Society will selectively distribute funding, systematically replacing human-rights – focused groups labeled “leftist” with these new civil society actors loyal to the government and its nationalist, anti-feminist and anti-refugee agenda.

That is why closely monitoring the activities of the Institute and following funding flows is crucial for documenting the backsliding processes.

Among many Catholic pro-family groups there is one organization that stands out as particularly active in providing legal expertise for anti-equality changes: the name “Ordo Iuris” crops up in this chapter a lot. The Institute for Legal Culture (its full name) is mostly known for its strong support for the anti-choice movement, especially through authoring the law project on the total ban of abortion, which sparked the waves of “Black Protests” all over Poland. This non-governmental organization operating as a foundation was established in 2013 in Warsaw by the Reverend Piotr Skarga Institute for Social and Religious Education Foundation. The founding group’s origins has been traced to a Brazilian fundamentalist religious organization Tradition, Family, and Property (TFP) that is considered as a pseudo-catholic sect in France (Piątek, 2017). The main activities of Ordo Iuris include providing expertise in lawmaking, monitoring legal procedures, representing anti-choice activists in litigations, education and guidance for young professional lawyers, and organizing academic conferences (“Ordo Iuris” n.d.). On their official webpage they cryptically refer to “various radical ideologies that aggressively question the existing social order.” As the self-proclaimed guardians of the legal order (hence, the name of the group), they declare to defend “the natural identity” of marriage and family, protect life “from conception until death” and uphold “freedom of conscience” understood as the core value guiding anti-choice medical professionals. In 2017 they established a Centre for Bioethics as another platform for lobbying against abortion, the IVF method, euthanasia, and biotechnological interventions in medicine.

Ordo Iuris is a highly professionalized group, efficiently backing up any conservative attacks on gender equality, reproductive and LGBT rights, etc. This far-right legal think-tank not only strongly supports the governing party, but is also tied to it politically: its first director Aleksander Stępkowski served as the undersecretary of state in the Ministry of Foreign Affairs of the PiS government in 2015-2016. From 2018 the group has their representative in the board of the National Freedom Institute. Even though Ordo Iuris operates primarily at the national level, they have developed

extensive international lobbying networks at the Council of Europe, UN, OSCE, and European Parliament. The Institute even has an office in Brussels. They also frequently comment on legal developments in the areas of their interest that take place in other national and supranational contexts, from Ireland to Guatemala. There is no doubt that when it comes to language, methods of organization and outreach, the group's conservative agenda targeting gender-related issues aligns with similar civil society actors proliferating across Europe and beyond. These far-reaching transnational connections linking key local actors to wider anti-gender mobilization have been researched by numerous scholars who signalize the emergence of a novel global movement (Paternotte, 2014; Korolczuk, 2014; Kuhar and Paternotte, 2017; Korolczuk and Graff, 2018).

Discursive delegitimization of policies

Although political discourses aimed against gender equality policies in Poland have been prominent before the backsliding discussed here has started, their intensity combined with the political leverage gained by their authors, makes this process into another factor indicative of backsliding.

Overall, the rhetoric used by right-wing politicians forms a complex web of versatile and interlocking discursive strategies that affect implementation of existing policies, but also prepare the ground for new legislative initiatives from the conservative government. Those include appropriations of human rights and welfare state vocabulary discussed above. Moreover, with the use of a highly emotive language gender equality policies are presented not only as a threat to national sovereignty, but also as legal acts smuggling dangerous transgressive norms, framed as deviations and pathologies that are being imposed by demoralized Western supranational lobbies. In their recent article, Graff and Korolczuk argue that the anti-colonial rhetoric employed by the right-wing is the key discursive structure for anti-gender mobilization (Korolczuk and Graff, 2018). In the Polish context, well-rehearsed tropes of national victimhood, messianism and moral superiority allow the advocates of anti-genderism to claim a moral high ground and hijack the anti-colonial framework for their cause (Janion, 2006). In a

larger regional context, the threat of alleged treacherous colonization from the West grants the Eastern European conservative elites the role of saviors of the Christian “civilization of life,” especially because they present themselves to be already experienced in defeating the “evil forces” of communism.

Anti-communism is a strong component of the mobilization against gender equality imagined as yet another international plot, which seems to be a continuation of earlier dismissals of feminism and women’s emancipation as a communist legacy. In 2016, Jarosław Gowin, the newly appointed Minister of Science and Higher Education denounced gender studies, more specifically gay and lesbian studies, as the most radical example of “pseudoscience” and compared the disciplines to Marxism in state socialism (PAP, 2016b). Previously, as the Minister of Justice in the first cabinet of Donald Tusk (2011-2013), Gowin has been a vocal opponent of the Istanbul Convention, and one of the first high-ranking politicians to publicly speak against “gender ideology” and “homosexual propaganda.” Scholars point out that within this discourse of foreign-imposed ideology and propaganda, the figure of an “innocent child,” endangered with deprivation by sexual education in schools or any mention of non-normative sexualities, is especially prominent (Korolczuk, 2014; Duda, 2016).

I briefly illustrate discursive backsliding on the example of the 2015-2017 debates around the Istanbul Convention.⁷ Already in his presidential campaign in 2015 Andrzej Duda spoke strongly against the ratification of the Convention as mentioned in the introduction. Promising he will not sign it as the future President, Duda highlighted that according to him, the Convention includes concepts that are in conflict with Polish tradition and culture. He claimed: “gender [as socially constructed – author’s note] is not legally defined in Polish law and most people commonsensically are aware that sex is determined by nature” (TVN, 2015). Beata Szydło called the Convention a “mystification” and Elżbieta Rafalska, the Minister of

7 Weronika Grzebalska has identified those earlier debates on the Istanbul Convention from 2012-2013 as one of the key triggers in the wave of anti-gender campaign in the Polish context (Grzebalska 2015, 83).

Labor a “legal monster”.⁸ In 2016, Rafalska confirmed that a governmental commission was formed to discuss the termination of the Convention, as an act considered to be harmful to traditional family values (Grochal, 2016). Two months later, President Duda once again questioned the ratification of the treaty, stating that the existing regulations on domestic violence in Poland are functioning well, so that the implementation of any additional provisions is redundant (Podgórska, 2017). He did not speak about terminating the agreement, but assured that Poland should not implement the Convention. These statements openly challenge a formally accepted policy. The crux of the struggle over the Istanbul Convention (which started well before its signing and ratification⁹) is the introduction of the term “gender” understood as socially constructed to the Polish legal system, perceived by the conservative critics as a viable threat to “traditional family values,” and therefore, as not compatible with Polish Constitution. Giving rise to a large discourse against the so-called “gender ideology” this debate was heavily influenced by the Catholic Church as a vehicle for fundamentalist anti-feminist attitudes, and with significant political influence (Graff, 2014; Fuszara, 2005; Szelewa, 2014).

Just as it needs its victim figures, the anti-gender discourse is fueled by the rhetoric of crisis: that of the family or fertility, masculinity, Christian values or civilization, among others. Operating in a permanent emergency mode it manages to mobilize diverse interest groups. The “refugee crisis” that started in 2015 is another instance when a strongly gendered and racialized rhetoric has been swiftly utilized in the ongoing election campaign. What followed was a wave of sensationalist news about the apparent threat of sexualized violence that positioned the security of white European women as a political priority, but only when it plays into the anti-immigration arguments.¹⁰

8 See <https://www.polityka.pl/TygodnikPolityka>. (Last accessed July 15, 2019.)

9 Already in 2014, an “Anti-gender Ideology” Parliamentary Committee was formed in Sejm.

10 One of the most illustrative examples of this logic is the cover of the right-wing weekly *W Sieci* from February 2016 featuring a report titled “Islamic rape on Europe: what media and elites in Brussels hide from the EU citizens.” The cover image shows Europe personified as a blond woman who is being groped by multiple hairy arms, aggressively pulling her hair and

On an even deeper level, in according to this rhetoric, the assumed weakness of Europe lies in the decline of fertility rates that is blamed on the gender equality policies. According to Monika Bobako, the Polish version of what she calls “the resentment islamophobia” is integrally linked with the discursive framework characteristic for the “war on gender ideology” (Bobako, 2017:367). Indeed, several discursive strategies discussed above are repeated and intertwined here: the strong anti-colonial frame directed against the EU, resurgence of religious nationalism, selective appropriation of human rights discourse, national exceptionalism, the need for cultivation of normative gender roles and protection of traditional family values, all served in an alarmist tone and with a large dose of moral panic. Just as the resentment islamophobia forms a strand specific for the semi-peripheral political context, the anti-gender discourse born out of Poland makes a pretense to its particularity and special role of CEE in saving Europe from itself.

Combined, these discursive strategies prove extremely effective in mobilizing electorate through channeling anxieties and insecurities caused by the neoliberal economy model. As observed by Grzebalska and Pető, “equality politics functions in the illiberal transformation as a symbol of everything that is wrong with the current state of politics” (Grzebalska and Pető, 2018:165). In this sense, they not only undermine existing gender equality policies and block their implementation, but also create an even more hostile environment for feminist activists, whose work became increasingly precarious. In the section below, I describe how this difficult political situation transformed the feminist movement.

Analyzing feminist responses to backsliding and modes of resilience

Faced with state hostility and repressions, women’s movement in Poland resorted to several varied strategies to cope in this new political context. From street protests to new ways of coalition building, the movement

silky EU-flag dress. This xenophobic imagery of sexual violence implies vulnerability of the EU project that the Polish conservatives criticize for its liberal immigration politics and for imposing the “refugee quotas” on Central and Eastern European countries that vocally oppose accepting refugees.

experienced both challenges and a boost of energy that redefined policy goals within the institutionalized realm, as well as reformulated the means of gender equality activism beyond it. This brought a significant change in the movement's mobilization capacity. Below I overview the most important factors of these feminist transformations and counter-strategies.

Black protests, All-Poland Women's Strike, and other collective actions

The most spectacular way of responding to policy backsliding in the domain of reproductive rights were the massive protests that took the streets of Polish cities in 2016 and 2017 in response to the proposed further restriction of the anti-abortion law. The scale and scope of these grassroots protests was unprecedented with over 200 thousand participants in 142 cities and towns across Poland, widespread international solidarity with the movement, and the formula being adopted in other contexts with Black Protests in Mexico, Argentina, South Korea, Italy, and other countries.

Access to abortion has been a recurrent topic on the political agenda since 1989 marking the process of "democratization" in post-state-socialist Poland (Holc, 2004). After passing the anti-abortion law in 1993 it was difficult for feminist organizations to mobilize women across the society (and beyond certain core numbers) to actively protest the so-called "compromise," which allows legal abortion only in three strictly regulated and difficult to access cases.¹¹ One of the strictest abortion laws in Europe has been considered a "compromise," because it deleted a proposed provision that would make women liable to imprisonment for terminating their own pregnancy (Zielińska, 1993). It was indeed a bittersweet compromise that muzzled any attempts at challenging the deal settled between the newly elected democratic government and the Catholic Church at the expense of women's reproductive rights. According to Dorota Szelewa, since 1993 defending this silent pact has been equated with maintaining "social peace" in Poland (2017:23). Nevertheless, in July 2016 when a proposal of a bill

11 For an overview of the debates between 1989 and 1991, see (Fuszara 1991; Jankowska 1991).

absolutely prohibiting abortion and envisioning criminal charges against anyone terminating their own or other pregnancy (reminiscent of the early 90s proposal) has been submitted to Sejm, the situation shifted dramatically.

The first wave of protests started already in April 2016 in response to right-wing NGOs (“Life and Family” foundation, “Pro – The Right to Life” foundation and others) collecting signatures under the civil law project “Stop Abortion.” The conservative network supported by the Catholic Church infrastructure managed to gather more than 400 thousand signatures in just three months. Despite such proposals being submitted to the parliament in recent years along with attempts at introducing a protection of “life since conception” into the Constitution, this time the project enjoyed a considerable support from the ruling party, and thus, posed a viable threat of a total ban on abortion.

In response, a new civic initiative “Save the Women” (“Ratujmy Kobiety”) quickly formed and drafted an alternative law project that postulated abortion on demand until the twelfth week of pregnancy, as well as universal access to sex education and contraception. Grassroots voluntary groups managed to collect 215 thousand signatures supporting the project by September 2016, and twice as many (over 500 thousand signatures) one year later when the project was resubmitted, showing that the public support for liberalizing the anti-abortion law grew rapidly. In fact, this was the first time a bill liberalizing abortion ban has been submitted to the parliament since 1995 (Sawka, 2018).

When on September 23rd 2016 the parliament rejected the pro-choice law project while accepting the criminalizing proposal for further works, feminist actions started spearing first online and then to the streets of Polish cities and towns. They culminated with Black Monday on October 3rd when more than 200 thousand people took part in protests, pickets, and rallies, another 200 thousand joined the strike action, and 500 thousand wore black in solidarity (Majewska, 2018:234). After many years of feminist organizing and political lobbying against the abortion ban, these recent events brought not only different demographic strata of supporters – namely, many young women previously not engaged in such disruptive

actions – but also allowed for qualitative change in priorities, shifting them from efforts to maintain the *status quo* to demanding liberalization of the restrictive anti-abortion law.

This is not to claim that reaching such an outstanding support for challenging the “abortion compromise” was an easy negotiation, as many of the newcomers to the movement would not even openly identify with feminism. Initially, the mobilization was focused on blocking the “Stop Abortion” law project to be voted into law, so in other words, maintaining the “compromise.” However, along the way and within the dynamics of an *ad hoc* social movement in the making, the demands on liberalizing the existing anti-abortion law started to become more prominent. The already existing dense network of women’s and feminist groups, that were able to quickly respond to potentially divisive debates and support the movement with their expertise and know-how, allowed for the feminist pro-choice trajectory to be set out.

According to Elzbieta Korolczuk, it was the rapid change of political context that sparked the mass mobilization around the black protest– “increased political conflict, accompanied by the closing of communication channels between the state authority and the citizens, drastic limiting of public dialogue” (Korolczuk, 2016a:33) – which defines this volume as part of wider processes of democratic backsliding. She also points out that this change of context brought support of the mainstream media for the protesters and their cause, making reproductive rights, which before oscillated at the fringes of political journalism, into a viable topic for media coverage and public debate. Furthermore, Korolczuk notes that “of key importance for ‘scaling up’ of protests was the fact that the mobilization followed the logic of connective action based on personalized engagement, in which communication became an important element of organizational structure” (Korolczuk, 2016b:94). She also argues that by adopting an open formula for the strike – which went beyond the traditional labor protest reminiscent of the 1980s Solidarity actions – and incorporating softer forms of contestation, the movement allowed for more flexibility and inclusion (Korolczuk, 2016b:103-4). These softer forms of contestation

like expressing solidarity with the strike by wearing all-black or formally taking a day-off and thus, avoiding any disciplinary repercussions, are also indicative of the precarity that characterizes contemporary neoliberal labor market in Poland.

The strike not only enjoyed international resonance, but also was itself inspired by the 1975 Icelandic strike, when the majority of women stopped work and refused to do household chores for one full day, demanding that their domestic labor is valued.¹² On September 24th 2016, Krystyna Janda, a well-known and respected actress, was the first to bring up the Icelandic strike when on her social media account she publically announced that Polish women should follow their example. Next day, during a protest in Wrocław Marta Lempart, a feminist activist responded to this call and initiated the All-Poland Women's Strike. This became an impulse for actions in other countries with Women's Strike in South Korea against introducing harsher punishments for doctors performing abortions, "Non una di meno" movement in Italy against gender-based violence, and coincided with large demonstrations against femicides in Argentina after a brutal rape and murder of a 16-year-old girl. Activists from these countries were in contact, and as a result of this collaboration, by winter 2016 a transnational grassroots movement was forming under the name "Paro de Mujeres" or "International Women's Strike" with plans for coordinated actions in over 54 countries to take place on March 8th 2017 ("Paro de Mujeres" n.d.).

As suggested above, it is important to put those multiple protests across Poland in a broader context. First, the intensity of changes directly affecting women's everyday reproductive choices increased rapidly with a wave of political decisions by the new government, such as terminating funding for IVF, defunding programs combating domestic violence, and reduced access to contraception. The threat of passing the full abortion ban and punishing even involuntary miscarriages with criminal charges (up to five years of imprisonment) became a tangible possibility. Additionally, public statements by high-ranking politicians about their future policy

12 Whereas in Poland the formula of strike was successful, it would not easily catch on in Hungary.

plans augmented the severity of the situation. In the aftermath of the most intensive protests Kaczyński gave a long interview in which he distanced his party from the project by *Ordo Iuris*, but also added: “We are determined to make even those cases of very difficult pregnancies when the child is destined to death, or is severely deformed, to end with birthing so that this child could be baptized, buried, and have a name” (PAP, 2016a).

Second, recent years brought even more visible activities from conservative groups focusing on anti-gender and anti-choice campaigns, like the horrifying anti-abortion billboards and pickets in front of hospitals, drawing from U.S.-style fundamentalist evangelical organizing. Third, black protests followed the first wave of anti-government street protests organized in the early spring of 2016 by the Committee for the Defense of Democracy (KOD), a newly formed grassroots initiative largely inspired by the Solidarity movement and the Committee for the Defense of Workers (KOR), and focusing on the issue of court independence. Political decisions affecting women’s everyday lives, backlash against anti-choice activism, and first protests against the PiS government within the context of more general processes of democratic backsliding combined, formed an important background for further mobilization against the law project entirely banning abortion.

Another important factor that contributed to the inclusivity and scope of mobilization were the forms of communication used that has been highlighted by Korolczuk (2016). Thanks to social media and other online platforms, the main communication channels emerged outside of the formal NGO networks. Małgorzata Adamczyk from the newly formed extra-parliamentary leftwing party “Razem” (“Together”) initiated the visual identification of the black protest by calling women to share photos in black and white, or wearing black to “mourn” women’s rights in Poland.¹³ This simple formula spread rapidly with thousands of women uploading their photos and tagging #czarnyprotest, making it a number

13 Wearing black by women as a symbolic act of national mourning has a long tradition in Poland, dating back to the January Uprising of 1861-1866, (See, Zakrzewski 2017; Majewska 2018, 230–31).

one hashtag on Polish social media in 2016. According to Agnieszka Dziemianowicz-Bąk,¹⁴ a member of the National Board of Razem, “the main motivation to organize online was to include women from smaller towns and villages in this movement, and not only those women who can get to the protest by metro” (2018). The main Facebook groups gathering supporters and activists – namely, *Dziewuchy dziewczuchom* (Gals for Gals with 113,674 followers) or *Ogólnopolski Strajk Kobiet* (All-Poland Women’s Strike with 53,181 followers) – grew in numbers in a short time span. Quickly attracting many new members and spreading into local groups, these channels created a platform for discussions and grassroots organizing. Dziemianowicz-Bąk also highlights that the mobilization was spreading on other online platforms that might have been easily missed by the “feminist old guard,” and mentions Instagram with much younger users in their teens or early twenties (2018).

Again, it is important not to underestimate the already existing feminist channels of information that largely contributed to the success of the Black Protests. For example, “*Codziennik Feministyczny*” (“Feminist Daily”) is an online feminist journal founded in 2013 that provides information and space for debates and organizing. As Piotrowska notes, many feminist activists devoted their time and energy to support the young movement with their expertise in the spirit of “grassroots education” (2018).

The non-hierarchical character of this mobilization with only a few identifiable leaders reframed the debate and gave way to a diverse and heterogenous movement. Ewa Majewska, describes it as a non-elitist, countrywide and international mobilization of women (2016). Applying Nancy Fraser’s concept of “subaltern counterpublics” (1990), Majewska analyzes the Black protests as redefinitions of the public sphere that included mass number of protesters cutting across class and other social divisions. She writes: “Combining resistance to ultra-conservative politics of the Polish government with a critique of the liberal political and cultural elites, the Black Protests form feminist counterpublics” (Majewska 2018: 263).

14 The *Foreign Policy* named Agnieszka Dziemianowicz-Bąk and Barabra Nowacka from the “Save Women” initiative among the Top 100 Global thinkers of 2016 for their role in the Black Protests.

Considerably wide outreach of social media also contributed to geographical spread of the protests that reached even smaller towns.¹⁵ This resulted in engaging new actors in dispersed and diverse forms of contestation – from strikes, street actions and petitioning, through the usage of easily identifiable symbolic like wearing all-black or bringing an umbrella that emerged as symbol of the protest, to more disruptive and creative actions like walkouts from Church masses, blockades of party offices, sending coat hangers (internationally recognized symbol for underground abortions) to the office of the Prime Minister, or even posting detailed updates on one's menstrual cycle to the official Facebook page of the PM. Many spontaneous grassroots initiatives followed and gave rise to new forms of feminist organizing.

To sum up, the successful blocking of the vote on the law proposal on October 6th 2016 was owed to a variety of factors characterizing mass mobilization of the black protest. Although it is debated whether one can label this movement a feminist one, or simply see it as a reaction to the draconian law proposal, the slogans visible during protests included many women's rights issues beyond the right to abortion: domestic violence, rape culture, alimony, access to IVF, labor rights, etc. Paradoxically, the movement was focused and dispersed at the same time, with more gender equality issues catching on along the way.

Decentralization

The resilience and mobilizing power demonstrated by the Black protests strengthened and, to a certain extent, reconfigured the strategies adopted by the more formalized feminist and women's groups. That can be observed especially in the way decentralization is resonating beyond the street protests. For example, in September 2017 the ninth Congress of Women (Kongres Kobiet) was held in Poznań instead of Warsaw, like it used to be for the past eight years. This relocation from the capital, exemplifies a broader trend in decentralization. Gathering over 4 thousand participants

15 The last time Poles took the streets in a comparable scale was to protest the ACTA, restricting freedom of Internet in 2012 (Jurczynszyn et al., 2014). For more on the parallels between the Black Protests and anti-ACTA protests see, (Korolczuk 2016b, 98–99).

under the theme “Alert for women’s rights,” the Congress explicitly criticized the government’s politics and actions undermining democracy, even though this organization inscribes into mainstream liberal politics. Local politics also played a role in choosing to host the Congress in Poznań: the city recently experienced a shift towards the left in local governance, when Jacek Jaśkowiak replaced a long-term PiS mayor Ryszard Grobelny. Jaśkowiak was a PO candidate, but his political career started with the local Right-to-the-city movement (“My Poznaniacy”). His office is known for progressive politics and strong support for women’s rights. For example, in 2016 he created a new office in his cabinet, appointing Dr. Marta Mazurek as the Plenipotentiary for Combating Exclusions.

It is important to note that the trend in decentralization of the movement is rooted in earlier forms of organizing around women’s rights, as well as relatively dispersed networking that characterizes feminist and women’s activism in Poland. In comparison with other countries in the region, feminist movement is less centralized in Poland. Commenting on the newly formed Anti-Violence Women’s Network, Piotrowska says: “It was our priority to avoid making anti-violence actions only in Warsaw, but for it to rather spread locally, because anti-violence activities are realized locally. It is the local governments that have to allocate funding for it and are responsible realizing the objectives of the law. It is up to us to convince the local authorities to acknowledge this problem” (2018). In the case of the Congress of Women, recent years brought more local caucuses organized during each year, and even a separate Congress of Women from Rural Areas (2015).

Another example for that is “Manifa,” the annual feminist demonstration organized in various cities and towns across Poland since 2000. It was started to celebrate the International Women’s Day in a political way. Even though the largest march usually takes place in Warsaw, other cities and towns hold their own Manifas and surrounding events. This localized context laid groundworks for further fast spread of decentralization that could be observed during the black protests. Although the fragmentation of leadership can be framed as a weak point of Polish women’s movement, in the context of backsliding it proved to give an advantage in facilitating fast and effective mass mobilization.

New forms of coalition building

Another characteristic of mobilizing against gender backsliding in Poland is the increased number of new groups and networks dealing with women's rights. Some of these grassroots initiatives have emerged outside of the formal NGO framework, and thus, function independently from state control. This process started already in 2015 and is crucially linked to the previously discussed decentralization. For example, the Anti-Violence Women's Network (Antyprzemocowa Sieć Kobiet) monitors the anti-violence programs at the local level to ensure gender-specific implementation of the policies combating domestic violence. The initiative led by Feminoteka and funded by the Norwegian Grants is a new coalition of over thirty organizations that emerged from engaging new actors after the Polish edition of the One Billion Raising campaign ("Antyprzemocowa Sieć Kobiet (ASK)" 2015). Their main task is monitoring local anti-violence programs. According to Piotrowska, "There's more and more of those kinds of coalitions. We are networking and joining forces. It's an excellent idea to include those persons who got engaged in the Black Protests and the All-Poland Women's Strike into our joint coalition WKURW ["PISSSED OFF"]. There are many *ad hoc* coalitions being formed" (2018).

Most of the new initiatives are in direct response to gradual backsliding of specific policy issues, especially visible when it comes to reproductive rights. Several new coalitions formed quickly after the "Stop Abortion" network submitted the proposal for the bill banning abortion. While "Reclaim the Choice" (Odzyskać wybór) feminist coalition organized protests and direct actions, another network "Save the Women" focused on preparing a civic law project, as discussed earlier in this chapter.

At the same time, next to disruptive protests and attempts to bring policy change, many other networks focused on tactical and practical strategies of resistance. One of the groups called "Abortion Dream Team" is travelling around Poland giving workshops and talks about practicalities of legally accessing abortion abroad. Another informal initiative gathering medical professionals called "Lekarze Kobietom" (Doctors for Women) was formed in 2017 in response to the Ministry of Health's decision to reinstate

the requirement for a prescription to access emergency contraception. This initiative aims to fill the gap in reproductive health needs by uniting doctors from across Poland who commit to aiding women in easy and fast access to emergency contraception. This is especially important in the context where the so-called “conscience clause” is a widespread practice allowing healthcare providers to refuse prescribing contraception or accessing legal abortion for religious reasons.

At the same time, women’s rights activists and femocrats highlight that it is more difficult to mobilize when it comes to issues of gender-based violence. For example, Dziemianowicz-Bąk notes that despite widespread declarations by prominent politicians about withdrawing from the Istanbul Convention, “it was difficult to convince Polish women that this is something key and life-changing” (2018).

In March 2018 a coalition of nursery workers, culture workers and representatives of the tenants’ association organized the first “Social Congress of Women” (“Socjalny kongres kobiet”) in Poznań. As an alternative to the business-oriented neoliberal character of the Congress of Women, this event focused on the issues of labor and housing as core aspects of politics affecting women’s lives. In their twenty-point memorandum, the organizers postulate shortening the workweek to 35 hours, introducing universal pension not lower than the minimum wage, increasing social control over budgeting and decision-making of local governments, lowering the cost of pre-school education, implementing a provision that in case of domestic violence the perpetrator is required to leave the household, among other demands (Socjalny Kongres Kobiet, 2018). The second Social Congress of Women took place on September 13th 2018. There was no governmental participation in any of these events. In this new grassroots initiative care and labor take central stage and thus, directly respond to a neglect of these issues in mainstream feminist organizing – a liberal omission that has been skillfully appropriated by the conservative government in their patriarchal pro-family policies.

Another direct response to backsliding in the domain of funding redistribution was the creation of a unique women’s grant-making fund in 2017. “FemFund” offers mini-grants (each worth 4,400 PLN) for

women-led NGOs and informal groups. The initiative operates through a participatory grant-making model, in which decision-making involves the very communities affected by funding decisions. The creators of FemFund explain: “it was set up in the context of skyrocketing backlash to support feminist movements. (...) It also aims to encourage feminist philanthropy at country and community level to make feminist movements more resilient and resistant to attacks on women’s human rights” (FemFund, 2017). Their priority is to support self-organizing feminist and queer groups from outside of large urban centers. In 2018 the organization has announced its second round of funding and received a total of 154 applications, including from villages with less than 100 inhabitants. When the conservative state takes advantage of the dependency of women’s rights NGOs on public funding, this kind of actions strive for creating financially autonomous women’s movements.

In this section I have presented multiple ways in which feminist actors responded to political disenfranchisement, and more specifically to backsliding gender equality policies. It is important to notice a close connection between some of these feminist actions and a quick response from the state through new policy proposals, or what Julia Kubisa calls “adopting a ‘soft-core’ approach” (Kubisa, 2017:31). For example, the governmental project “For Life” was introduced directly after the first wave of black protests as an attempt at downscaling and reframing the abortion debate while cultivating the pro-life rhetoric. Keeping in mind this tension between action and counter-action, my aim in this part was to analyze the trajectory of the most recent changes and see how this hostile political climate allowed for new forms of coalition building and further decentralization of the feminist movement in Poland.

Conclusions

In 2018 Poland celebrated two centenaries: that of regaining independence after World War I and of women’s suffrage. They also coincided with local election, where a record number of female candidates were registered with 18 percent running for mayor’s offices and 41 percent for district

councils (Szewczyk and Mierzejewski, 2018). This significantly increased involvement of Polish women in local politics might be seen as resulting from the trickle down effect in the aftermath of women's mass mobilization around reproductive rights in the last three years. However, the celebrations of the two anniversaries take very different turns. Whereas the galvanized women's movement critically reflects on one hundred years of female political rights, on November 11th 2018 the government aligned with openly nationalist groups in the controversial Independence Day march organized in Warsaw. This symbolic discord between different ideas of what constitutes a political community reflects the current state of affairs in Poland under the conservative rule.

In the first part of this chapter I described in detail the formation of this new brand of right-wing nationalist politics that selectively implements some aspects of the welfare state policies, while utilizing fiercely nationalistic and anti-egalitarian rhetoric. While many controversial laws threatening the independence of courts, media, and the civil society were passed in a swift manner and without any public consultation, I argue in this chapter that gender equality policies are the nexus of more general processes of democratic backsliding. According to Barbara Gaweda, "the ambivalent position of the political establishment in terms of their commitment to gender equality in political discourse has paved the way for the current dismantling of the already weak institutional guarantors of anti-discrimination and equality" (Gaweda, 2017:251). These rapid changes not only reveal the formalistic nature of anti-discrimination measures undertaken by the previous government, but also bring to the open the unresolved tensions over the issue of "gender ideology" that characterized both the parliamentary and public debate around setting up and implementing equality infrastructure in Poland since 2007. Mobilization against "gender ideology," or "anti-genderism" proved to be a powerful discursive strategy in undermining gender equality objectives with long-lasting effects (Grzebalska, 2015, 2016; Kuhar and Paternotte, 2017)".

The conservative version of welfare policies is a powerful tool for reaffirming "traditional family values" along with unequal division of labor, while routinely undermining gender equality policies by presenting them as

lethal for the family and, by extension, for the whole nation. These new laws refamiliarizing care constitute well-timed interventions precisely into the areas of precarity produced by neoliberalism. Moreover, they correspond with the right-wing critiques of women's reproductive rights in the "war on gender" by making gender equality policies synonymous with degeneration and moral decay epitomized by abortion, non-normative sexualities, and sexual education demoralizing children (Korolczuk, 2014). Within this framework, the political economy of social reproduction still depends on women's unpaid labor, while both reproductive and care work are harnessed within the normative family structure for the survival of the nation.

In response to gradual dismantling of policy infrastructure, defunding of women's NGOs, and undermining of gender equality, the feminist movement in Poland had to reorganize and mobilize in new ways. With the recent wave of mass protests against further restriction of the anti-abortion law, the movement not only regained power, but has also significantly transformed. The struggle for reproductive rights functioned as a catalyst for reformulating the means of feminist activism beyond the formalized NGO structures. Whereas some scholars analyze these redefinitions of the public sphere in terms of the formation of feminist counterpublics (Majewska, 2018), I highlight the role of earlier structures of feminist organizing that laid the groundwork for the current movement's mobilization capacity and its international resonance. Cautious of Nikita Dhawan's concern about the uneven access to counterpublics by subaltern groups (2015), I analyzed how political agency has been distributed beyond the mass street protests and what resistance strategies have emerged when dialogue with the state is impossible. With decentralization and new forms of coalition building as the main factors driving these vibrant mobilizations, the transformed Polish feminist movement sets out a trajectory for a social change that is non-elitists and potentially more inclusive of working-class issues. Whether this will be another "unfinished gender revolution" (Grabowska, 2012) or a successful way of challenging the backsliding processes, feminist responses to illiberal transformations in Poland and across Europe are of key importance for creating political alternatives to conservative politics.

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