

**59th session
of the Committee on the Elimination of Discrimination Against Women**

Polish NGOs' statement

20 October 2014

[not to be read]

*The Polish NGOs' delegation has been registered by Karat Coalition holding a Consultative Status with the Economic and Social Council of the United Nations to represent **CEDAW Coalition of Polish NGOs** at the Session.*

The statement will be presented by:

- *Aleksandra Solik, Karat Coalition*
- *Karolina Wieckiewicz, Federation for Women and Family Planning*
- *Zofia Jablonska, Polish Society for Antidiscrimination Law*

Other delegation members:

- *Anna Dzierzgowska, Feminoteka Foundation*
- *Agnieszka Grzybek, STER Foundation*
- *Martyna Lysakiewicz, Trans-Fuzja Foundation*

Thank you, Madam Chair.

This statement is based on the shadow report prepared by 13 Polish women and LGBT NGOs. We would like to stress three main issues that are critical for women's well-being and equal opportunities in Poland:

- gender stereotypes and disadvantaged groups of women
- reproductive health and rights
- institutional mechanism for non-discrimination and equality.

Gender stereotypes and disadvantaged groups of women

We are concerned about the lack of political will of the Government to respond to the ongoing attacks on gender equality and to address the needs of disadvantaged groups of women.

In Poland a serious backlash against the principles of gender equality, LBT (lesbian, bisexual women and transgender persons) rights and rights of other minority groups of women, can be observed. The conservative powers, including the over-powerful Catholic Church, lead this attack arguing that gender equality and women's rights constitute a threat to "traditional family values". It is the reason why the parliamentary debate about ratification of the Council of Europe *Convention on preventing and combating violence against women and domestic violence* was postponed. The governing party blocked the legislative process under the pressure of the lobby of conservatives and traditionalists.

Meanwhile in Poland, the violence against women and girls, including sexual violence, still constitutes a serious threat to women's lives, health and self-determination. The government fails to

address this issue properly. We are concerned that current attack led by conservative powers on the principle of equality will further affect the government's policies.

The negative influence of gender stereotypes, including their impact on violence against women and girls, is not taken into consideration in educational and training programs for teachers, for government officials and for law enforcement.

The Polish law does not provide protection from homophobia and transphobia, as well as from hate speech based on sexual orientation and gender identity. The act on civil unions has not been adopted. Similarly, there is no actual law on legal gender recognition, which is why transgender persons cannot fully enjoy their human rights.

There is a considerable need for laws, policies and programs responding to the needs of women who are at risk of intersectional discrimination due to their disability, age, place of residence, economic status, lack of Polish citizenship, sexual orientation, gender identity and on other grounds. Women who experience intersectional discrimination are particularly disadvantaged in the areas of education, labour market, employment and health care.

There is a dire need of comprehensive research and of developing a plan of action for eliminating violence against women, poverty and intersectional discrimination of disadvantaged groups of women such as rural women, old women, LBT women, women with disabilities, migrant women and the female working poor.

Now I give the floor to my colleague - Karolina Wieckiewicz

Thank you.

Reproductive health and rights

The Act on Family Planning of 1993 that regulates access to contraception, sexuality education and legal abortion is not being implemented in the proper way.

The state should guarantee that contraceptives are accessible, available, affordable and acceptable. In reality – only one kind of old-generation oral hormonal contraception is subsidized from the state budget. A majority of modern methods is too expensive for most women. Emergency contraception requires a prescription, which is difficult to obtain within the public health care system due to abuse of the so-called “conscience clause”. The provision that allows health care providers to abstain from performing some medical procedures on the ground of their personal beliefs is being unlawfully expanded. Voluntary sterilization is prohibited.

Access to knowledge, services and methods to freely decide about one's fertility is limited also due to lack of comprehensive mandatory sexuality education in schools.

It has to be emphasized that abortion law in Poland is of a very restrictive nature which is an exception among the European countries.

Abortion in Poland is legal only in three narrow cases. In reality, the access to legal services is even more restrictive than on paper. Due to the “chilling effect” that criminal provisions have on doctors, abuse of conscience clause and lack of timely and effective remedy for women who are denied services, access to legal abortion is very limited. The combination of these factors constitutes a hostile atmosphere around abortion that violates women's rights to safe and legal procedures, including even pre-natal examinations.

Due to the abuse of the conscience clause just a few months ago, a woman in Warsaw was denied legal termination and therefore forced to continue pregnancy with a brainless foetus, give birth and experience its immediate death.

The government only collects data about legal abortion cases. There is no acknowledgment of the negative effects of the abortion law - such as unsafe by definition clandestine abortions, abortion tourism and a growing use of pharmacological abortion, including black market.

The impact of the described situation varies among different groups of women depending on their socio-economic status and causes further discrimination.

Now I give the floor to my colleague - Zofia Jablonska.

Thank you.

Institutional mechanisms for non-discrimination and equality.

In Poland, no law addresses the subject of gender equality exclusively, nor formulates a definition of discrimination against women. The anti-discrimination act excludes women from protection in crucial spheres of life for example in access to healthcare, educational services and formal education system, nondiscrimination in private and family life.

There is no separate governmental body that would comprehensively deal with gender equality. The Governmental Plenipotentiary for Equal Treatment handles gender as one of 10 various grounds of discrimination. The body does not have a separate budget for its activities, such as the implementation of gender equality. It lacks institutional mechanisms and power to coordinate, supervise and execute the governmental policies in the field of gender equality and non-discrimination.

The collection of the data disaggregated by sex is a legal obligation of the Central Statistical Office. However, the statistical office does not provide the data concerning intersectional approach to women's issues.

Last but not least, there is no comprehensive and binding governmental strategy for ensuring gender equality and women's empowerment.

Thank you, Madam Chair.

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RECOMENDATIONS

Gender stereotypes and disadvantaged groups of women

In order to combat gender stereotypes and intersectional discrimination, we ask the Committee to urge the Polish State to:

- ratify the Council of Europe *Convention on preventing and combating violence against women and domestic violence*.

- train public services and institutions assisting women who experience sexual violence on the subject of gender stereotypes and their impact on violence against women;
- conduct a long-term educational policy aimed at challenging gender stereotypes in the society and raising awareness of their impact on violence against women, including sexual violence;
- adopt a law on same-sex partnerships or marriage, including adoption and custody matters, and legal gender recognition act;
- incorporate gender equality into teachers' training;
- develop a plan of action for eliminating poverty and intersectional discrimination of vulnerable groups of women such as rural women, women with disabilities, migrant women, LBT women and the female working poor.

Reproductive health and rights

In order to fulfil the principles regarding access to modern contraceptives we ask the Committee to urge the Polish State to:

- provide adequate access to a wide range of modern contraception methods, including emergency contraception, among others by covering the costs of modern methods from the state budget;
- remove prescription requirement for emergency contraception;
- remove prohibition of voluntary sterilization from the criminal code provisions;
- include comprehensive mandatory sexuality education as a part of school curricula.

In order to guarantee access to legal abortion services, we ask the Committee to urge the Polish State to:

- amend the criminal code provisions regarding criminal charges for illegal services related to abortions. The pressure cannot be put on doctors who perform services in hospitals in a good-will manner, being convinced that they perform legal abortions;
- ensure access to legal abortion by establishing an effective system to monitor the use of "conscientious objection" and to hold doctors who abuse it accountable, as well as by guaranteeing that the use of conscientious objection is a personal matter of a particular doctor, rather than an institutionalized practice;
- ensure access to legal abortion by establishing a timely and effective remedy for women who are denied legal services that is not of a retroactive manner, but can guarantee timely access to legal services when those are denied;
- monitor the market of underground abortion services and abortion tourism as the effects of the existing abortion laws.

In order to guarantee women's access to legal and safe services we ask the Committee to urge the Polish State to review the law and consider liberalization towards making abortion legal until the 12th week.

Institutional mechanisms for nondiscrimination and equality.

In order to fulfil the principle of gender equality, we ask the Committee to urge the Polish State to:

- introduce anti-discrimination legislation which includes the definition of discrimination (including intersectional discrimination), as specified in Art. 1 CEDAW, and which protects women from discrimination in all spheres of life;

- establish a permanent governmental body responsible for gender equality and women's empowerment, located at the highest governmental level with a significant separate budget; as long as there is no such body, ensure a separate budget for the Plenipotentiary for Equal Treatment and financial means for implementing gender equality;
- create, in cooperation with women's NGOs, a long-term, comprehensive and binding National Action Plan for Gender Equality and Women's Empowerment;
- develop a strategy and action plan for applying gender mainstreaming at all governmental levels;
- collect gender disaggregated data, however with an intersectional approach, regarding the groups vulnerable to discrimination, concerning the said forms of discrimination (for example direct and indirect discrimination, sexual harassment, forms of violence) and other factors (such as age, socioeconomic status etc.).