

Statement by Dorota Trypens, Federation for Women and Family Planning, also on behalf of Action Canada for Population and Development (ACPD), Latin American and Caribbean Committee for the Defense of Women's Rights (CLADEM), International Women's Rights Action Watch – Asia Pacific (IWRAW – AP) to the Human Rights Council during adoption of the Universal Periodic Review on Poland, June 10 2008

Mr. President,

This statement is made on behalf of 4 organizations.

According to paragraphs 29 and 34 of the Working Group report on Poland (A/HRC/8/30) the National Programme against Domestic Violence is depicted as a success. The fact is that the Counteracting Domestic Violence Act from 2005 and the Criminal Code have established a legal framework for the protection of domestic violence victims, but the protection is not effective. The Act gives the possibility to the police and Courts to isolate victims from perpetrators of violence. But this power is rarely used and only after the criminal proceedings are finished. As a result, victims continue to remain at home with no protection against further violence. Not surprisingly, there is no effective infrastructure of shelters and centers assisting both the victim and the perpetrator. These problems are compounded by too many people continuing to believe that domestic violence is a private matter between the couple, best kept within the family confines, rather than being treated as a criminal offence.

Furthermore the Working Group report in paragraph 51 speaks about new provisions that have been introduced that permits an appeal when a doctor refuses to conduct an abortion, such a procedure in fact does not exist. In Poland access to abortion is already restricted to 3 situations that are vaguely described in law. The Polish law does not foresee effective measures to review refusals of abortion. As a result, women to whom an abortion was denied, do not have any possibility of consulting an independent body or to have this decision reviewed. Given that the legislature has decided to allow abortion in the situations, it must not structure its legal framework in a way which would limit real possibilities to obtain it.

Despite the fact that these issues have not been dealt with in the recommendations of the Report of the UPR Working Group, we call on Poland to take steps to rectify these situations. Change must come with both legislative reforms and increased social awareness of these problems.

Thank you, Mr. President.