

Universal Periodic Review of Poland

41st Session

November 2022

Federation for Women and Family Planning

Federation for Women and Family Planning, Poland has been acting for women's reproductive and sexual rights and health for over thirty years. The Federation advocates for state policy to conform to international reproductive rights and health standards. We believe that guaranteeing women's reproductive rights to decide freely about their sexuality and fertility is essential for achieving gender equality.

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Sexual Rights Initiative

The Sexual Rights Initiative is a coalition of national and regional organizations based in Canada, Poland, India, Argentina, and Southern Africa that work together to advance human rights related to sexuality at the United Nations.

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Key Words: reproductive rights, sexual rights, women's rights, health, abortion, contraception, family planning, comprehensive sexuality education, perinatal care, persistent failure to comply with UPR recommendations

Executive Summary

1. This report is submitted jointly by the Federation for Women and Family Planning, Poland and the Sexual Rights Initiative. The report focuses on violations of women's sexual and reproductive rights in Poland and the stark impact of the restriction on abortion introduced in November 2020 that amounts to quasi total abortion ban in Poland. The report also addresses barriers in access to contraception, neglect and demonisation of comprehensive sexuality education, and the decrease in ante-natal care.

Problem identification

2. The restrictions on access to abortion in Poland introduced in 2020 on top of the already restrictive law in force since 1993, extrastatutory barriers and stigma around abortion place women's and pregnant persons' lives and health at risk and undermine their rights to bodily autonomy and integrity, right to be free from torture, right to education and to self-determination. This strict legislation quasi totally banning abortion, led to deaths of at least 4 women in Poland, while overall standards of pregnancy care lowered drastically, in particular as regards access to ante-natal care.
3. Polish children and adolescents have no access to comprehensive sexuality education. During the COVID-19 pandemic, CSE was additionally neglected and was targeted by the anti-gender movement in Poland in the campaigns where sexuality education is framed as linked to pedophilia and as a tool aimed at making children immoral. Meanwhile, access to contraception continues to be undermined.
4. These negative developments and on-going regression of rights demonstrates lack of will to comply with the recommendations from the previous UPR and numerous other calls and recommendations from international mechanisms and bodies. Poland not only failed to implement relevant recommendations from the previous UPR cycle but went further in limiting sexual and reproductive rights and health services violating international human rights law and the principle of non-retrogression.
5. In anticipation of the UPR of Poland in November 2022, the Federation sent an official letter to the Ministry of Foreign Affairs, on 24 January 2022, asking the Minister to inform the Federation about the activities undertaken by Poland to implement the recommendations from the previous UPR cycles in the field of SRHR. The Federation has also reminded the Minister of the good practices to consult CSOs before the review and indeed in the development of the national report, and asked if the Ministry foresees any such consultation with the Federation and other organisations active in the field. The Ministry failed to answer the Federation's letter.

Recent restrictions to abortion and its consequences on access to abortion care

6. Poland received and accepted 8 recommendations on abortion including:
 - Ensure that safe legal abortions are available and accessible in practice, in keeping with the 1993 Act on Family Planning and consistent with Poland's obligations under articles 12 and 16 of the Convention on the Elimination of All Forms of Discrimination against Women (Canada);
 - Ensure that women can have access to lawful abortions by creating clear, legally binding regulations for the implementation of the 1993 Family Planning Act (Norway);
 - Ensure that safe and legal abortions are accessible in practice by creating clear, legally binding regulations for the implementation of the 1993 Act on Family Planning (Iceland);

¹ CENTER FOR REPRODUCTIVE RIGHTS, The World's Abortion Laws, available at <https://reproductiverights.org/worldabortionlaws>.

7. Since 1993 Poland has had one of the most restrictive abortion laws in Europe¹ which allowed abortion only when the life or health of a pregnant woman was at risk, in situations of severe or fatal fetal impairment or if a pregnancy resulted from sexual assault².
8. The law became even more restrictive following a ruling of Poland's illegitimate³ Constitutional Tribunal of 2020. On 22 October 2020, Poland's Constitutional Tribunal considered a petition challenging the provision of the 1993 law⁴ allowing for abortion in situations of "a high risk of severe and irreversible fetal defect or incurable illness that threatens the fetus' life" as inconsistent with Art. 38 in conjunction with Art. 30 in conjunction with Art. 31 sec. 3 of the Constitution of the Republic of Poland filed by members of the Polish Sejm and formally supported by the Prosecutor General. The Tribunal announced that it considered those provisions unconstitutional.⁵ On 27 January 2021, the Tribunal's decision was published in the Journal of Laws and took legal effect.
9. In the third cycle of the universal periodic review of Poland in 2017, Poland accepted 8 recommendations from other countries regarding ensuring access to legal and safe abortion in Poland, the implementation of the judgments of the European Court of Human Rights in abortion cases, and extending the scope of sexual education in schools⁶. None of these recommendations have been implemented. On the contrary, in its legislative and policy initiatives, over these 5 years Poland clearly disregarded these recommendations violating the principle of international law that prohibits retrogression.
10. The Constitutional Tribunal's decision must be seen in the context of the ongoing erosion of the rule of law in Poland. The independence and legitimacy of the Constitutional Tribunal has been severely undermined by reforms to the judiciary adopted since 2015. The Constitutional Tribunal can no longer be considered an "independent and impartial court." The European Commission has noted that, "the constitutionality of Polish laws can no longer be effectively guaranteed. The judgments rendered by the Tribunal under these circumstances can no longer be considered as providing an effective constitutional review."⁷ The Parliamentary Assembly of the Council of Europe, in its resolution adopted in January 2021, reiterated that "the Constitutional Tribunal seems to be firmly under the control of the ruling authorities, preventing it from being an impartial and independent arbiter of constitutionality and the rule of law."⁸ As such, the October 2020 ruling of the Constitutional Tribunal cannot be considered to constitute an effective or legitimate constitutional review as required by rule of law principles.
11. Access to abortion care became even more difficult after the ruling of 22 October 2020, given by the illegitimate Constitutional Tribunal. "This ruling will have devastating consequences for women and adolescent girls in need of such terminations, especially those who are socio-economically

¹ CENTER FOR REPRODUCTIVE RIGHTS, The World's Abortion Laws, available at <https://reproductiverights.org/worldabortionlaws>.

² Please see previous Federation's submission highlighting barriers of access to abortion and other sexual and reproductive health services

³ This formulation reflects concerns as to the compliance of the Polish judiciary with rule of law standards. Please read more at footnote 8 of this submission.

⁴ Act of 7 January 1993 on Family Planning, Human Foetus Protection, and Conditions of Legal Pregnancy Termination, Art. 4a sec. 1 point 2.

⁵ The Constitutional Tribunal of Poland, Case no. K 1/20 (2020), https://ipo.trybunal.gov.pl/ipo/view/sprawa.xhtml?&pokaz=dokumenty&sygnatura=K%201/20#komparycja_20359.

⁶ Matrix of recommendations: <https://www.ohchr.org/EN/HRBodies/UPR/Pages/PLIndex.aspx>

⁷ Reasoned Proposal for a Council decision on the determination of a clear risk of a serious breach by the Republic of Poland of the rule of law (COM/2017/0835 final - 2017/0360 (NLE)), paras. 92-113 and 175(1). *See also* European Commission, 2020 Rule of Law Report Country Chapter on the rule of law situation in Poland, SWD(2020) 320 final (30 September 2020), p. 3, <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1602579986149&uri=CELEX%3A52020SC0320>; European Parliament resolution of 26 November 2020 on the de facto ban on the right to abortion in Poland (2020/2876(RSP)).

⁸ Parliamentary Assembly of the Council of Europe, Judges in Poland and in the Republic of Moldova must remain independent, Resolution 2359 (2021) Provisional Version, point 12.1, <https://pace.coe.int/en/files/29000/html>. *See also* *Xero Flor w Polsce sp. z o.o. v. Poland* (Appl. no. 4907/18), Eur. Ct. H.R. (2021).

disadvantaged and migrant women in irregular situations who do not have the means to go abroad for abortion services" the UN experts said in the communication issued after the ruling⁹.

12. According to the recent abortion statistics for 2020 provided by the Ministry of Health, there were a total of 1076 abortions carried out in 2020. Within this number, 1053 abortions were carried out on the grounds of fetal impairment and 21 abortions were carried out because of the threat for women's life and health. The 2020 statistics show that there were 2 legal abortions carried out on grounds of sexual assault which maintains the trend of the last 10 years when only between 0 and 3 legal abortions have been performed each year on the ground of sexual assault¹⁰. **While abortions performed on the ground of severe or fatal fetal impairment accounted for 98 % of total number of abortions performed in Poland. Now, these interventions are no longer legal.**
13. The most recent and only partial official statistics for January and February 2021¹¹ show that there were 112 so called "induced miscarriages" carried out in the public health care system while in the same period of 2020 there were 255. The decline is expected to be even greater since February was the first full month the decision of the flawed Tribunal came into force (only in February the number fell from 130 to 30). There are no full official statistics of legal abortions for 2021.
14. As regards ante-natal testing, during these first 2 months of 2021 there were 4 000 patients less than during the same period in the last year. This is due to the general decrease in the number of pregnancies but also due to the fact that doctors do not encourage women to have the tests done due to the lack of options after receiving the test results (as it has been confirmed by many doctors the Federation spoke to or who have been interviewed by the media recently)¹².
15. During the year since the entry into force of the abortion ban, at least 4 women of women have been reported as having died as a result of lack of access to lifesaving abortion care. By intervening on time in the cases when pregnant women's health or life is in danger and intermediating with hospitals the Federation managed to prevent numerous cases from a dramatic ending. In 1 year, the Federation helped 300 pregnant women to have abortions in Poland on the ground of there being a threat for their physical or mental health.

Criminalisation of abortion and chilling effect on doctors

16. Doctors (or anyone else) who help a pregnant person to obtain an abortion outside of the scope of law are liable to up to three-year prison sentence¹³ and if the foetus has become capable of living outside the pregnant woman's body shall be subject to the penalty of the deprivation of liberty for a term of between 6 months and 8 years (art. 152 § 3).

⁹ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26434&LangID=E>

¹⁰ While the research published in 2018 demonstrates that every 5th Polish woman experienced rape <http://www.fundacjaster.org.pl/upload/Raport-STERu-do-netu.pdf>

¹¹ Obtained from the National Health Fund upon request from journalists, not yet accessible from the source.

¹² <https://www.gazetaprawna.pl/wiadomosci/kraj/artykuly/8166757,legalne-aborcje-w-polsce-statystyki.html>

¹³ Article 152 of the Polish criminal code:

§ 1. Whoever, with consent of the woman, terminates her pregnancy in violation of the law shall be subject to the penalty of deprivation of liberty for up to 3 years.

§ 2. The same punishment shall be imposed on anyone who renders assistance to a pregnant woman in terminating her pregnancy in violation of the law or persuades her to do so.

§ 3. Whoever commits the act specified in § 1 or 2, after the foetus has become capable of living outside the pregnant woman's body shall be subject to the penalty of the deprivation of liberty for a term of between 6 months and 8 years.

17. In the year since the Tribunal's 2020 ruling, there were numerous reports of denial of abortion care to women who should be able to obtain abortion care on the grounds of a risk to life or health. Doctors are afraid of criminal responsibility and often deny or delay providing abortion care to women which in some cases may cause serious threats to their lives and health.
18. The tragic consequences of the chilling effects of the ruling on doctors' decision making in providing medical care is illustrated by the case of Izabela.
19. Izabela was 30 years old, 22 weeks' pregnant, her case was disclosed to the public in November 2021. She was admitted to the hospital with the lack of amniotic fluids. The doctors were waiting for the foetus to die and their decision to perform abortion was taken too late and the woman died of septic attack. The death of Izabela sparked Poland-wide protests.
20. The Federation forges a path for a wider interpretation of the ground for abortion which refers to the threat to women's life/health so that it could cover mental health problems related to pregnancy. However, many doctors fear issuing certificates on state of mental health qualifying for legal abortion. There is also opposition from the religious fundamentalists to considering mental health as equal to physical health component of overall health: one of the hospitals who refused to provide legal abortion to a 26 years old woman whose pregnancy was diagnosed with a fatal fetal impairment relied on the opinion of a religious fundamentalist organisation claiming that "depression does not constitute threat to health"¹⁴.
21. According to the most recent official statistics for 2020 there were 103 criminal proceedings instituted under 152 of the Polish criminal code, and 37 crimes have been established. Moreover, the data and statistics are not recent as the government failed to present its report from the execution of the Act on Family Planning on time and the most recent detailed government statistics cover the year 2018.
22. The UN Committee on the Rights of the Child in the recent review of Poland, called on Poland to decriminalize abortion in all circumstances and ensure access to safe abortion and post-abortion care services for adolescent girls, making sure that their views are always heard and given due consideration as a part of the decision-making process.

Demonstrations against the restrictions to the abortion law and after the death of Izabela

23. When the abortion ban was introduced in November 2020, hundreds and thousands of Polish citizens mobilised and protested, in 580 cities and towns and in many cities abroad. The protests have been ongoing under Covid-19 restrictions to March 2021 with bigger or lesser intensity.
24. In November 2021, when a 30 year old woman Izabela died as a result of denial of access to lifesaving abortion, thousands of protesters all over Poland took to the streets again to pay tribute to her¹⁵.

Role of the NGOs and informal groups in providing help to women

25. The burden of providing help, resources, information on and access to abortion fell on the NGOs, informal groups and initiatives in Poland or abroad that help Polish women in accessing medical abortion and abortion care abroad. On top of all the legislative barriers indicated and other factors hampering access to SRHR services, the COVID-19 pandemic has exacerbated the difficulties relating to access to services abroad as the costs of travel increased by the necessity to do expensive tests and made these services available only to these persons who have financial resources and who can access

¹⁴ <https://www.wysokieobcasy.pl/wysokie-obcasy/7,163229,27862402,szpital-w-bialymstoku-odmowil-aborcji-powolal-sie-na-opinie.html>

¹⁵ <https://wyborcza.pl/7,173236,27782076,death-of-pregnant-woman-sparks-poland-wide-protests-against.html>

information on services. This creates insurmountable obstacles in access to abortion for women and girls lacking access to financial resources and from the rural areas where even access to gynecologist constitutes a serious challenge.

26. The available data collected by the organizations helping women to get access to abortion show to some extent how the near total abortion ban affects women seeking access to abortion.
27. The Federation for Women and Family Planning during the year since the Constitutional Tribunal ruling answered 8,000 phone calls and 5,000 mails from women in a need for information on access to abortion and prenatal testing. In 1 year the Federation helped 300 pregnant women to have abortion in Poland on ground of a threat for their physical or mental health.
28. According to data gathered by the organization Abortion Without Borders, 1,080 women had an abortion in the second trimester in foreign clinics during the year after 2020 Constitutional Tribunal ruling. 18,000 women ordered abortion pills from Women Help Women organization to have a medical abortion at home. The total number of abortions outside the system reported by Abortion Without Borders was 34,000 during the year. Total amount of support provided by Abortion Without Borders to women who needed abortion was over 700,000 PLN¹⁶.
29. At the same time, women's rights organisations operate in a very hostile environment in Poland. Not only are they not supported in their activities but they became a target of various threats. In March 2021 at least seven WHRD groups in Poland, including all of employees of the Federation received bomb and death threats for supporting women's rights and the right to abortion¹⁷. The investigations opened in the cases of the threats were discontinued because of the failure to identify the perpetrators.
30. Several women's rights defenders have been detained or face what they claim are politically motivated criminal charges, including for allegedly praising vandalism of churches, obstructing religious services, and creating an "epidemiological threat" for protests held during the Covid-19 pandemic¹⁸.
31. Poland has not implemented the recommendations it received on abortion during the third cycle of the UPR. By banning abortion on the ground of fetal impairment and illness of the fetus Poland went further in the international human rights treaties' violations. Such conduct of Poland places life, health and well-being of women and pregnant persons in risk for lack of access to essential reproductive services and care. With the humanitarian crisis ongoing in Poland, the number of people affected has increased greatly.

Polish abortion cases before the European Court of Human Rights

32. Poland received and accepted two recommendations on implementing decisions of the European Court of Human Rights:
 - 120.134 Implement fully and effectively the judgments of the European Court of Human Rights on access to abortion (Iceland)
 - 120.135 Implement fully and effectively the judgments of the European Court of Human Rights in the case of RR v. Poland and P&S v. Poland on the issue of women and girls' access to sexual and reproductive health-care and services (Netherlands)
33. Severe difficulties which women in Poland face in access to legal abortion services have been addressed by the European Court of Human Rights in three judgments against Poland. In the 3rd UPR cycle both the Netherlands and Iceland called on Poland to implement fully and effectively the judgments of the European Court of Human Rights in the cases on the issue of women and girls'

¹⁶ <https://www.asn.org.uk/abortion-without-borders-helps-more-than-34000-people-in-poland-access-abortions/>

¹⁷ <https://www.hrw.org/news/2021/03/31/poland-escalating-threats-women-activists>

¹⁸ <https://apnews.com/article/europe-poland-womens-rights-coronavirus-pandemic-europe-d2a280c442609f45fefabfeb44ab71f>

access to sexual and reproductive health-care and services. The ECHR's judgment was issued in 2011 in the case of *R.R. v. Poland*¹⁹ and in 2012 in the case of *P. and S. v. Poland*²⁰

34. Poland has been failing to execute these landmark abortion judgments for over 10 years (the judgments were issued in 2011 and 2012 respectively). Most recently, in March 2021 the Council of Europe's Committee of Ministers expressed again serious concern about Poland's longstanding failure to ensure that women and girls in Poland can access legal abortion care in practice. The Committee of Ministers has urged Poland to implement three landmark judgments²¹ on women's access to abortion from the European Court of Human Rights and to give effect to women's entitlements to abortion under Polish law. On the back of Poland's failures, the Committee of Ministers has also decided to intensify its scrutiny of the steps the country needs to take to implement all three judgments.
35. Following the November 2020 ruling on abortion, in April 2021, women who considered themselves potential victims of the Convention lodged complaints to the ECHR within a campaign of the Federation called "Women's Collective Complaint". In July 2021 the European Court of Human Rights announced that it would deal with the merits of some of the complaints. The ECHR will consider three groups of four cases each under both Article 3 and Article 8²² of the Convention. All the communications are under the links in the footnotes^{23 24 25}. They concern women in different life circumstances who are pregnant or fear to get pregnant because of the ruling and its consequences on the available care for pregnant women as regards access to pregnancy care and to abortion in the cases of severe fetus condition.
36. Another pending case before the ECHR is *M.L. v. Poland*. The case was communicated to the Polish government on 8 October 2021. This case concerns a woman who was pregnant and the medical tests determined that the child she was carrying suffered from Trisomy 21. She qualified for an abortion under section 4a (1) 2 of the 1993 Act on Family Planning as previously in force. The applicant obtained a referral for abortion for 28 January 2021. However, on 27 January 2021 the Constitutional Court's judgment of 22 October 2020 entered into force. On the same day, the applicant received information from the hospital that she should not come for her appointment as all scheduled abortions had been cancelled. The applicant traveled to the Netherlands where the procedure was carried out in a private clinic on 29 January 2021, her transportation and medical fees amounted to 1,220 Euros.
37. Federation's lawyers assisted 5 other women in lodging the cases with the ECHR after the 2020 abortion ruling had been issued. They are pending and there is no decision of the ECHR as to whether it is going to proceed with these cases further.
38. The number of cases pending before the ECHR shows the scale of violations by Poland of the rights of women to sexual and reproductive health and rights which are protected by the European Convention of Human Rights in particular by the provisions guaranteeing right to private life and freedom from torture and inhuman and degradin treatment.

Limited access to family planning

¹⁹ <https://hudoc.echr.coe.int/eng#%7B%22appno%22:%5B%2257375/08%22%5D,%22itemid%22:%5B%22001-114098%22%5D%7D>

²⁰ <https://hudoc.echr.coe.int/fre#%7B%22itemid%22:%5B%22001-104911%22%5D%7D>

²¹ Apart from the 2 judgments cited, the ECHR issued a judgment on abortion in the case *Tysi c v. Poland* (complaint no 5410/03).

²² Right to integrity of the person and right to protection of personal data

²³ <https://hudoc.echr.coe.int/eng#%7B%22documentcollectionid%22:%5B%22COMMUNICATEDCASES%22%5D,%22itemid%22:%5B%22001-211179%22%5D%7D>

²⁴ <https://hudoc.echr.coe.int/eng#%7B%22documentcollectionid%22:%5B%22COMMUNICATEDCASES%22%5D,%22itemid%22:%5B%22001-211177%22%5D%7D>

²⁵ <https://hudoc.echr.coe.int/eng#%7B%22documentcollectionid%22:%5B%22COMMUNICATEDCASES%22%5D,%22itemid%22:%5B%22001-211176%22%5D%7D>

39. Access to family planning continues to be restricted. A limited range of contraception, such as condoms, vaginal suppositories, spermicides, hormonal pills, patches or vaginal rings, is available on the market. Only the first three are easy to access (with exception of female condoms which can only be bought on the Internet). **The rest need to be prescribed by a doctor, including emergency contraception.** In practice, a great number of doctors refuse to prescribe contraception which is an extra difficulty for women, especially in small towns and villages, who cannot afford to visit a private practice. What is more, contraceptive methods are not reimbursed from the state budget which creates an additional economic barrier because of their prices²⁶.
40. According to a new 2022 ranking by the European Parliamentary Forum for Sexual and Reproductive Rights, Poland has Europe's worst contraception policies²⁷ (lack of adequate counseling on contraception methods, lack of reimbursement of costs for contraception, no free access to contraception for women before 25 years old). Poland was the only one country on the continent categorised as having "exceptionally poor" policies.
41. In 2021 the Federation monitored access to the intrauterine device for Polish women in Warsaw following direct testimonies on lack of access. In Warsaw there are 111 public facilities contracted by the National Health Fund where the IUD should be inserted free of charge upon the purchase of the device. Out of 111 contracted facilities, only 63 answered out of which 38 informed that they provide the service in question, while 8 facilities that they charge for it. This shows the systemic failure in provision of services which should be accessible under the public health scheme. The Federation's concern is that the situation may be even worse outside Warsaw²⁸.
42. Voluntary sterilization is considered illegal for both women and men. The threat of legal responsibility based on the Penalty Code hangs over doctors who perform sterilization, even with a patient's consent.
43. In the recent review of Poland, the Committee on the Rights of the Child called on Poland to ensure that a full range of modern contraceptives and related information and services, including emergency contraception, are readily accessible to adolescents.

Lack of comprehensive sexuality education

44. Poland received and accepted a recommendation on comprehensive sexuality education during the third cycle:
- 120.136 Expand the scope of the compulsory course on family life education to provide a comprehensive and age-appropriate education on sexual and reproductive health and rights and to ensure unimpeded access to sexual and reproductive health services, including to safe and legal abortions (Slovenia)
45. Poland suffers from a lack of proper CSE. Lessons of sexuality education are conducted in the last grades of primary school, in secondary schools and high schools. They are not obligatory but optional. In practice, parents have the possibility to remove their children from sexuality education courses.
46. According to the direct reports from the adolescents, with whom the sexuality educators from the Federation's group of volunteers Ponton spoke, during Covid 19 pandemic there were no sexuality education classes since other classes were prioritized in the remote learning system²⁹.

²⁶ Officially in Poland, there are few medicines of contraceptive effect that are refunded from the state budget to some extent. They are though one medication registered under different trade names. It is a pill of the so called old generation – with a relatively high dose of hormones that are not used in modern contraceptive pills.

²⁷ https://www.epfweb.org/sites/default/files/2022-03/CCeptionInfoA3_EN%202022%20MAR2%20LoRes%20%281%29.pdf

²⁸ <https://federa.org.pl/wkladki-na-nfz/>

²⁹ <https://ponton.org.pl/>

47. The anti-gender groups and organisations strongly target sexuality education classes by running campaigns associating sexuality education with pedophilia. Within the frames of one of such campaigns called "Stop pedophilia"³⁰, the anti-gender organisations collected signatures under a civic initiative draft bill which was to impose criminal sanctions for providing sexuality education. On 6 August 2019, the "Stop pedophilia" Legislative Initiative Committee submitted to the lower chamber of the Polish Parliament (Sejm) the civic draft amendment to the Penal Code with the aim to "ensure legal protection of children and adolescents against sexual depravation and demoralization". On 22 November 2019, the draft was sent for the first reading by the Sejm and then transferred for further works in the Parliamentary Committee. Another reading of the bill was held in April 2020 and the bill was sent to the expert Committee again. This draft bill may be included on the Sejm agenda any time soon.
48. The current Minister of Education, P. Czarnek, who supports the anti-gender movement, has openly spoken against the need for sexuality education in schools. In 2021 he started working on amendments to law on education and proposed the bill dubbed "Lex Czarnek"³¹. This bill was to increase the government control and among other things, to give government "educational welfare officers" the authority to decide what extracurricular or educational activities can occur in schools, and establish a complex bureaucracy around approving or refusing such activities. The obvious target of this provision was sexuality education and anti-discriminatory classes provided by entities outside of school. There was a sound mobilisation of society and opposition against this bill. It passed through the voting in the lower chamber of the Polish Sejm, was rejected by the Senate, received a majority in Sejm again but in March 2022 was rejected by the President who refused to sign it.
49. There were numerous calls from the international mechanisms and bodies regarding the serious shortcomings of Poland in providing CSE, including in the 3rd UPR cycle. Most recently, the UN Committee on the Rights of the Child in its Concluding Observations of 6 December 2021 following the recent report of Poland from the treaty's implementation recommended Poland "expand the scope of the compulsory family life education course so that adolescents have access to comprehensive, age-appropriate, science-based and gender stereotype-free education on sexual and reproductive health and rights, including information on the prevention of adolescent pregnancy and high-risk sexual behaviour and the issues of sexual orientation and gender identity, family planning, contraceptives and the prevention and treatment of sexually transmitted infections."

Unmet SRHR needs for refugees fleeing Ukraine

50. At the time of drafting this submission, there were over 2 million Ukrainians who fled to Poland³² majority of whom are women and children. They face increased risks of gender-based violence, including sexual violence, and their sexual and reproductive health and rights are under threat.
51. Ukrainian and other refugees find themselves in the country with more restrictive conditions of access to SRHR services than in their home country. In particular, they encounter difficulties in access to emergency contraception and other contraceptive methods, abortion care including medical abortion, antenatal care and maternal health care.
52. Women's rights organisations try to provide necessary support and information for Ukrainians and other refugees in need of SRHR services, for lack of systemic response from the State. The Federation has created a helpline with Ukrainian gynecologist who provide information in access to these services in Poland³³. Employed late March 2022, the person hired receives around 40 phone calls per shift concerning the variety of questions, in particular in access to gynecological care and contraception, including emergency contraception, access to abortion care. The Federation prepared leaflets in 7

³⁰ <https://stronazycia.pl/stop-pedofilii/>

³¹ [https://orka.sejm.gov.pl/opinie9.nsf/nazwa/1812_u/\\$file/1812_u.pdf](https://orka.sejm.gov.pl/opinie9.nsf/nazwa/1812_u/$file/1812_u.pdf)

³² <https://data2.unhcr.org/en/situations/ukraine>

³³ <https://federa.org.pl/infolinia-ginekologiczna-dla-uchodzacych-z-ukrainy/>

languages on modalities of accessing care for refugees fleeing Ukraine in Poland and contacts with organizations providing assistance³⁴.

Recommendations to Poland:

53. Urgently reform the law so as to decriminalize abortion and legalize abortion on request, at least up until 12 weeks of pregnancy, and adopt the necessary accompanying guidelines to ensure women can access safe abortion services in a timely manner and without unnecessary authorization or certification requirements.
54. Review the delivery of sexuality education in schools, especially teachers' preparation, qualifications and attitude, communication with students, programs, topics and style of presenting them. The sexuality education should be obligatory and comprehensive.
55. Take all possible measures to guarantee access to modern contraception, subsidized from the state budget and unlimited access to emergency contraception without a need to obtain the prescription.
56. Execute the European Court of Human Rights judgment in the case R.R. v. Poland and P. and S. v. Poland
57. Issue policy guidance clarifying that sexual and reproductive health care, including emergency contraception, contraception and abortion care, and all forms of maternal health care, including antenatal care, is essential health care that should be provided free of charge and that health-care providers will be fully reimbursed, under existing regulations, for the provision of this care to all those fleeing Ukraine.

³⁴ <https://federa.org.pl/zdrowie-reprodukcyjne-uchodzczyzn/>