

Polish contribution to the report of the Secretary General on intensifying efforts for the elimination of female genital mutilation

Criminalization of female genital mutilation is regulated in the Council of Europe Convention on preventing and combating violence against women and domestic violence (hereinafter: the "Istanbul Convention"), which Poland ratified in 2013. Poland implemented the provisions of the Istanbul Convention by adopting on January 13, 2023 the law amending the Criminal Code. The amendments came into force on August 15, 2023.

Penalisation of excision, infibulation or other permanent and substantial mutilation of the female genital organ was added to the Article 156(1) (grave bodily harm) of the Criminal Code. The commission of such an act is punishable by imprisonment from 3 to 20 years. If the above-mentioned act resulted in a death of a human being, the perpetrator is subject to imprisonment for not less than 5 years or life imprisonment (Article 156 § 3 of the Penal Code).

Induction of another person to cause grievous bodily harm in the form of excision, infibulation or other permanent and substantial mutilation of the female genitalia was also made punishable. The penalty for committing such an act is imprisonment for up to three years. Further, according to the new law, whoever, by violence or unlawful threat, forces another person to cause grievous bodily harm in the form of excision, infibulation or other permanent and substantial mutilation of the female genital organ, shall be punished by imprisonment from 3 months to 5 years.

Poland also withdraw its reservation to Article 58 of the Istanbul Convention. In consequence the provisions on the statute of limitations for aforementioned crimes when committed against a minor were modified. In the case of committing a crime against life and health to the detriment of a minor, punishable by a maximum sentence of more than 5 years' imprisonment, or a crime of inciting another person to cause grievous bodily harm in the form of excision, infibulation or other permanent and substantial mutilation of the female genital organs, the statute of limitations for a criminal offense may not expire before the victim reaches the age of 40. In the case of the commission of an intentional crime of grave bodily harm by a public official in connection with the performance of their official duties, as well as a crime under the Articles 156(1) and 197(4) (rape and extortion of sexual activity) in conjunction with Article 11(2) (concurrence of provisions) of the Penal Code, the institution of the criminal statute of limitations for the crime shall not apply.