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Statement submitted by Fundacja Instytut na rzecz Kultury Prawnej Ordo Iuris, a non-governmental organization in consultative status with the Economic and Social Council*

The Secretary-General has received the following statement, which is being circulated in accordance with paragraphs 30 and 31 of Economic and Social Council resolution 1996/31.

* The present statement is issued without formal editing.



Statement

The Ordo Iuris Institute for Legal Culture is a foundation that gathers academics and legal practitioners aiming at the promotion of a legal culture based on the respect for human dignity and rights.

Equality and non-discrimination clauses are one of the main principles of the United Nations' treaty law. The need to apply them effectively in practice is particularly evident in case of protection of the right to life of every unborn child. It is consistent with the basic legal principle that the child needs legal protection, before as well as after birth. The pressing problem that should be promptly address is discrimination based on the right to life in the case of children with prenatal diagnosis of a disability and children whose sex was determined as a female. Studies show that up to 90% of children with disabilities are killed before birth. The gender sex-selective killing before birth has been already described by the UN in 2011. Children with disabilities should have full enjoyment of all human rights and freedoms on an equal basis with other children. This applies to the right of life as well as the right to the enjoyment of the highest attainable standard of health. Regarding the sex selective killing of pre-born girl child, the Committee on the Rights of the Child has reaffirmed that such act violates the fundamental human rights principle of non-discrimination. According to the Committee discrimination against girl children is a serious violation of rights, affecting their survival and all areas of their young lives as well as restricting their capacity to contribute positively to society. Thus, the right to life must be respected and ensured without distinction of any kind, such as birth, age, sex or health status. Such a discriminatory treatment violates not only principle of equality, non-discrimination and right to life but also violates the inherent dignity and worth of the human person.

Another group of people that need a stronger guarantee for the protection of equality and non-discrimination principle are mothers. The problem of mothers' discrimination occurs all over the world. The last poll carried in Poland by IBRIS in February 2019 shows that maternity is mostly indicated as a factor causing discrimination in society. The research published by the "Equality and Human Rights Commission" in 2015 proved that 11% of British mothers have been discriminated at work. In 2014 the Australian Commission on Human Rights announced that every second Australian mothers raising children was the victim of discrimination in the workplace, while 18% of them lost their job in connection with motherhood. Counteracting discrimination of mothers should be based on:

- Flexible forms of childcare;
- Tax relief system for mothers or employers financing child-care provided by an employee, members of their family or a child-care institution;
- Financing social insurance from the state budget for a parent who has personal care over children and has never worked;
- Encouragement for employers to employ mothers returning from parental leave.