



Re: FIDH urges Polish members of the Sejm to strike down liberticidal bill which would impose near total ban on abortion in the country

Paris, Monday, 2 July 2018

Dear member of the Parliament,

Today, the Sejm's Social Policy and Family Committee will debate the so-called "Stop Abortion" bill, which purports to amend the 1993 Family Planning Act by prohibiting abortion in the event of a severe and irreversible foetal impairment, one of the three grounds on which women can seek abortion services in Poland. On this occasion, we are writing to express our deepest concern regarding this bill, which will place women's health and lives at risk and violate Poland's international human rights commitments. We strongly urge you, member of the Parliament, not to endorse it.

The bill would impose a near total ban on abortion

To this day, 98% of legal abortion procedures in Poland are accessed on the basis of a severe and irreversible foetal impairment. Delegalising this ground to seek legal abortion services would thus imply a *de facto* ban on abortion in the country.

The bill is in utter violation of Poland's international human rights commitments

Several international human rights instruments, including the UN Convention on the Elimination of Discrimination Against Women, have affirmed that ensuring women's human rights necessarily encompasses ensuring access to safe and legal abortion. UN bodies have, on multiple occasions, recommended that States guarantee access to abortion services in case of severe and irreversible foetal impairment; whether the UN Committee on the Elimination of Discrimination Against Women,¹ the UN Committee on the Rights of the Child,² the UN Committee on Economic, Social, and Cultural Rights,³ or the UN Committee Against Torture.⁴ They have not only recommended access to abortion services in cases where the severity of the foetus' malformation make it almost certain the child has already or will die immediately after birth, but also to therapeutic abortion –

¹ UN Committee on the Elimination of Discrimination Against Women, Concluding Observations on the Dominican Republic, U.N. Doc. CEDAW/C/DOM/CO/6-7 (2013), para. 37(c).

² UN Committee on the Rights of the Child, Concluding Observations on Costa Rica, U.N. Doc. CRC/C/CRI/CO/4 (2011), para. 64(c).

³ UN Committee on Economic, Social, and Cultural Rights, General Comment No. 22, U.N. Doc. E/C.12/GC/22, paras 10 and 13; UN Committee on Economic, Social, and Cultural Rights, Concluding Observations on the United Kingdom of Great Britain and Northern Ireland, U.N. Doc. E/C.12/GBR/CO/5 (2009), para. 25.

⁴ UN Committee Against Torture, Concluding Observations on Nicaragua, U.N. Doc. CAT/C/NIC/CO/1 (2009), para. 16.

abortion for medical reasons.⁵ In light of these very clear international human rights standards, the UN Working Group on the issue of discrimination against women in law and in practice had expressly called on the Polish Parliament to reject the “Stop Abortion” bill when first examined in March, highlighting that “forced continuation of pregnancy *in any circumstance* violates a person’s human rights.”⁶

These calls have been consistently echoed by European Union and Council of Europe institutions. Going ahead with the “Stop Abortion” bill would completely violate Poland’s obligation to respect and implement judgments from the European Court of Human Rights (ECtHR), which has condemned Poland on several occasions because of its restrictive interpretation of the right to abortion.⁷ In its resolution of 15 November 2017, the European Parliament (EP) specifically “strongly criticise[d] any legislative proposal that would prohibit abortion in cases of severe or fatal foetal impairment,”⁸ which was one of the contributing factors to the EP finding the situation in Poland represented a clear risk of a serious breach of the EU’s founding values as enshrined in article 2 of the Treaty on the European Union (TEU), and warranted the triggering of the article 7(1) TEU procedure.

The bill has already sparked massive protests and criticism from Polish citizens and institutions

Similar draft legislative proposals have already been introduced in 2011, 2013, 2015, and 2016, that contained total or near total bans on abortion, which were defeated by massive public protests. The “Stop Abortion” bill met the same fate last March, following which the Sejm had decided the proposal would not be tabled in the coming months.

The Social Policy and Family Committee has also received many critical opinions about the bill from the parliamentary Bureau of Research, the Supreme Bar Council, Amnesty International Poland, the Helsinki Foundation for Human Rights, and the Federation for Women and Family Planning, among others.

We urge you to hear the voices of the thousands of women and Polish citizens who took the streets each time such a proposal was debated, of the national institutions mobilised on each of these occasions as well, and of the regional and international organisations who have consistently been reminding Poland of its obligations to ensure respect for women's rights

For all these reasons, we strongly urge you, member of the Parliament, not to endorse the “Stop Abortion” bill, and ask you to strike it down.

We stand ready to provide any further information you may need.

Sincerely,



Dimitris Christopoulos
President, FIDH (International Federation for Human Rights)

⁵ UN Committee Against Torture, Concluding Observations on Nicaragua, U.N. Doc. CAT/C/NIC/CO/1 (2009), para. 16.

⁶ UN Working Group on the issue of discrimination against women in law and in practice, “Poland must not further restrict sexual and reproductive health and rights, say UN experts,” 22 March 2018 (emphasis added).

⁷ ECtHR, *R. R. v. Poland*, App. No. 26617/04, 26 May 2011; ECtHR, *Tysiac v. Poland*, App. No. 5410/03 20 March 2007.

⁸ European Parliament resolution of 15 November 2017 on the situation of the rule of law and democracy in Poland (2017/2931(RSP)), para. 13.