

22 October 2020

Polish abortion ban will devastate women's lives, in first major attack on human rights resulting from erosion of Rule of Law

On 22 October, Poland's Constitutional Tribunal ruled that the country's abortion law is unconstitutional, specifically striking down the possibility for women to access abortion care on the ground of severe foetal impairment. This cruel, regressive move has been made possible by the ruling PiS party's deliberate erosion of the rule of law and democratic values in the country, and its placement of politically appointed judges into a body that, when carrying out its legitimate duty, is responsible precisely for upholding the rule of law. The ruling is just the first concrete manifestation of how the current situation in Poland enables PiS to violate human rights.

Today's decision automatically removes the only ground on which Polish women have still been able to access abortion care in practice, when they needed it for therapeutic reasons. The result will be agonising for women and their families, forcing some to continue through pregnancies against their will, including in cases of fatal or severe foetal impairment, while others will have no choice but to travel abroad to seek care if they have the financial means to do so, or to seek underground abortions. This decision will needlessly increase the suffering of women already facing very difficult situations. Such inhumane and degrading treatment has been described by the European Court of Human Rightsⁱ as tantamount to torturing women. This act of reproductive coercion is in line with the agenda of Poland's ruling PiS party, which continues zealously to mount attacks against women's reproductive rights and freedom. Public opinion in Poland does not support a ban on women's access to abortion care.

The European Commission has already expressed serious concerns regarding breaches of the rule of law in Poland, and has proposed to make EU funding to Member States conditional on respect for this EU value. *"On this sad day, as we mourn the extinguishing of Polish women's remaining sliver of access to abortion care, we call on EU Member States to back this measure aimed at protecting EU values, and to strongly condemn such blatant violations of human rights in Europe. Today's decision in Poland is a stark illustration of what ordinary people stand to lose,"* said IPPF EN's Irene Donadio.

In addition to marking a devastating day for women's safety in Poland, 22 October may also see reproductive bullies mark their hatred for women and LGBTI people at the international level. Regressive governments from around the world, including Poland and Hungary, will sign a farcical Trump-led document with no legal basisⁱⁱ, with which they attempt to defy international consensus in support of sexual and reproductive health and rights. Today may also be the day that the United States confirm Amy Coney Barrett, known for her anti-abortion views, to the Supreme Court.

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ⁱ R. v. Poland: [https://hudoc.echr.coe.int/eng#{"itemid":\["001-104911"\]}](https://hudoc.echr.coe.int/eng#{)

ⁱⁱ <https://www.independent.co.uk/news/world/americas/trump-administration-geneva-consensus-abortion-b1184688.html>