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Poland must implement landmark European Court ruling on abortion

The Polish authorities must take urgent steps to ensure women and girls have full access to sexual and reproductive health, Amnesty International said after the European Court of Human Rights found the country violated the rights of a teenage rape victim who was denied a legal abortion.

In a landmark decision on Wednesday, the European Court ruled that Poland violated the rights of a 14-year-old girl who became pregnant after being raped. The girl, named as “P” in the court case, was denied access to safe and legal abortion services due to harassment and intimidation by hospital workers, the police and others.

She was then placed in a juvenile shelter where she was cut off from her family and anyone else.

“The European Court decision is a recognition that Poland horribly failed this young rape victim, and the authorities must do more to ensure that all women and girls have access to safe abortions as allowed by law,” said Marek Marczyński, Deputy Europe and Central Asia Programme Director at Amnesty International.

According to the judgment, “no proper regard” was given to P’s “vulnerability and young age and her own views and feelings” and that she was “treated by the authorities in a deplorable manner and that her suffering reached the minimum threshold of severity under Article 3 of the [European Convention on Human Rights].”

At a time when Polish lawmakers are rigorously debating abortion legislation this landmark decision brings to light the stark injustices that expose women and girls to the risk of human rights violation.

“Fully implementing the Court’s decision will mean that women in Poland no longer have to seek out clandestine and dangerous abortions,” said Marczyński.

Several weeks after P. first petitioned doctors for to interrupt her pregnancy, she was finally able to receive an abortion 500 km from her home. Prior to this she got rejected by hospitals in two cities despite the fact that she was entitled to an abortion under the current law. There was also a serious breach of her right to medical confidentiality as her whereabouts and other details were leaked and posted on the internet.

The girl and her mother brought the European Court case against the Polish authorities, represented by lawyers from Polish Federation for Women and Family Planning and Centre for Reproductive Rights. Amnesty International and others submitted amicus curiae briefs in the case.

In its judgment, which is subject to appeal, the Court found that by not providing P access to a legal abortion and disclosing personal data about her, Poland violated Article 8 of the European Convention.

It emphasized that “the fact that the issue of the availability of legal abortion in Poland is a subject of heated debate does not absolve the medical staff from their uncontested professional obligations regarding medical secrecy.”

Poland has been ordered to pay non-pecuniary damages of €30,000 to the victim and €15,000 to her mother, as well as €16,000 to both applicants to cover legal costs and expenses.