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Polish MPs must ensure that women's rights to reproductive health are not further restricted by harsh anti-abortion law

The Polish Parliament is deciding today – in a first hearing – on a draft bill that will further restrict access to legal abortion. Amnesty International is concerned that, if enacted, the new restrictions will amount to a breach of the international human rights standards which Poland is bound by.

The draft amendment to the Act on Family Planning would ban access to abortion in circumstances when prenatal tests indicate that the fetus could be severely and irreversibly damaged or suffering from an incurable life-threatening disease.

Amnesty International is concerned that the amendment – presented to the Parliament as a citizens' initiative – would violate the rights of women and girls to health, privacy, human dignity and protection from cruel, inhumane or degrading treatment.

In further criminalizing women and girls who seek abortion the amendment risks violating women's right to health by forcing them to rely more on illegal, often unsafe procedures to end a pregnancy. It also puts at risk women's access to vital post abortion care following illegal abortion by making them a target for criminal justice systems.

States have an obligation to provide all women and girls with access to adequate healthcare services, support and information to help them manage their sexual and reproductive health, including managing complications in pregnancy and childbirth.

However forcing women to continue with a pregnancy which could pose a risk to their physical or mental health or life, for example in the case where a fetus is un-viable and will not survive post birth, amounts to cruel, inhumane or degrading treatment.

Poland has adopted international human rights treaties which guarantee women's right to access to sexual and reproductive health services, including access to legal and safe abortion. The UN Special Rapporteur on the right to health clarified in May 2009 that Poland is bound to "respect [...] physical integrity and freedom [of women] to control their own bodies [which are] one of the fundamental rights of all human beings, including women. Undoubtedly, the ultimate decision on whether or not to give birth should be made by the women concerned, who should have the means of enjoying that right effectively."

More information

The Polish law on termination of pregnancy is one of the most restrictive in Europe. Currently, it only permits termination in three defined conditions: if the pregnancy endangers the mother's life or health, where there is a high risk that the fetus will be severely and irreversibly damaged or suffering from an incurable life-threatening disease, and if there are strong grounds to believe that the pregnancy is a result of a criminal act.

Three UN human rights bodies have, on various occasions, called on Poland to stop breaching women's sexual and reproductive rights, and right to health:

- In 2010, UN Human Rights Committee expressed their concern about the unavailability of medical services for women, including contraceptive consultation, prenatal tests or the possibility to terminate pregnancy. The Committee also observed a significant number of illegal abortion procedures and reported instances of women dying as a result of illegal abortions.
- In 2009, UN Committee on Economic, Social and Cultural Rights expressed concern that Poland does not guarantee women access to medical services, especially sexual and reproductive health services. The Committee also drew attention to the alarming number of illegal abortion procedures performed.
- In 2007, the Committee on the Elimination of Discrimination against Women called on Poland to ensure that women seeking legal abortion have effective access to the procedure and associated care.

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