

IPOL-COM- D (2020)

Mateusz Morawiecki
Prime Minister of Poland

00-583 Warsaw, Poland
Al. Ujazdowskie 1/3

Subject: *Protest against an unprecedented attack on women's rights in Poland waged in the midst of COVID-19 pandemic*

Dear Prime Minister,

on 22 October 2020, the Polish Constitutional Tribunal has adopted a ruling as a result of which medically-assisted abortion in cases where prenatal test or other medical considerations indicated a high probability of a severe and irreversible abnormality or an incurable disease of the foetus became unconstitutional (ref. K 1/20).

The above-mentioned ruling raises two grave concerns.

First of all, the ruling took place at a time when, due to the second wave of the SARS-CoV-2 pandemic, any democratic debate is severely impeded. Public health-based restrictions are in place in all EU Member States, including Poland. These restrictions make it very difficult for citizens to express and demonstrate their opinions thus not allowing for a due democratic process, which is crucial with regard to questions pertaining to fundamental rights of individuals.

Secondly, the unjustified excess of restrictions of women's rights resulting from the said ruling has to be questioned as it fails to acknowledge the need to protect the inherent and inalienable dignity of women. As such it can be in breach of the Polish Constitution, specifically Articles 30, 40, 47, 68 thereof. Further, it can also constitute a violation of the provisions of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 10 December 1984, the UN International Covenant on Civil and Political Rights of 19 December 1966 and the Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950, as underlined by the Legal Experts Group of the Stefan Batory Foundation¹.

Furthermore, we shall recall that the European Parliament, as well as the European Commission, have already raised serious concerns about judiciary reforms, which have been implemented by the Polish government since 2015. In fact, we have denounced serious violations of the rule of law in Poland, questioned the independence and legitimacy of the politicised Constitutional Tribunal, and par consequent, the validity of its rulings.

¹ <https://www.batory.org.pl/en/oswiadczenie/statement-by-the-legal-experts-group-of-the-stefan-batory-foundation-on-the-constitutional-tribunal-ruling-on-abortion/>

Finally, we would like to express our solidarity with the thousands of Polish women and men who – in spite of the pandemic – took the streets of cities and towns across Poland to protest against barbaric restrictions undermining their fundamental human rights. Just as other European women, the women in Poland have the right to decide about their life and cannot be forced to give birth, especially when severely deformed foetus have no chances of survival.

As Presidents of five Political Groups in the European Parliament, we would like to herewith strongly protest against this unprecedented attack on women's rights and freedoms in Poland waged in the midst of COVID-19 pandemic. We also urge you, Prime Minister, to address the issues raised in this letter without any delay.

Yours sincerely,

Manfred Weber, President of EPP Group in the European Parliament

Iratxe García Pérez, President of S&D Group in the European Parliament

Dacian Cioloş, President of Renew Europe Group in the European Parliament

Philippe Lamberts, Co- President of Greens/EFA Group in the European Parliament

Manon Aubry, Co-President of GUE/NGL Group in the European Parliament

Martin Schirdewan, Co-President of GUE/NGL Group in the European Parliament