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The Restriction of Women's Reproductive Rights and Independence

Over the last thirty years, the women of Poland have been facing harsh and restrictive laws against their own bodies. While many opposed to the restrictions enforced by Polish legislation have blamed the role of the Roman Catholic Church for their increasing efforts to reduce bodily autonomy of women, it is not the only contributing factor to the matter. Not only does the 2021 Constitutional Tribunal Ruling set Poland back in their status as a developed nation, but it also endangers the lives of its citizens who are capable of childbirth. The restrictions on a woman's independence over her own body and what actions she feels necessary to make with her body are outdated, outrageous, and causing mass disruptions to daily life in Poland, and this essay will lay out why these laws are in place, how they affect those on the giving and receiving end of the procedure, and how women are fighting against the restrictions.

Almost 100 years ago, Poland had a relatively liberal abortion policy for the time. In 1932, the ability to receive an abortion depended on the mother's physical state, for if her life was at risk due to current or potential health conflicts, she could legally terminate her pregnancy to ensure her physical well-being. Along with allowing the health of the mother into consideration, the ability for a woman to receive an abortion in cases of rape and incest was also permitted. This was the law of the land until 1956, throughout the entire occupation of Poland by Nazi Germany, with only a few exceptions occurring during these years. In the years following Stalin's rule of Poland, leader Nikita Khrushchev extended access to abortion in the nation by

repealing the overall ban to permit women to receive such medical treatment if they felt they were insufficiently prepared to carry the child to term based on their condition of life. This meant that a woman could terminate a pregnancy not only based on her physical well-being but on her mental well-being as well. However, this attitude towards abortion was not by any means in the promotion of women's reproductive rights. It was a result of the nation's leader's movement to promote safe abortions to ensure a woman's ability to procreate in the future; if a woman had an unsafe, illegal abortion, her likelihood of carrying a child to a full term in the future was greatly at risk. During these years, Poland was a nation where other Europeans would travel to receive a safe abortion, if not accessible or affordable in their home country.

However, the year 1989 led to a drastic change in Polish culture and politics. With historic events including the fall of the Berlin Wall and the election of 1989, where the Trade Union Solidarity won the election overwhelmingly, the decline of control of the People's Republic of Poland led to a shift in Poland. With this change in governance, the 1990 Law on Local Self-Government was established which led to a shift in the responsibility of institutions to be vested in local, self-governing bodies, which is a shift towards a decentralized government, marking a transitional period for Polish culture and politics. This shift marked a movement towards the promotion of democracy, independence, and efficiency in Poland's political values. This modernization of Poland's politics was an attempt to keep up with the rest of Europe's developments as first-world countries. However, they had one minor limitation that kept them from being as advanced as their neighboring countries: their abortion laws. The ban on abortion sets Poland back in status within the European Union, being only one of two member states who has not legalized abortion.

The rise of the Catholic Church's influence on politics and governance of Polish citizens following the end of the communist regime led to the diminishment of access to safe and affordable abortions in the nation.

Being that the majority of the nation is made up of Catholic citizens, there is no shock that the attitudes towards abortion have leaned towards pro-life in the post-communist stages of society. Almost 90% of the Polish population, as reported in 2018, has an affiliation with the Roman Catholic church, which makes the church a primary player in the social and political elements of the nation. Because of its heavy influence on daily life, the stance on abortion of the nation has been taken by the interpretation of the Roman Catholic conception of natural law. The primary belief behind the natural law is the belief that all life is sacred from conception until death, which reinforces that the taking of 'innocent human life', whether born or unborn, is morally wrong and inexcusable. Therefore, this belief has permitted Polish lawmakers to base their decisions on the legality of abortion to be morally unjust, and unacceptable to be permitted under Polish law.

In January 2021, a shell shocking decision was made by Polish lawmakers to enforce a near-total ban on abortion which resulted from the Constitutional Tribunal ruling in October 2020. Not only was the act of getting an abortion outlawed, but the repercussions of receiving an abortion on Polish soil would also lead to facing criminal charges against the person who received it. The only instances in which abortion can be permitted and carried out on a woman is if her life is at extreme risk and her health is compromised, or if the pregnancy is a result of rape. However, the law versus the actuality of the practice of abortion differs widely. Many women who are legally eligible to obtain an abortion face serious difficulties in receiving the procedure, which has led to numerous deaths of Polish women under this law.

On top of the restrictions to abortion based on the mother's health, restrictions were also placed on the health of the fetus regarding when it was legal to receive an abortion. In the 2021 ruling, the ability to receive an abortion based on any physical incurable illnesses or defects of the child that could threaten the fetus's life was deemed unconstitutional and the procedure could not be enforced. Over 90% of the already legal abortions being practiced in the country were based on the grounds of the fetus's health and the likelihood of survival, making the eligibility of women to receive this procedure even slimmer than ever. Only 1,000 abortions annually were carried out in Poland, and to restrict the chances of receiving one based on fetal abnormalities means for women, their life would have to be in grave danger to even be considered for eligibility.

Following the 2021 ruling, many Polish citizens have taken to protest the restrictions on abortion due to the deaths of women who were refused treatment that cost them their lives, and the lack of independence over their bodies. In December of 2021, a woman by the name of Agnieszka Torbus was in the first trimester of her pregnancy, carrying twin babies, when one of the fetus's heartbeats ceased. In this case, under the law, Agnieszka should have been able to receive an abortion to expel the stillborn fetus from her uterus. However, her caretakers were unsure of the legality of carrying out her abortion and refused to do the procedure. Because the doctor refused to act in aborting the fetus from her womb, her physical condition began to deteriorate. It wasn't until two days after her second fetus ceased to live that the doctors decided to carry out the procedure, as there was no chance for either of the fetuses to be carried to term. Less than a month after she was granted the procedure, Agnieszka succumbed to her ailments caused by the lack of medical treatment and passed away on January 25th, 2022. The hospital refused to issue a statement on the cause of her death, but her family has spoken out suspecting it

was due to septic shock caused by the prolonged presence of an unviable fetus living in her vital organs. Agnieszka was not the only woman to have lost her life due to the restrictive policies implemented that year. A woman by the name of Izabela was denied treatment for an unviable pregnancy in September of 2021 and was told by her doctors that “[She] has to stay in bed, and they can’t do anything”, (The Guardian). She was twenty-two weeks pregnant when she admitted herself to the hospital and was told unless her baby was to die or if her condition seriously declined, she would not be able to receive treatment. The doctor's excuse for refusing to perform an emergency C-section or induce birth was that the fetus’s heart was still beating, and because of that, there was nothing they could legally do. The morning after, she passed away. Her consultants told her family that she died due to a pulmonary embolism, but her autopsy later revealed she died of the same cause as Agnieszka, septic shock. Izabela’s family has spoken out against this harsh and restrictive legislation, calling for action to be taken against it so others will not die due to legal doubts of the doctors, as their beloved Izabela had.

And the family of Agnieszka and Izabela were not the only ones to share this stance. In 2016, five years before the total abortion ban went into effect, the movement of the Black Protest took place beginning on September 23rd, 2016, and ending on October 6th, 2016, which came about after attempted amendments of the law calling for total abortion bans were discussed by the Polish government as a result of over 450,000 citizens signing a petition for the ban; it should be noted that 38 million people reside in Poland. This proposed ban not only made all abortions illegal but carried with it possible sentencing of up to five years for both women and their doctors regardless of the circumstances in which the procedure was carried out. Even in the event of a miscarriage, a woman could face a prison term of up to three years under this amendment. The protests that occurred, along with Black Monday, symbolized that not all cases of abortion

were black and white. Over 140 boycotts and protests took place throughout the nation, with over 100,000 people in attendance in the major cities of Poland including Warsaw, Gdansk, Wroclaw, and other cities to show their lack of support for such an amendment to be established. The protests were organized by groups such as the National Women's Strike Association, as well as those of Aborcynjny Zespół Marzeń, or Abortion Dream Team. The result of these protests led 352 of the 428 lawmakers of Poland to vote against the proposed bill.

Following the deaths of Izabela and Agnieszka, these protests were reignited. Many of the new waves of protestors feared for their own lives because they could find themselves in the same position as either Izabela or Agnieszka and described to reporters at the Washington Post that they wouldn't feel safe being a pregnant woman in Poland. Many partners of women protesters took the same stance, for it could be their wife or partner whose life would be at the hands of a doctor who is incapable of making medical decisions in fear of imprisonment for 'acting too soon. Many previous attendees of the 2016 protests reawakened their activism following the COVID-19 pandemic and took to the streets in protest of the lives lost.

But taking to the streets isn't the only way Polish citizens are protesting the legislation: some groups have taken to gathering signatures for a proposed bill that would make women eligible for abortion for up to 12 weeks in their pregnancy, without the necessity of fetal abnormalities or the mother's life being at risk. Other women have explicitly challenged the law at the European Court of Human Rights. But the bravest actions being taken by protesters are those who are associated with the Abortion Dream Team. The women apart of this grassroots organization have put their own lives at risk by devoting themselves to ensuring women across Poland have access to direct and immediate assistance for abortion. One way in which they have done so is by distributing abortion pills to those who do not fit the eligibility of abortion care

under the law but still wish to terminate their pregnancy. However, this organization faced backlash earlier this year. While providing over 30,000 women with safe abortions in Poland through their network, they came under fire when member Justyna Wydrzynska was contacted by an older Polish woman seeking abortion pills after being refused the possibility to travel over Poland's borders to receive a safe abortion by her abusive husband. Her husband tipped off the police when he became aware of the exchange between Justyna and his wife, and Justyna faced three years in prison because of it. However, Abortion Dream Team claims that their member's actions were not illegal for terminating one's pregnancy is still legal according to international standards. The trial against Justyna has been postponed three times since its original hearing date since the husband who pressed charges against her has refused to show up in court, and her next hearing is scheduled for early 2023. Abortion Dream Team has yet to slow down on sharing Justyna's story and has not stopped supporting women in their wishes to seek out an affordable and safe abortion.

Demonstrations continue to occur throughout the nation, as women sign petitions against the laws in place, stand in front of committees to have their voices heard, and take the conventional route of marching in the streets and boycotting to ensure their voices are heard. Their protests have sparked similar movements across the world, with solidarity movements occurring in Berlin, Brussels, Kyiv, and sixty other European cities, whether it be taking to social media and amplifying women's stories or holding their solidarity protests. Other European nations showing their camaraderie to the women in Poland goes to show that they are not alone in their struggle and hopefully will raise enough awareness of their fight to make an influential change to Polish legislation. It is not impossible, but it is a challenging feat.

Presenting the evolution of the legality of abortion in Poland, beginning with having legal abortions to ensure the safety and wellbeing of a pregnant woman, to restricting abortions to only in cases such as rape, incest, fetal abnormalities, and the risk of the mother's life following 1989, to the near total ban on abortion and criminalization of those providing and receiving abortion with the passing of the Constitutional Tribunal Ruling in 2021 is disheartening as a woman writing this report. Lives are being lost at the hands of the Polish government, but that is not to say there isn't hope for those still suffering. With movements such as the Abortion Dream Team fighting for women's access to abortion pills and the solidarity shown by neighboring European countries, the fight to preserve women's independence over their bodies is nowhere near giving up. With the prevalence of thousands of women showing up for one another, resistance to such laws will prevail.

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