

# How the law protects life. The Polish way to the right to life law

The law in Poland permitted abortion on demand for a long period of time, from 1956 to 1993. After a long struggle of pro-life activists, associated with Polish Federation of Pro-Life Movement, it was changed, and the act "On Family Planning, Protection of the Human Fetus and Conditions for Permissibility of Abortion" was passed. The new law prohibits abortion apart from the so-called "exceptional cases". Regarding the 1993 Polish pro-life law the following issues need to be emphasized:

- Poland is the first country which, in the conditions of democracy, rejected the legislation permitting abortion and replaced it with the pro-life law. It is a precedent which proves that the legality of abortion is not a requirement of civilisation and it may begin a new trend in abortion law all over the world.
- The rejection of the legality of abortion is the part of the heritage of the social movement "Solidarność" (Solidarity) that set in motion the processes which affected the whole Europe. "Solidarność" fought for the fundamental civic rights including the most crucial one - the right to life.
- Polish pro-life law is a part of the heritage of Pope John Paul II, whose pontificate was very much centred on defending the rights of the defenceless and suffering.
- Polish experience of the last decade provides the pro-life activists all over the world with a useful argument as it clearly shows that pro-life law brings the positive results in the social sphere.

**History of the Act.** It should be underlined that in Poland abortion was legalized for the first time by the Nazi invaders in 1942. Nazi regulations (Verordnung vom 09.03.1942) permitted Polish women to have abortion on demand, while for German women it was strictly forbidden even under the death penalty. After the World War II abortion was delegalized according to the Polish pre-war law.

For the second time abortion on demand was legalized on April 27th, 1956 by the parliament members, imposed by the Soviet dictator Joseph Stalin. This law was in force until January 7th, 1993. After a long struggle of pro-life activists, it was changed and the act "On Family Planning, Protection of the Human Foetus and Conditions for Permissibility of Abortion" was passed. The new law prohibits abortion apart from of the so-called "exceptional cases". But it was not the end of pro-life battle in Poland.

In 1996 the post-communist Parliament changed the law and allowed abortion "for social reasons". This version of the act, was signed by President Aleksander Kwaśniewski on November 20th 1996. However, the Polish Constitutional Tribunal pronounced the new act to be unconstitutional and the Act from January 7th 1993 came into force again in December 1997, after a year when the pro-life law was suspended.

The Argumentation of Constitutional Tribunal was as follows:

1. According to Polish Constitution Poland is a democratic state under the rule of law.
2. It means that each person in Poland has the same rights, especially each person has fundamental right to life.
3. It is no sufficient reason to maintain that unborn baby is not a person.
4. As a person unborn baby has a right to life from conception.
5. Abortion for social reasons (or on demand) violates the right to life of an unborn baby.
6. The law that allows abortion for social reasons or on demand is contradictory to Polish Constitution.

**The content of the Act.** It makes abortion illegal except for 3 situations (when pregnancy is a threat either to mother's life or mother's health, when the fetus is seriously damaged and when there is a suspicion that the pregnancy is an effect of an illegal act). The Act penalizes the doctors, who perform abortion, not the women who have it.

**The effects of the validity of the Act.** The Act has been in force for over ten years. Many positive changes have taken place during that time. The most significant result of the Polish pro-life law is the dramatic decrease in the number of abortions performed in Poland. It is worth to underline that the decrease in the number of reported abortions started at the beginning of the 80s, when the activity of the pro-life movements began to develop and the activity of the Catholic Church, including the teaching of Pope John Paul II, started to intensify.

Moreover, the women's reproductive health has improved: the number of women's deaths connected with pregnancy, delivery and postpartum is decreasing (only one death resulting from illegal abortion has been

reported in this period of time); the awareness about reproduction matters has been raised (the number of juvenile mothers is decreasing); both the number of the mortality among the new-borns and the number of miscarriages have dropped.

Those are the main effects of the operation of the Pro-life Act in Poland. Other aspects of the functioning of this law are equally interesting. We would like to present a comparison which clearly shows that the objections of the pro-abortionist circles (which were raised during the process of the Act's legislation and which is most common argumentation of pro-abortionist all over the world) pointing to the alleged side-effects of the act were groundless. On the contrary, constant improvement of the reproductive health of Polish women, the reproductive consciousness and the decrease of perinatal mortality can be proved.

Objections to the act that occurred while legislation was under consideration	The real situation
1. The hospitals will be full of women who tried to have an abortion illegally and in poor conditions.	The number of women's deaths connected with pregnancy, delivery and postpartum is on the decline (80 in 1991, 23 in 2004 and 11 in 2007).
2. Women who have to become mothers will have neither a steady income nor any assistance.	Shelter, support, and resources for pregnant women and new mothers are still underexploited.
3. The prisons will be packed with women convicted of having an abortion.	The Act punishes the medical personnel for performing The abortion, not the woman who had it.
4. The number of abandoned newborns and infanticide cases will increase dramatically.	The number of infanticide cases has actually fallen (59 in 1992, 26 in 2001, 19 in 2004, 13 in 2007 and 13 in 2008), and the number of death of abandoned babies has become stabilized on the level 0 - 2 a year.
5. Unplanned pregnancies among teens will rise sharply.	The number of mothers younger than 19 years old is decreasing (it was 8% in 1990, 7% in 2001 and 5,1% in 2008).
6. The number of miscarriages classified as unintentional (but in fact caused by women themselves) will increase.	The number of miscarriages is down. (See Table 1).
7. The number of deaths connected with pregnancy, confinement and delivery will increase.	The number of deaths connected with pregnancy, confinement and delivery has dropped, and there has been a decrease in the number of cases of gynecological complications which might be a result of illegal abortions. (See Diagram 1).

*Source: The Government Reports on executing the Anti-abortion Act "On Family Planning, Protection of the Human Fetus and Conditions for Legal Abortion" per year 2001-2008.*

**Social acceptance for the Act.** Social acceptance for abortion has been decreasing. In 1992 26% of respondents said that abortion should be available without limits. This number dropped considerably and today only 16% of Poles express their approval for abortion. The vast majority of Polish citizens think that abortion should be banned in the situations described in the Act.

Unfortunately in the same period of time the acceptance for a statement that abortion in some circumstances should be allowed have dropped less. This is a prove that the law that is currently in power has a real influence to the attitudes towards abortion.

**How the law protects life.** The time has come to attempt an more accurate assessment of the influence of the Anti-abortion Act. We hope that this brief presentation, based on official government data, will answer the most frequently asked questions.

- **Has the number of abortions decreased since the Anti-Abortion Act was passed in Poland?**

Yes, it has. See enclosed Table 1, showing the number of legal abortions registered each year. They indicate a rapid decrease, the only exception being the year 1997 when the Act was partly suspended. Generally, the number of abortions is decreasing every year.

**Table 1. Number of registered abortions: 1988-2008**

Year	Abortion in general	Threat for mother's health and life	Disease of conceived child	Pregnancy resulting from crime (incest, rape)	Natural miscarriages
1988	105 333				59 076
1989	82 137				59 549
1990	59 417				59 454
1991	30 878				55 992
1992	11 640				51 802
1993	777	736	32	9	53 057
1994	782	689	74	19	46 970
1995	559	519	33	7	45 300
1996	495	457	40	8	45 054
1997	3 047	409	107	7	44 185
1998	310	211	46	53	43 959
1999	151	94	50	1	41 568
2000	138	81	55	2	41 007
2001	124	63	56	5	40 559
2002	159	71	82	6	41 707
2003	174	59	112	3	42 381
2004	193	62	128	3	42 183
2005	225	54	168	3	40 754
2006	340	82	246	12	41 764
2007	322	37	282	3	43 615
2008	499	32	467	0	45 620

Source: *The Year-Books, The Government Reports on executing the Anti-abortion Act "On Family Planning, Protection of the Human Fetus and Conditions for Legal Abortion"*.

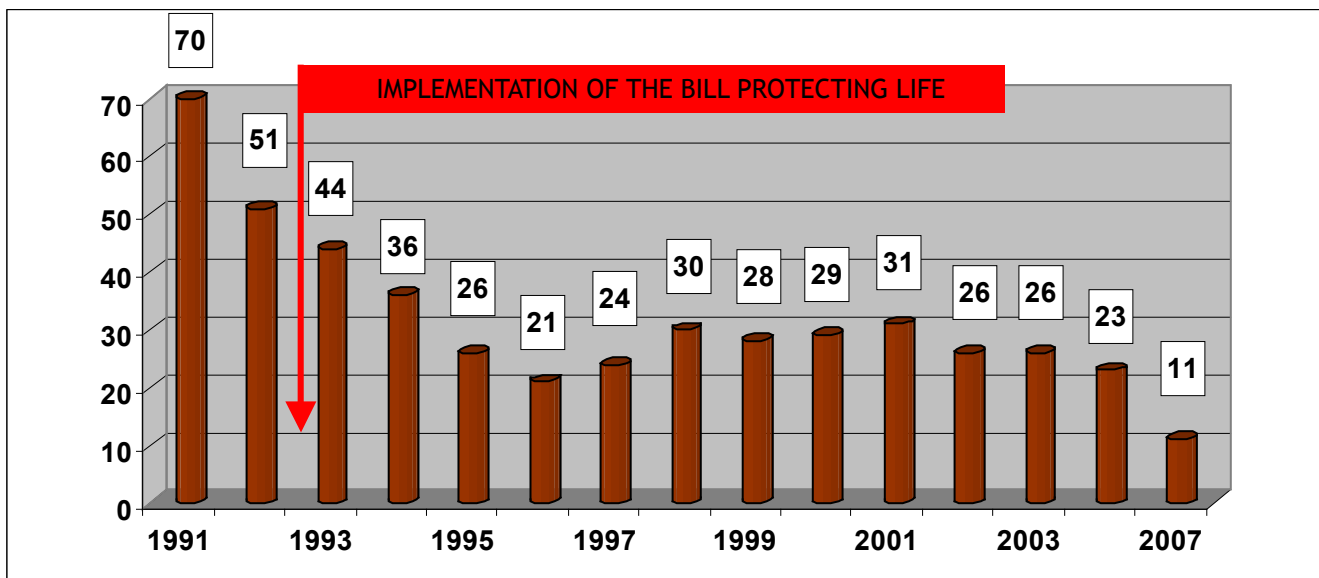
- **What is the scale of the underground abortions problem in Poland? Are the accounts of their massive scale occurrence true?**

It is obvious that the official statistics on the number of abortions differ from reality. Annual governmental reports indicate that each year several dozen of such cases are the subject of a legal inquiry. For example there were 59 reported cases of illegal abortions in 2005. The organs of prosecution are not active enough in prosecuting illegal abortions, whose number, as we have said, is greater than is detected. The huge number of press adverts offering "regulation of menstruation" or "gynecological surgeries" (which are code expressions for abortion) juxtaposed with the number of criminal abortion cases investigated by prosecution shows the negligence of the prosecution organs.

It is very difficult to estimate the real number of illegal abortion in Poland, nevertheless it is no evidence that this number is high. Contrary, the lack of the side-effects connected with abortion such as gynecological complications indicates that illegal abortion is not a very social problem.

All this allows us to put forward a credible thesis that, though illegal abortion is still a problem, it is not a large scale phenomenon, as was suggested by the Polish branch of the International Planned Parenthood Federation. Claims of this kind lack any substantial basis, and are aimed at misinforming the public, as well as undermining the anti-abortion Act, its purpose and usefulness.

Diagram 1. Number of deaths connected with pregnancy, confinement and delivery



Source: *The Government Reports on executing the Anti-abortion Act “On Family Planning, Protection of the Human Fetus and Conditions for Legal Abortion”*.

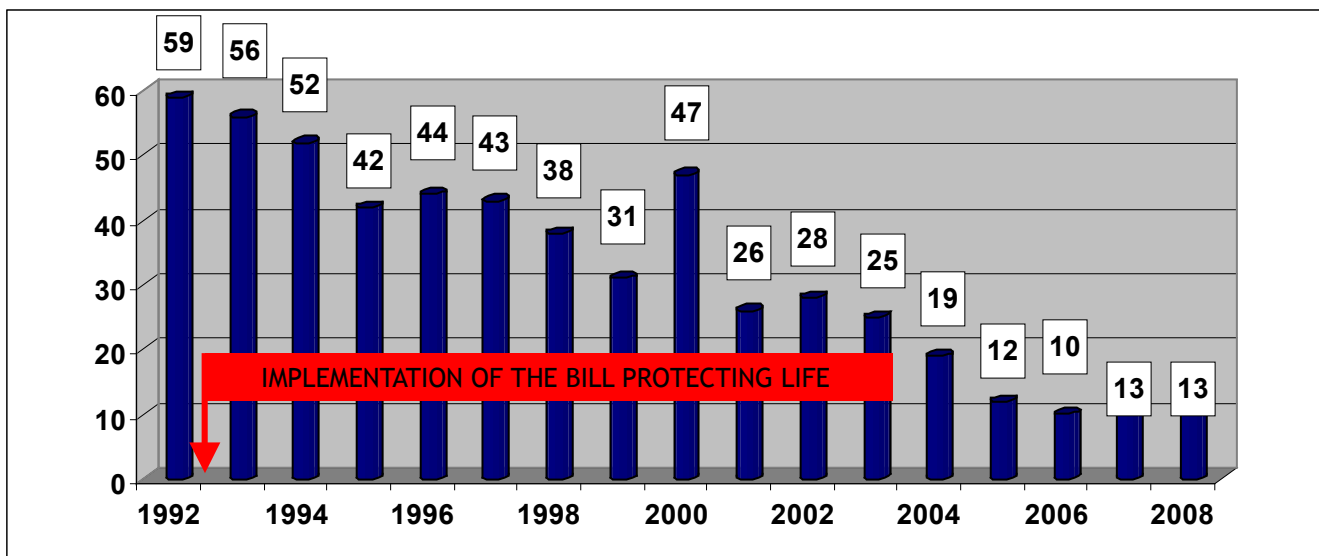
- If the number of abortions has decreased, how can we explain the fact that birth rate has not increased in Poland?

The decline in birth rate, a very worrying and alarming phenomenon, is not a result of illegal abortions. It should rather be attributed to long-term demographic trends, such as: the smaller number of contracted marriages, changes in women’s procreation age and structure, the growing problem of sterility related to the civilization transitions and, finally, changing behavioral patterns and preferences regarding the make-up of families today.

- Has there been an increase in the number of cases of gynecological complications which might be a result of illegal abortions?

On the contrary. As one can see in Diagram 1, the number of deaths connected with pregnancy, confinement and delivery has dropped. This observation, coupled with the decreasing number of spontaneous miscarriages proves the general improvement of procreative health of women. If the information about the number of illegal abortions in Poland was true, we would also have observed the increase in the number of miscarriages, as well as deaths of women as a result of complications after illegal abortion. Another positive effect of the Act is introducing the “Program of Betterment of Prenatal Care in Poland”. One of its results is reducing the number of deaths among infants from 19,3% in 1990 to 5,6% in 2008.

Diagram 2. Number of infanticide cases in Poland



Source: *The Government Reports on executing the Anti-abortion Act “On Family Planning, Protection of the Human Fetus and Conditions for Legal Abortion”*.

- **Has the fact that abortion is illegal caused the growth in the number of infanticides committed by mothers just after the delivery?**

On the contrary, as we can see in Diagram 2, the incidence of infanticide is constantly decreasing. To make headlines of isolated cases of infanticide, suggesting that they were brought about by the anti-abortion law, is nothing but to cynically use human tragedy to manipulate and control public opinion.

- **How often does it happen that women leave their new-born children in hospitals?**

The number of children abandoned in hospitals for reasons different than their health, is about 1.000 per year. It is important to add that number of children left in hospitals, children that often find foster or adoptive families later on, do not pose a serious social problem. Pro-abortionists argue that, were it not for the Act, these children might not have been born. This is to say that they would have been killed before being born - this being considered a preferable option.

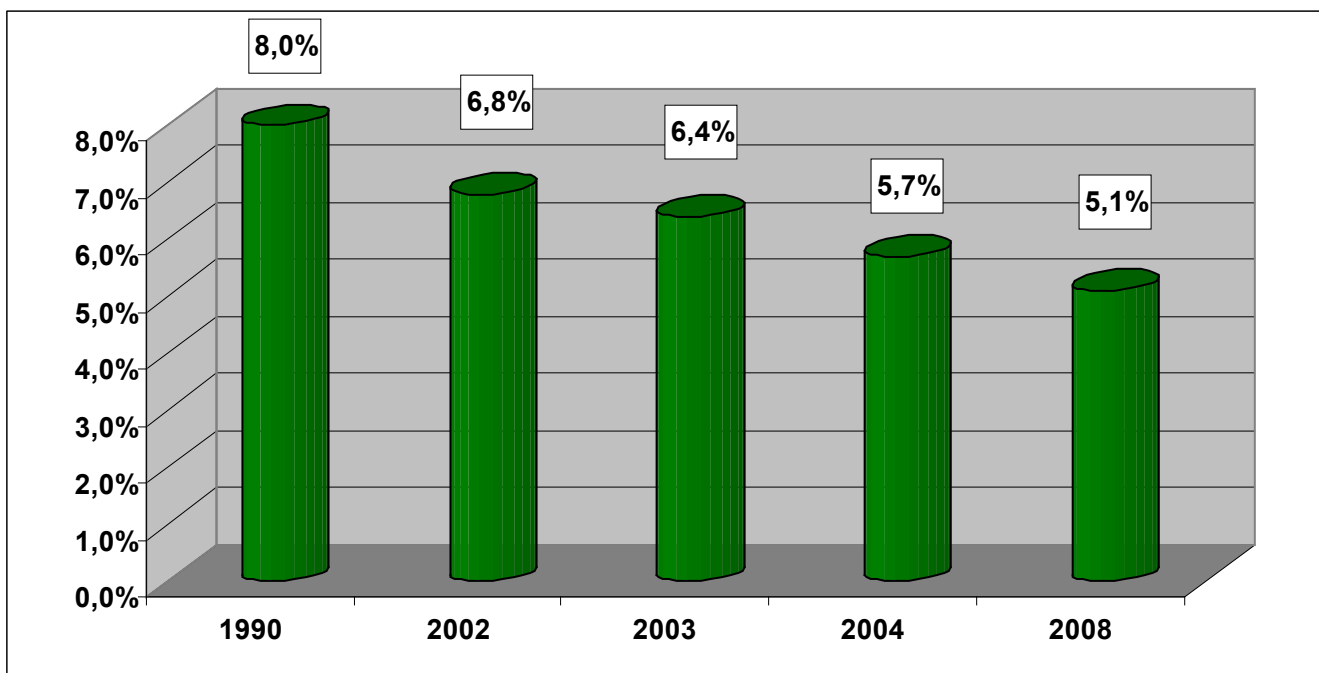
- **Does the pro-life law influence over the attitudes of young people?**

Certainly yes. The prove may be the significant decreasing of juvenile pregnancies as one can see in Diagram 3.

- **What are the perspectives for the future? What awaits Poland in the coming years regarding pro-life law?**

As we have show above social acceptance for abortion has been decreasing. The vast majority of Polish citizens agree that the right to life of the unborn children should be protected by law and think that abortion law should remain in force in its present form. The majority of political parties in Poland hold the opinion that the Act is the optimal compromise and do not wish to change it either.

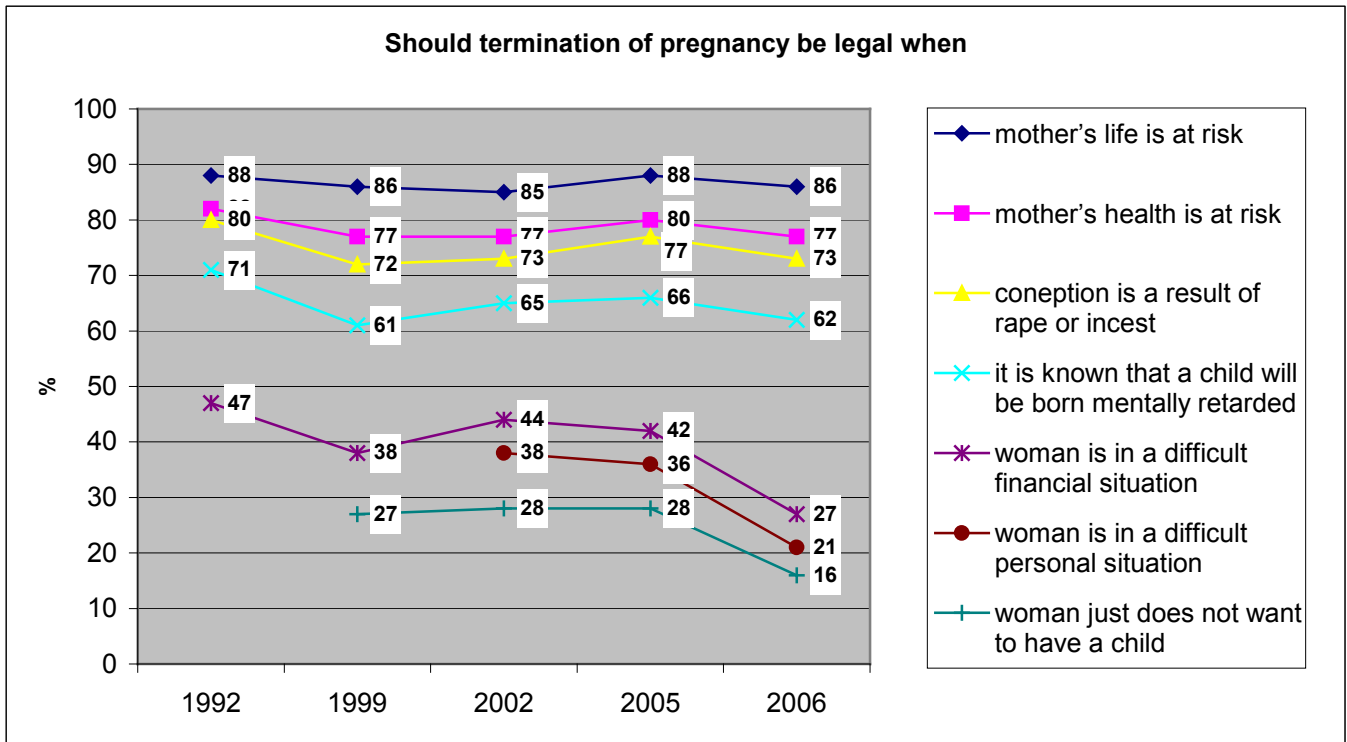
**Diagram 3. Juvenile pregnancies as a percentage of total number of births in Poland**



Source: *The Government Reports on executing the Anti-abortion Act "On Family Planning, Protection of the Human Fetus and Conditions for Legal Abortion"*.

- **Does the Act "On Family Planning, Protection of the Human Fetus and Conditions for Permissibility of Abortion" sufficiently protect all unborn children?**

Unfortunately, it does not protect children who are ill, whose conception was a result of a crime, and children whose growth in the womb creates a risk for their mother's health. This is a shameful discrimination, especially as the exclusion concerns children who require special care. However, pro-life activists are aware that in order to achieve the full legal protection of all unborn children, a great educational effort is necessary as people accepts the current Act as sufficient. This social education directed at raising respect for the life of every human being from conception to the natural death is the top priority of the Polish Federation of Pro-life Movement.



Source: CBOS (Public Opinion Research Center), November 2006.

All the above facts clearly show that the anti-abortion Act is working for the benefit of the conceived children, women, families, and the whole society. Propaganda aimed at discrediting the Act and extending the permissibility of pregnancy termination should be recognized as an activity highly destructive for society. The whole discussion concerning the operating of the Act should lead to finding better ways of protecting the lives of the conceived children, their mothers and families. It should never be used as a means to undermining the constitutional right to life, confirmed by Polish Constitutional Tribunal in 1997.

*dr Paweł Wośicki Ph.D. Eng - President of the Polish Federation of Pro-Life Movement*

*dr Antoni Zięba Ph.D. Eng - Vice-president of the Polish Federation of Pro-Life Movement*

*The Polish Federation of Pro-Life Movement consists of almost 140 pro-life groups from all over the country. Being a non-political body, the Polish Federation of Pro-Life Movement concentrates on supporting politicians who - facing misunderstanding and very often certain seclusion - espouse a pro-life cause in the Polish Parliament. We try to influence other MPs, hoping that they will eventually take a pro-life stand. Furthermore, we aim at altering the opinion of the public so that more people recognize and assent to the truth that every human being: the one just conceived, the new-born, young or old, healthy or ill, has the very same right to live. This does not mean, however, that the Polish.*

*Federation of Pro-Life Movement focuses exclusively on the legal aspect of life protection. The majority of pro-life movements united in the Federation are groups and organizations which bring direct, practical help to pregnant women and their families. The legal protection of the unborn, however, has always been and will stay the chief of our concerns.*

*Please feel free to reproduce, distribute and popularize this publication, which is also available on our website: [www.prolife.com.pl](http://www.prolife.com.pl)*

Polish Federation of Pro-Life Movement

ul. Forteczna 3, 61-362 Poznań, POLAND

tel. 48 (61) 653 03 91, fax 48 (61) 653 03 94

[www.prolife.com.pl](http://www.prolife.com.pl), e-mail: [glos@prolife.com.pl](mailto:glos@prolife.com.pl)