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## CRIMINALISATION OF ABORTION AND CONTRACEPTION USE

There are so many issues to talk about on this topic. Due to time restrictions, I cannot raise them all. SO I decided to share with you some thoughts regarding that matter that have recently been on my mind as I am working on this issues every day.

I will start with a sad statement.

### **I live in the country in which women are despised.**

Only this week two women were denied abortion. One of them was an 11 year old girl, the other carried a foetus with no brain and no chance of surviving. Both denials were done proudly and openly as a consequence of so called „declaration of faith” that a lot of doctors signed recently. I must say I feel angry and ashamed that I can only say bad things about the situation in my country although I personally together with many others am doing everything to change that situation.

Criminalisation of abortion and contraceptive use should be seen in a perspective of all kinds of restrictions – either established by law or by policies and practices. In fact – even legalization of abortion does not necessarily result in real access to safe procedures.

There is still a large number of countries where access to safe and legal abortion services is very limited either by law or by practice, mostly by both.

It has to be clearly seen that no matter how far restrictions go, if the right to decide about undergoing abortion is limited to very narrow cases, abortion is illegal. And that has serious consequences. Danger to women's health, stigma, limited access to legal procedures to name a few.

The human rights system, especially at the UN level has done a tremendous work on advancing the standards on women reproductive rights. It is clear within this system that restrictive abortion laws do not reduce the number of abortions performed but only make them unsafe, that these restrictions seriously harm women as unsafe abortions are one of the main causes of maternal mortality and

morbidity, that punitive laws are a form of inhuman and degrading treatment, a form of systematic gender-based violence and discrimination. Criminal laws additionally create obstacles in access to legal procedures that in countries with restrictive laws are anyway very limited. The call for decriminalization of abortion has been clearly expressed by TMBs and other human rights institutions on several occasions.

I sometimes say that laws always chase reality and are behind it, sometimes catching up faster, sometimes slower. This reality is also built on the human rights standards.

There are different reasons behind establishing certain legal regulations on abortion in many countries. In many countries the laws are from a long time ago. To some point at the moment of adopting certain solutions they reflected also public opinion attitudes on the issue but it can never be said that any law is ever the reflection only of society's will, especially considering that it is an everchanging process. It is a mixture of other factors of political, cultural (in that religious) and historical nature. In fact sometimes they come before what people actually support. Sometimes they even go against the society's will or ignore a large part of public opinion views. Poland is one of the most definite examples of that.

I tend to say: show me your reproductive rights laws and policies and I will tell you how much you respect or disrespect women in your country and what your attitude towards women in general is. But I don't think it is the society that is mirrored in these laws. There is a tendency to judge societies in terms of being conservative, based on the country's abortion law which is not fully accurate.

A lot of examples show that the laws on abortion can be changed in both directions, that they are not eternal. Conditions, politicians, societies, influences change, standards grow and it is mostly the matter of the law being in a way adjusted to these. It brings hope but also needs constant attention as it also dangerous.

Not only restrictive abortion laws in many cases do not reflect current social views and opinions but are against them. We sometimes say that the law, especially criminal law, is a reflection of society's moral norms and standards but this is not entirely true. It becomes clear when we realize how many abortions are actually performed no matter how many restrictions on abortion there are within the law. In Poland we also observe another tendency- it seems that to some point legal norms imply moral norms and attitudes. Young people who are lacking proper human right-based education and comprehensive sexuality education base their views on the situation they have been

living in their entire life – abortion being included in the criminal code and by that wrong.

In countries in which abortion is criminalized to any extent the debate on changing the law into more liberal one is seen as problematic and „controversial”, it requires a lot of action to start it again. This controversy around that issue though is in many cases created by decision-makers.

The controversies around abortion are though of course also visible at the UN. Although the TMBs are getting more and more „progressive” on this issue establishing very clear and strong standards, problem reveals on such occasions as CSW, CPD or HRC resolutions. The recognition of the approach presented at the beginning still is not a consensus although some progress also has been made what was visible at the regional conferences on ICPD and consensus outcome documents of these.

However the attitudes towards reproductive rights (in that abortion) of governments expressed at the UN do not always reflect the actual shape of abortion laws in these states which is another example of how political will has a predominant role in this matter.