

Ms. Ursula von der Leyen,
President of the European Commission

Ms. Věra Jourová
Commissioner for Values and Transparency

Ms. Helena Dalli,
Commissioner for Equality

Mr. Didier Reynders,
Commissioner for Justice

Mr. Charles Michel,
President of the European Council

Brussels, 6 December 2021

Subject: Concerns over breaches of the rule of law and further restrictions of fundamental rights in Poland

Your Excellencies,

As Members of the European Parliament, we call on you to address the escalating threats to fundamental rights in Poland, and include these issues in initiatives and debates on the rule of law, starting with the state of play in the General Affairs Council meeting on 14 December.

The continued efforts to limit sexual and reproductive health and rights (SRHR) in Poland constitute an attack on fundamental rights, and are enabled by, and interlinked with breaches of the rule of law, as was notably stated by the European Parliament in its resolutions of 26 November 2020 and 11 November 2021 on the de facto ban on the right to abortion in Poland, and of 21 October 2021 on the rule of law crisis in Poland.

The European Parliament repeatedly called on the European Commission and Council of the EU to hold the Polish government accountable for breaches of the rule of law and fundamental rights. The Parliament notably called on the Council to address violations of fundamental rights in Poland, by expanding the scope of its discussions on the situation in Poland, in accordance with Article 7(1) TEU.

We therefore call on you to convey the European Commission's zero tolerance to these attempts to further dismantle the rule of law and fundamental rights in Poland in the upcoming state of play on the rule of law on 14 December, which will set the tone for the EU's next steps with regards to Poland.

Among many other negative developments over the past years, Poland is now facing three imminent anti-rights initiatives, which seek to further restrict SRHR and the freedoms of LGBTQI+ families:

1. **The Polish Parliament is debating a new bill^[1] that would impose a total ban on abortion without exceptions and would mandate long prison terms for women and care providers in cases of abortion.** The bill was put on the agenda of the Polish Sejm on 1-2 December. The citizens' initiative bill, which was drafted by an anti-abortion group, foresees sentences of five to 25 years, and in certain circumstances life imprisonment, for depriving a "conceived child" of life, which would apply both to abortions and miscarriages.
2. **The Polish government has proposed the creation of a pregnancy 'registry'^[2] that would amount to surveillance of women.** The Polish Ministry of Health is preparing to amend by decree the regulation on the healthcare information system, to mandate the registration of all pregnancies in Poland. This is perceived by women's rights defenders as a strategy to put pregnant women under surveillance, so they can easily be prosecuted if they decide not to continue a pregnancy or if they suffer a miscarriage.
3. **A bill to establish an Institute for Family and Demography^[3] was also on the agenda of the Sejm** on 30 November. According to the proposal, the head of this Institute would be able to intervene as a prosecutor in court proceedings and in administrative processes. This would mean that the head of the Institute could decide over whether to grant a divorce and would be able to bring cases against LGBTIQ+ parents. The head of the Institute would also have access to data collected by any entity in Poland, including regarding pregnancies and miscarriages. The Institute is expected to be led by Bartłomiej Wróblewski, right wing fundamentalist parliamentarian and author of the motion to the Constitutional Tribunal which resulted in the current de facto ban on abortion.

Another bill amending the law on Assemblies was also discussed in the Parliament on 29 September 2021, that would notably prohibit assemblies that could 'question the value of marriage' or 'promote same-sex unions', which would pose a direct threat to LGBTI rights in Poland.

These developments are not in line with the respect of basic fundamental rights and core EU values. Such attempts to restrict our basic fundamental rights have no place in the EU.

As guardians of the Treaties, we count on you to stand up for the fundamental rights of the people of Poland, and we are looking forward to your reply.

All of Us Coordinators

Malin BJÖRK, Member of the European Parliament
Maria NOICHL, Member of the European Parliament
Terry REINTKE, Member of the European Parliament

^[1] <https://www.sejm.gov.pl/sejm9.nsf/druk.xsp?nr=1693>

^[2] <https://legislacja.rcl.gov.pl/projekt/12353100>; <https://www.politico.eu/article/outrage-over-polish-government-plan-to-register-each-pregnancy/>

^[3] <https://www.sejm.gov.pl/sejm9.nsf/druk.xsp?nr=1767>; <https://wyborcza.pl/7,162657,27855985,po-co-pis-owi-instytut-rodziny-panstwo-wkroczy-w-sprawie-rozwodowe.html>

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