

# FACT SHEET

Committee on  
the Elimination  
of Discrimination  
against Women:

Inquiry into  
Poland's  
Abortion Law

CENTER *for*  
REPRODUCTIVE  
RIGHTS

**FEDERA**

## **POLAND MUST REFORM ABORTION LAW TO END GRAVE AND SYSTEMATIC HUMAN RIGHTS VIOLATIONS**

The Committee on the Elimination of Discrimination against Women has released groundbreaking findings following an inquiry into Poland's highly restrictive abortion law.<sup>1</sup> The Committee's report provides landmark recognition of the extensive harm caused by Poland's criminalization and legal restrictions on abortion. It is the first comprehensive and authoritative assessment by a UN or regional human rights body, of the serious human rights violations caused by Poland's abortion law.

The report states that by criminalizing and restricting abortion access, Poland is exercising strict State control over women's reproductive health and autonomy, resulting in grave and systematic human rights violations. It recognizes the serious harm inflicted by a legal framework that forces women to continue pregnancies against their will, seek clandestine and potentially unsafe abortions, or travel abroad to obtain care, jeopardizing their health and wellbeing.

The Committee concludes that Poland's abortion law and practice violate numerous human rights guaranteed by the Convention on the Elimination of All Forms of Discrimination against Women. In order to end these violations and comply with its international human rights obligations, the Committee calls on Poland to fully decriminalize and legalize abortion, recognize abortion as a fundamental human right and guarantee access to quality sexual and reproductive health services, information and education.

## BACKGROUND

Under Article 8 of the Optional Protocol to the Convention, the Committee may initiate a confidential inquiry if it receives reliable information indicating grave or systematic violations of the Convention by a State Party. The inquiry into Poland's abortion law was initiated following submissions in 2019 and 2020 by the Center for Reproductive Rights and Polish civil society organizations the Foundation for Women and Family Planning (FEDERA) and the Karat Coalition.

The Committee conducted its inquiry into Poland's abortion law between 2021 and 2022. This included an official visit to Poland in November-December 2022, during which members of the Committee met with government

officials, members of parliament, civil society representatives, health care professionals and women directly affected by Poland's abortion law. The Committee also reviewed written evidence and information on the impact of the law.

The Committee's findings were published in August 2024.

By ratifying the CEDAW Convention and the Optional Protocol, Poland has accepted binding legal obligations to guarantee the rights protected by the Convention and to remedy, in good faith, any grave and systematic violations identified by the Committee.

## CONTEXT IN POLAND

Poland has one of the most restrictive abortion laws in Europe.<sup>2</sup> Abortion is only permitted when there is a threat to the life or health of the pregnant woman or when the pregnancy results from rape or incest. Assisting women with obtaining an abortion outside the scope of the law is punishable by up to three years of imprisonment.<sup>3</sup> Until January 2021, abortion was also allowed in cases of fatal or severe fetal impairment. However, this provision was removed following a 2020 ruling by Poland's Constitutional Tribunal.<sup>4</sup>

Poland's near total ban on abortion has for decades caused extensive harm and suffering. Every year, thousands of women in Poland are forced to seek extra-legal abortions by traveling abroad or obtaining medication abortion outside the law. Others are forced to continue pregnancies against their will. Even in the exceptional circumstances where abortion is legal, it is almost impossible to obtain in

practice. The Constitutional Tribunal's ruling further intensified the chilling effect of the criminalization of abortion, worsening the dire situation. In recent years, several women have died in Poland after being denied abortion care in life-threatening circumstances. There has also been an increase in criminal investigations into allegations of assisting with abortion outside the narrow scope of the law.

The European Court of Human Rights (the ECHR) has ruled that the rollback of legal entitlements to abortion in Poland, following the Constitutional Tribunal's ruling involving judges appointed through a highly irregular procedure, violated a woman's right to respect for private life under the European Convention on Human Rights.<sup>5</sup> The ECHR had also previously issued several landmark judgments against Poland for failing to guarantee access to legal abortion care. Poland has yet to comply with these judgments.<sup>6</sup>

# Highlights and Key Findings

The Committee's report concludes that Poland's abortion law and practice violate numerous human rights protected by the Convention. It outlines how the law subjects women to discrimination and suffering that amounts to violence against women and potentially torture or cruel, inhuman or degrading treatment. The report states that "Poland has created a regulatory framework of strict State control over women's reproductive health and autonomy," reflecting a deliberate State policy to deny women access to abortion care.<sup>7</sup>

The Committee finds that the violations are both grave and systematic in nature. It recognizes that most women in Poland do not have access to safe and legal abortion care. Instead, due to the criminalization and legal restrictions on abortion, they face three options: "(a) undergo a torturous experience of being compelled to carry an unwanted pregnancy to term; (b) seek clandestine and potentially unsafe abortion services; or (c) travel abroad to access safe and legal services and face trauma associated to such an ordeal."<sup>8</sup>

The Committee recognizes that women endure great harm and suffering as a result of Poland's abortion law. Women "are torn between complying with discriminatory laws that unduly restrict abortion or risking their health and life."<sup>9</sup> They must "navigate a medical system without certainty to receive adequate medical care and/or information" where they may "be subjected to a difficult and painful ordeal of finding and or convincing a doctor to perform an abortion."<sup>10</sup> Women who are pregnant following sexual assault must "navigate a criminal procedure system where they risk re-traumatization, victim-unfriendly and gender-biased treatment."<sup>11</sup> Their credibility is questioned and they have no certainty of securing access to legal abortion care.<sup>12</sup>

## VIOLATIONS OF THE CONVENTION

---

The Committee finds that Poland's abortion law and practice violate the following provisions of the Convention:

- › **Article 2 (c), (d), (f) and (g)** on equality and non-discrimination
- › **Article 5** on elimination of prejudice
- › **Article 10 (h)** on equal rights in the field of education
- › **Article 12** on non-discrimination and equal rights in access to health care
- › **Article 14 (2) (b)** on elimination of discrimination against women in rural areas
- › **Article 15** on equality before the law
- › **Article 16 (1) (e)** on equal rights to decide on the number and spacing of children, and access to information, education and means to enable the exercise of these rights.

In reaching these conclusions, the Committee has found the following:

## **CRIMINALIZING AND RESTRICTING ABORTION INTERFERES WITH REPRODUCTIVE AUTONOMY AND DECISION-MAKING**

The Committee's findings confirm that Poland's abortion law and practice give rise to intrusive and arbitrary interferences in women's decisions about their pregnancies, violating article 16 (1) (e) of the Convention. It notes that decisions about whether to have children or not "must not be limited by Government."<sup>13</sup> It also finds that forced continuation of a non-viable pregnancy or a pregnancy resulting from sexual assault "is unjustifiable, State-sanctioned coercion."<sup>14</sup> Forcing women to choose between continuing a pregnancy, travelling abroad for abortion care or seeking a clandestine and possibly unsafe abortion cannot "preserve their reproductive autonomy and mental well-being."<sup>15</sup> The Committee concludes that allowing women access to abortion care in Poland is the only way to preserve their physical and psychological integrity and reproductive autonomy.<sup>16</sup>

## **CRIMINALIZING AND RESTRICTING ABORTION CAN RESULT IN CRUEL, INHUMAN AND DEGRADING TREATMENT**

The Committee finds that by criminalizing and restricting abortion, and preventing women from exercising reproductive choice, Poland subjects women to "conditions of intense physical and mental suffering," by forcing them to choose between continuing a pregnancy, travelling abroad to access abortion care or seeking a clandestine and possibly unsafe abortion.<sup>17</sup> As a result, women endure a "high level of mental anguish", which is exacerbated when women are forced to carry to term a non-viable fetus or when the pregnancy results from sexual assault.<sup>18</sup> The Committee concludes that this intense suffering constitutes gender-based violence against women and may amount to torture or cruel, inhuman or degrading treatment.<sup>19</sup>

## **CRIMINALIZING AND RESTRICTING ABORTION DISCRIMINATES AGAINST WOMEN**

The Committee finds that Poland's abortion law and practice are discriminatory and deny women equality before the law by prohibiting and restricting access to a type of health service only needed by women, contrary to article 2 (c), (d), (f), (g) of the Convention. Further, it finds that Poland's law is discriminatory because it denies "women the moral agency that is related to their reproductive autonomy."<sup>20</sup>

## **CRIMINALIZING AND RESTRICTING ABORTION VIOLATES THE EQUAL RIGHT TO HEALTH CARE**

The Committee's findings underline that Poland's abortion law and practice deny women the health care necessary "to preserve their autonomy, dignity and physical and psychological integrity," violating their rights to non-discrimination and equal access to health care, contrary to articles 2 (c), (d), (f), (g) and 12 of the Convention.<sup>21</sup> The Committee recognizes that Polish law denies women, on the basis of their sex, the health care they need. Meanwhile "male patients and patients in other situations in Poland are not expected to disregard their health needs and moral agency in relation to their reproductive functions."<sup>22</sup>

In addition, the Committee finds that Poland's abortion law and practice "cause serious harm to women by severing the continuum of reproductive health care".<sup>23</sup> Women are removed from the care of trusted health professionals and the law's chilling effect disrupts provision of information and care. The Committee further notes that States must refrain from "obstructing action taken by women in pursuit of their health goals."<sup>24</sup>

## **CRIMINALIZING AND RESTRICTING ABORTION SUBJECTS WOMEN TO HARMFUL GENDER STEREOTYPES**

The Committee finds that Poland's abortion law and practice "reduce women to their reproductive capacity," prioritizing the protection of "the unborn" over women's health needs, decisions and well-being.<sup>25</sup> This reinforces harmful gender stereotypes that portray women's primary role in society as mothers and caregivers, and suggests that "women should continue their pregnancies regardless of the circumstances, their needs and wishes."<sup>26</sup> The Committee recognizes that the "abortion law embodies discriminatory gender stereotypes and assumptions because it does not allow women to take autonomous decisions about whether or not to carry a pregnancy to term. It does not allow them to decide over their bodies and on the best course of action to safeguard their health. Instead, it subjects them to the authority of doctors and prosecutors to whom it grants power to determine for them whether they qualify for a legal abortion."<sup>27</sup> The Committee concludes that stereotyping women as reproductive instruments is discriminatory and violates their right to gender equality, contrary to article 5 of the Convention.<sup>28</sup>

## **CRIMINALIZING AND RESTRICTING ABORTION UNDERMINES ACCESS TO INFORMATION AND ADVICE**

The Committee finds that Poland's abortion law and practice undermine the provision of age-appropriate, culturally sensitive, comprehensive and scientifically accurate sexuality education and information. This violates women and girls' right to access information and advice on family planning, contrary to article 10 (h) of the Convention.<sup>29</sup>

## **CRIMINALIZING AND RESTRICTING ABORTION DISPROPORTIONATELY HARMS MARGINALIZED AND VULNERABLE GROUPS**

The Committee finds that Poland's abortion law and practice impose distinct and disproportionate hardship on marginalized and vulnerable groups, including women with disabilities, economically and socially disadvantaged women, women living in rural areas, survivors of violence, and adolescent girls. These groups face increased obstacles in accessing legal abortion care in Poland due to financial and geographical barriers and experience intersecting barriers when traveling abroad for abortion care. This results in higher risks for marginalized women of being forced to continue a pregnancy or to seek clandestine and unsafe abortions, endangering their health and lives.<sup>30</sup>

# Recommendations and Legal Obligations

The report outlines a series of critical and urgent steps that Poland must take to reform its abortion law and policies and put an end to the grave and systematic violations identified by the Committee. In accordance with its obligations under international law, Poland must act in good faith to consider these recommendations and take meaningful action to guarantee non-repetition of these ongoing violations.

- Adopt legal reforms to fully decriminalize and legalize abortion, acknowledging that women's decisions about their own bodies are personal and private, and placing the autonomy of women at the center of policy.
- Recognize the right to abortion as a fundamental right.
- As an interim measure, introduce a moratorium on the application of the current criminal law provisions regarding abortion, including halting all arrests, investigations and prosecutions of anyone assisting women in need of abortion care.
- Adopt measures to guarantee quality, timely and accessible abortion care in public and private health facilities.
- Adopt evidence-based protocols on the provision of abortion care that reflect World Health Organization guidelines, and ensure that health professionals are trained accordingly.
- Adopt measures to guarantee that women, including women with disabilities, can make autonomous decisions about their sexual and reproductive health and have access to evidence-based information.
- Establish a mandatory duty for health professionals who refuse abortion care with reference to their personal conscience to refer women to alternative providers, and prevent the misuse such refusals.<sup>31</sup>

The Committee also recommends that Poland take a series of steps to improve the provision of quality sexual and reproductive health care, including:

- Adopt measures to guarantee affordable and accessible sexual and reproductive health care, including contraception.
- Provide non-biased, scientifically sound and rights-based information on sexual and reproductive health and rights.
- Guarantee access to prenatal testing and its results in all public clinics and hospitals.
- Take measures to protect women from harassment by anti-abortion activists.
- Ensure that age-appropriate, scientifically accurate and comprehensive sexuality education is a compulsory part of school curricula.
- Adopt a comprehensive strategy to tackle discriminatory gender stereotypes.<sup>32</sup>

## ENDNOTES

- 1** Committee on the Elimination of Discrimination against Women, Inquiry concerning Poland under article 8 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, Report of the Committee, UN Doc. CEDAW/C/POL/IR/1 (2024).
- 2** Center for Reproductive Rights, European Abortion Laws: A Comparative Overview.
- 3** The Family Planning, Human Embryo Protection and Conditions of Permissibility of Abortion Act of 7 January 1993, art. 4a; Penal Code, art. 152.
- 4** Judgment of the Constitutional Tribunal no. K 1/20, Journal of Laws 2021.175; Widespread concerns over the independence of the Constitutional Tribunal have been expressed by the Council of Europe, the European Commission and human rights organizations alike. See European Commission for Democracy through Law (Venice Commission), *Opinion No. 904/2017*; European Commission, *Rule of Law: European Commission acts to defend judicial independence in Poland*; Human Rights Watch, *Poland's Constitutional Tribunal Rolls Back Reproductive Rights*; M.L. v. Poland, European Court of Human Rights, Application no. 40119/21 (2024); Xero Flor w Polsce sp. z o.o. v. Poland, European Court of Human Rights, Application no. 4907/18 (2021).
- 5** M.L. v. Poland, European Court of Human Rights, Application no. 40119/21 (2024).
- 6** R.R. v. Poland, European Court of Human Rights, Application no. 27617/04 (2011); Tysiąc v. Poland, European Court of Human Rights, Application no. 5410/03 (2007); P. and S. v. Poland, European Court of Human Rights, Application no. 57375/08 (2013); M.L. v. Poland, European Court of Human Rights, Application no. 40119/21 (2024).
- 7** Committee on the Elimination of Discrimination against Women, Inquiry concerning Poland under article 8 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, Report of the Committee, UN Doc. CEDAW/C/POL/IR/1 (2024), para. 106.
- 8** Para. 103.
- 9** Para. 104.
- 10** Paras 79 and 82.
- 11** Para. 79.
- 12** Para. 83.
- 13** Para. 92.
- 14** Para. 81.
- 15** Para. 92.
- 16** Para. 92.
- 17** Para. 96.
- 18** Para. 96.
- 19** Paras. 81 and 96.
- 20** Para. 91.
- 21** Para 94.
- 22** Para 94.
- 23** Para 95.
- 24** Para 95.
- 25** Para 93.
- 26** Para. 93.
- 27** Para. 88.
- 28** Paras. 87 and 93.
- 29** Para. 97.
- 30** Paras. 85 and 98.
- 31** Para. 108.
- 32** Para. 109.

**CENTER *for***  
**REPRODUCTIVE**  
**RIGHTS**

**Center for Reproductive Rights**

[www.reprorights.org](http://www.reprorights.org)

[Geneva@reprorights.org](mailto:Geneva@reprorights.org)

**+ FEDERA**

**Foundation for Women and Family Planning**

[www.federa.org.pl](http://www.federa.org.pl)

[foundation@federa.org.pl](mailto:foundation@federa.org.pl)