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Istanbul Convention: Poland's plan to quit domestic violence treaty causes concern

By Shona Murray & Natalie Huet

Euronews (27.07.2020) - <https://bit.ly/3ibpCq9> - Poland's plan to withdraw from an international treaty on combating violence against women is causing serious concern across Europe.

The right-wing Polish government argues the Istanbul Convention does not respect religion and promotes controversial ideologies about gender. Human rights advocates say exiting the treaty would deal a major blow to women's rights.

The Council of Europe (COE), a human rights organisation distinct from the European Union, called Poland's intentions "alarming".

"If there are any misconceptions or misunderstandings about the convention, we are ready to clarify them in a constructive dialogue," Marija Pejčinović Burić, COE's secretary-general said in a statement.

"Leaving the Istanbul Convention would be highly regrettable and a major step backwards in the protection of women against violence in Europe."

MEPs have also slammed the Polish government's move.

Iratxe García Pérez, the Spanish leader of the Socialist group, called it "disgraceful". Belgian MEP Guy Verhofstadt labelled it "scandalous", adding that "violence is not a traditional value". Dacian Cioloş, the head of the liberal Renew Europe group called the move "pitiful" and "pathetic".

Hundreds of people marched in Warsaw on Friday to protest against the government's plan.

Using EU funds as leverage

The treaty, which was drafted by the Council of Europe, obliges nations to ensure that "culture, custom, religion, tradition or so-called 'honour' shall not be regarded as justification" for acts of violence against women.

It came into force in Poland in 2015, under the previous centrist government.

"The convention on violence against women is one of the most comprehensive laws to combat violence against women in the world," said Iverna McGowan, a human rights expert in Brussels.

"So this is really a very worrying signal that the government is sending that it does not wish to provide this protection for women's rights in Poland," she told Euronews, urging the European Union to put "serious pressure" on the country to stick to the convention.

Poland and Hungary have drawn the ire of Brussels in recent years over moves seen as undermining the independence of the judiciary, media freedom and the rights of LGBTQ people.

Poland's move comes after the EU agreed on a €1.8 trillion budget and coronavirus recovery package, after four days and four nights of tense negotiations over the conditions that member states would have to meet to receive the funds.

In their final compromise, EU leaders mentioned tying the handouts to "the respect of the rule of law" – but they have yet to detail the "regime of conditionality" envisioned.

For McGowan, Poland's move on the Istanbul Convention is a fresh reminder that the EU needs to be much more firm when countries stray away from liberal values.

"If the European Union really wants to live up to its commitment to human rights and democracy, I feel that it's very important that we do make recipients' receipt of EU funds conditional on compliance with the rule of law and human rights," she said.

"We need to get serious about human rights in Europe (...) This is a concern not just for women in Poland, it's a question for women's rights everywhere."

Reject new curbs on abortion, sex ed

Don't manipulate pandemic to endanger women, adolescents.

HRW (14.04.2020) - <https://bit.ly/34Rxurv> - Poland's Parliament will consider regressive legislation this week that would restrict sexual and reproductive health and rights and put the lives and well-being of women and adolescents at risk, Human Rights Watch said today. The legislation is scheduled for reading on April 15 or 16, 2020 as the country remains under a COVID-19-related state of emergency that bans group gatherings.

The bills under consideration were originally introduced in March 2018 and October 2019, and have since been stalled or not moved forward under the Parliament elected in November 2019. Both were met by street protests.

"Given its track record of undercutting the rule of law, it is fitting that the government would move to pass abusive laws when the public demonstrations that have met these laws before are prohibited," said Hillary Margolis, senior women's rights researcher at Human Rights Watch. "The Polish government's focus during the pandemic should be to protect people's health and rights, not diminish them."

The "Stop Abortion" bill would amend the criminal code, eliminating legal access to abortion in cases of severe or fatal fetal anomaly, further limiting what is already one of Europe's most restrictive abortion laws. The bill was introduced in March 2018 and supported by high-level politicians of the ruling conservative Law and Justice party. Its

approval by a parliamentary committee led to mass protests, but the bill stalled as conservative parliament members requested a Constitutional Tribunal ruling on the legality of permitting abortion in cases of severe anomaly that threatens a fetus' life.

The "Stop Pedophilia" bill would amend the criminal code to criminalize "anyone who promotes or approves the undertaking by a minor of sexual intercourse or other sexual activity." People and organizations providing sexuality education or information on sexual and reproductive health and rights, including teachers, outreach workers, authors, and health care personnel, fear the bill could land them in prison for up to three years for doing their jobs. Parliament approved the bill during a first reading in October 2019, and it could expire if not considered by the newly elected parliament before mid-May, but had seen no progress until now.

Both bills are "popular initiatives," requiring 100,000 signatures for parliamentary consideration and were originally introduced in 2018 and 2019 but then stalled before the pandemic. They are drafted and backed by right-wing groups, including the conservative, anti-abortion, and anti-lesbian, gay, bisexual, and transgender (LGBT) Ordo Iuris Institute for Legal Culture. Both bills were submitted for this week's session by Elzbieta Witek, parliament speaker, a member of the ruling conservative Law and Justice party (Prawo i Sprawiedliwość, PiS).

Under Poland's current law, abortion is only legal to safeguard the life or health of women, in situations of severe or fatal fetal anomaly, or if a pregnancy results from rape or another criminal act such as incest. Even when abortion is legal, multiple barriers limit women's and girls' access in practice, including widespread invocation of the "conscience clause" that permits medical providers to refuse care based on personal or religious belief. Laws restricting or criminalizing abortion do not reduce or eliminate women's need for abortion, but rather drive them to seek abortion through means that may put their lives and health at risk. A group of UN experts previously called on Poland's parliament to reject the "Stop Abortion" bill.

Poland's government has blocked efforts to provide adolescents with comprehensive sexuality education that is consistent with international standards. Rather, its "Preparation for Family Life" curriculum spreads misinformation that can have negative long-term health impacts, perpetuates harmful stereotypes about gender roles and sexuality, and promotes an anti-rights and anti-LGBT agenda. The ruling Law and Justice party has misrepresented comprehensive sexuality education and efforts to advance gender equality as attacks on 'traditional' family values and threats to children, using such arguments to undermine women's and LGBT rights groups. In November, the European Parliament adopted a resolution criticizing the "Stop Pedophilia" bill's introduction.

Other government efforts to further restrict sexual and reproductive health and rights have been met by public protest, including mass demonstrations beginning in October 2016 that became known as #CzarnyProtest (Black Protest) and #StrajkKobiet (Women's Strike), which led to rejection of a bill that would have enacted a total abortion ban.

In recent weeks, the government also introduced criminal code amendments, ostensibly to facilitate COVID-19 response, including significantly increased criminal penalties for people living with HIV who knowingly expose others to the infection, raising potential maximum prison terms from three years to eight. Criminalization of people with HIV violates rights and undermines efforts to curb spread of the infection and ensure access to treatment and often targets vulnerable and minority groups, including LGBT people.

Since Law and Justice came to power in 2015, Poland's government has attempted to roll back women's rights, including through smear campaigns, systematic defunding, and

other attacks on women's rights organizations and activists. The ruling party's crusade against so-called "gender ideology" has gained traction and been used to galvanize support for measures that target women's and LGBT rights and smear women's and LGBT rights activists.

In the past five years, the Polish government dominated by Law and Justice has actively undermined the rule of law and eroded the independence of the judiciary, and interfered with media freedom. It has refused environmental activists entry to Poland to attend United Nations climate talks. In 2016, parliament rejected a bill that would have increased protection of marginalized groups and identities by including gender, gender identity, sexual orientation, disability, and age as potential grounds for "hate speech." Organizations working on women's rights, LGBT rights, and migration have faced harassment.

Poland's Parliament should reject the Stop Abortion and Stop Pedophilia bills and uphold sexual and reproductive health and rights in accordance with international law. This includes the right to access safe and legal abortion and to receive accurate, evidence-based information about health and sexuality.

The European Commission and other EU member states should make the best possible use of tools available, including the Article 7 procedures, to address the Polish government's policies on sexual and reproductive health and rights. Article 7 under the Treaty of the European Union provides for preventive action and possible sanctions, including suspension of a member state's voting rights within the Council of the EU if that country violates the EU's founding values, such as the rule of law.

"Undermining access to abortion and comprehensive sexuality education doesn't protect anyone, and only raises the prospect of dire health consequences for Poland's people," Margolis said. "The chaos and anxiety surrounding COVID-19 shouldn't be used as a distraction from harmful attempts to push through dangerous legislation."

UN experts say Government must not roll back women's rights

OHCHR (13.12.2018) - <https://bit.ly/2Gf46Tc> - Poland is at a critical juncture with regard to its record on women's rights. It must refrain from rolling back women's rights, particularly in the areas of family and culture, as well as sexual and reproductive health, and undertake further steps to fully achieve gender equality, UN human rights experts said today.

Poland was one of the first countries in Europe to grant women voting rights in 1918, and historically has had an active and vibrant women's movement, but the rise of religious conservatism questions some of the gains women have fought for, notably in the area of reproductive and sexual rights, the experts said after a 10-day visit.

"Poland has established a legal and institutional framework on anti-discrimination and has instituted measures to secure greater participation of women in political, as well as social and economic life. It has also developed a number of measures of social protection and has been undertaking efforts to improve child care services," said Ivana Radačić and Melissa Upreti, from the UN Working Group on discrimination against women in law and in practice. Additionally, they said, Poland has been building a legislative framework to effectively address gender-based violence against women.

"However, we have observed some serious challenges to women's rights. Gender equality does not seem to be a priority for the Government at the moment, and there are no national strategies and plans on gender equality and women's empowerment," the independent experts added, noting that the understanding of equality seems to be limited to equal treatment in law.

Addressing women's structural disadvantage requires adoption of specific measures, including temporary special measures, the experts said. It also requires the State to effectively tackle gender-based violence against women, where certain retrogressions have been observed, such as cutting of funds to women's rights organisations.

The experts also reported that gender equality cannot be fully achieved without respecting women's reproductive rights. In Poland, however, access to reproductive healthcare services, has become even more restrictive, and there are serious gaps in sexuality and human rights education.

The increasing attacks on gender equality efforts were another issue of concern. "While the traditional roles of women in the family are being actively promoted through laws and policies, advocates for gender equality are increasingly being characterised as 'anti-family,'" the experts said.

"The concept of 'gender ideology' is being used also to undermine and stigmatise women human rights defenders, whose space is increasingly shrinking. However, we are encouraged to see that this has also resulted in increased activism of women at the grassroots level. Women human rights defenders play a critical role in securing gender equality and their work should be fully acknowledged, supported and encouraged."

Why Polish women are rallying for reproductive rights

By Agnieszka Pikulicka-Wilczewska

Al Jazeera (17.01.2018) - <http://bit.ly/2DbPkXq> - On Wednesday, women across Poland plan to protest against attempts to further restrict access to abortion.

Polish Women's Strike, the organiser, is a coalition of women's rights groups, pro-democracy initiatives and individuals mobilising through social media, and expects thousands to join in at least 50 cities.

In what has become something of a symbol of such protests in Poland, which is ruled by the anti-abortion Law and Justice party, the women plan to march dressed in black clothing.

"Deja Vu Polish Women on Strike", the banner under which the current wave of protests is taking place, is the result of a January 10 vote in the lower chamber of the parliament.

Then, legislators chose to send a bill introduced by the Life and Family Foundation group to ban the abortion of sick fetuses for more work by parliamentary commissions.

On the same day, parliament rejected a bill titled Save Women, proposed by women's rights groups, to liberalise abortion.

That measure advocated legalising abortion until the twelfth week of pregnancy and introducing sex education in schools, access to free contraception and prescription-free emergency contraception. It also included a ban on picket protests by the so-called pro-

life movement displaying graphic images of fetuses, in close proximity to hospitals and schools.

Abortion in Poland is illegal except in cases of rape, when there is irreparable damage to the fetus, and if the pregnancy jeopardises a woman's life.

The current law was introduced in 1993 following the fall of communism.

Some members of the liberal opposition voted against the recent bill to liberalise abortion; nine more votes in favour would have helped the measure enter the committee stage.

Aleksandra is among the women who will protest on Wednesday.

"Until recently, I rarely participated in such demonstrations," she told Al Jazeera. "But the situation has changed, as the discussion about women's rights has shifted right and the old-fashioned vision of women's role in society is gaining ground."

'We have to act'

Many women feel betrayed by the opposition.

"We're showing that we know that a complete abortion ban is on the table in Poland," Marta Lempart of the Polish Women's Strike told Al Jazeera. "After the rejection of the Save Women bill, we feel that we are on our own and we have to act."

The demonstrations are part of a wider women's rights movement, which grew out of Black Protest - a series of rallies against a ban on abortion in September 2016 proposed in a bill by the Ordo Iuris foundation, a Christian NGO.

Then, demonstrators wore black clothes and some carried black umbrellas, metal hangers or red gloves.

"When in 2015, the [right-wing] Law and Justice [party] came to power and began - quickly and brutally - to change the institutional landscape, destroying democracy, a mass grassroots mobilisation began," said Elzbieta Korolczuk, a Polish sociologist from Sodertorn University in Sweden.

"From the beginning, it was clear that women constitute large part of this movement, as they realised that the quality of democracy will have an impact on their rights," she told Al Jazeera.

The decision by Law and Justice to cut down state subsidies for IVF and the fact that pro-life movements have support among the ruling party have spurred activism.

In 2016, Ordo Iuris gathered signatures under a citizen initiative for a bill which would ban abortion in all the cases currently allowed. The group backed five-year prison sentences for women who decided to end their pregnancy.

"Importantly, the [Ordo Iuris] bill referred to the 'murder of an unborn child' which would have effectively eliminated prenatal diagnosis, as some methods it uses may cause miscarriage," Korolczuk said.

"The percentage of such cases is small - between one and three - but the danger exists. Thus, many doctors stated that if the bill is voted through, they would not continue with prenatal tests as they would risk up to three years of imprisonment."

The Ordo Iuris bill replicated El Salvador and Nicaragua laws, where women who miscarry often serve prison sentences, charged with murder.

"This caused a huge outrage of women, including those who were not in favour of legalisation, but felt that the bill violated their dignity and agency," Korolczuk said.

Mass mobilisation

A women's strike on October 3, 2016 in response to Ordo Iuris' proposal, which was rejected in the end, was supported by the opposition which saw the bill as part of a wider attack against progressive forces.

Almost 100,000 people rallied, according to police statistics, with attendance also high in small towns where people are less likely to express their political views due to fear of exclusion.

In neighbouring countries, women face fewer constraints in terms of reproductive rights.

In Czech Republic, Slovakia, Lithuania, Ukraine and the Baltic states, abortion is legal, although not infrequently politicised.

"When it comes to the scale of women's involvement and the power of the movement, Poland is a positive exception," said Korolczuk, the sociologist. "Maybe because we have something to fight for, the movement is very diverse, strong and capable of large scale mobilisation."

Abortion turmoil in Poland: trading women's rights for political goals

Social Europe (05.10.2016) - <http://bit.ly/2e1BApg> - In summarizing the results of last year's parliamentary elections in Poland I briefly mentioned that "*the rule of Catholic conservatives might stand in opposition to respecting the rights of women*". It took less than a year for this prophecy to come true. Thousands of women in Poland are joining Black Protests to demonstrate against the newest radical anti-abortion law proposal.

Then and now: Unsatisfying "abortion compromise"

During the Communist regime, and particularly from the 1960s, abortion was available on request. After 1989, the Polish transformation embraced reproductive rights too. Despite the determination of women's organizations and owing to the massive influence of the Catholic Church, access to legal abortion was limited.

Polish abortion law today is one of the most restrictive in Europe. Termination of pregnancy is possible when the woman's life or health is endangered, when the pregnancy is the result of a criminal act or when the fetus is seriously malformed. In reality the situation is much more complicated. Polish doctors are granted a conscience clause that allows them not to provide certain medical services, like abortion, owing to their religion or beliefs. According to Polish law, a doctor unable to perform the procedure should refer the patient to another facility. As a result, many patients seeking help find it too late.

According to official statistics of the Ministry of Health, the number of legal abortions in 2015 was less than 2000, whereas it is estimated that abortion carried out underground together with "abortion tourism" to other countries, such as Germany or Slovakia, add up

to 150,000 cases a year. This discrepancy has a very clear class dimension: limited access to legal abortion clearly excludes the poorest from safe procedures.

Reheating the abortion debate

The so-called "abortion compromise" reached in the 1990s is far from ideal: it has ever since been contested both by pro-choice organizations and the pro-life lobby allied with the Catholic Church. After the change of regime in Poland last year, the latter seem to have gathered momentum. In September 2016, two alternative civil law proposals on accessibility of abortion were voted on in the Sejm, the Polish parliament. A liberal draft submitted by [Save Women initiative](#) demanding free access to abortion, introduction of sexual education and refunding contraception was rejected. An alternative project called "Stop abortion", submitted by [Ordo Iuris foundation](#) was referred to a relevant committee for advancing the dossier. Should this proposal pass, women will be punished with a prison sentence for having an abortion and any case of miscarriage will be investigated. The protection of pre-natal life will force women to give birth even if they were raped or they are carrying lethally damaged fetuses. As a result, some life-saving medical interventions, such as ante-natal screenings or fetal surgery, might have to be given up in practice because of potential penal consequences if they cause miscarriage. Some standard procedures, like terminating ectopic or molar pregnancies, will be performed only when life-threatening conditions finally occur. To sum up, such a law would not only become one of the most restrictive in the world, sending Polish women back in time to Ceausescu's Romania, but it also seems defective owing to the introduction of imprecise terms that might in practice face medical staff with a dramatic choice: risking a prison sentence or saving lives.

Two sides of the barricade

This threat to women's rights has caused a massive public outcry. The non-parliamentary Razem Party launched a [Black Protest](#) that went viral, not only on the Internet but also in the streets. Many celebrities became actively engaged. Women's general strike was called for October 3rd, inspired by the legendary action of Icelandic women in 1975. This is very symbolic, illustrating clearly the throwback happening in Poland now: a second wave feminism-style flash mob is still up-to-date there, in the 21st century.

The pro-choice protest has reached the European Parliament that is staging a debate (today) on current developments in Poland. Human rights organizations, like Amnesty International, warn against "a dangerous backward step for women and girls". Meanwhile, the streets in Poland have been the scene of constant unrest since October 2015 when the PiS party took over again. So, the question arises: can this female wave of anger make any impression on those in power?

It is important to remember that, however loud it seems, the protest movement represents only a part of the society. Not all women feel represented: it was Joanna Banasiuk, a woman, that delivered the "Stop abortion" project to the Sejm. It was also women MPs that supported the abortion ban. The Catholic Church in Poland is officially demanding that every life is protected. So far, none of the Polish doctors' associations has taken an official stance.

The heated debate has become vulgarized, detached from the very particular draft law in question. The disastrous quality of that debate was lately laid bare in a talk show, when seven *male* politicians discussed abortion as well as by the irreverent comment of Witold Waszczykowski, the Minister of Foreign Affairs, who reacted to the women's strike by saying: "Let them play".

Instrumentalising women's rights for political profits

Women's bodies have once more become battlefields. The question arises: why reheating this debate now? According to the polls, less than a third of Poles is in favour of liberalization of the current abortion law, whereas only one in ten is in favour of increasing the restrictions. Most of society backs the status quo. A conspiracy theory has it that the abortion debate coincided with the debate over CETA, a free-trade agreement between *Canada* and the European Union. That agreement is strongly rejected by the Polish farmers and the right-wing national camp. A more realistic view is that the current abortion dispute might be a PiS strategy to deepen divisions within Polish society in order to keep their supporters mobilized. Last but not least, the most trivial explanation is that the PiS party is paying back electoral debts to their civil society backups, pro-life and Catholic organizations being among its pillars. Meanwhile, after nearly 100 000 people went on the streets on Monday in the latest black protests, Polish PM, Beata Szydło, called for cooling down the emotions, simultaneously scolding her colleagues for sarcastic comments and distancing the party from the anti-abortion project. Some say, however, that this female revolution might be the key to overcome conservative government led by a woman.

The polish church and government open new attack on women's reproductive rights

Social Europe (06.04.2016) - <http://bit.ly/209Q9W3> - As the crisis around changes implemented to Poland's Constitutional Tribunal continues, the ruling Law and Justice Party (PiS) has opened up a new conflict through an attack on the reproductive rights of women. This is significant as it would not only mean making abortion completely illegal in Poland, but also shows how the country is moving further away from being a democratic, secular state. The hierarchy of the Polish Catholic Church is directly intervening in a major political issue and dictating how the government should act. This has caused an immediate reaction amongst those opposed to the tightening of the abortion law, with thousands already taking to the streets in protest.

Poland already has one of the most restrictive and repressive abortion laws in Europe. Abortion was made illegal in 1993, in a move that was ludicrously described as a 'compromise'. It banned abortion in all but three circumstances: where there is a high probability of severe and irreversible damage to the foetus or where it will have an incurable life-threatening disease; where a pregnancy threatens the woman's life or health; or where the pregnancy is the result of a criminal act.

This draconian abortion law has inevitably resulted in huge numbers of Polish women either being forced to undergo illegal abortions in Poland or travel abroad to have their pregnancies terminated. It is obviously the least well off women – unable to travel abroad – who most often have to have illegal 'backstreet' abortions in Poland. It is estimated that around 150,000 illegal abortions take place in the country each year, which carry significant health risks. The fact that women whose lives are at risk or have become pregnant due to rape would now no longer be able to have a legal and safe abortion, or that a woman could be prosecuted for having had a miscarriage that is deemed to be her fault, highlights the barbarity of the current proposal to completely outlaw abortion.

The Church in power

The second alarming factor in this situation is that the proposal has come directly from the top of the Catholic Church that is now directing government policy on this crucial issue. The Presidium of the Polish Catholic Bishops' Conference issued a statement last week that Poland should not halt at the present 'compromise' on abortion, but move towards a total ban. This statement was then read out in churches throughout Poland on

Sunday. This has concurred with an action being run by the 'Stop Abortion' campaign to collect signatures in order to put forward a citizens' bill to parliament to completely outlaw abortion in the country.

The Prime Minister, Beata Szydło, has said that she personally supports a complete ban on abortion. Even more disturbingly, the leader of PiS (and de facto the most powerful politician in Poland) has stated that as a Catholic he has to support the decisions of the Bishops, and that although his parliamentary group would have a free vote he was sure that the vast majority would vote for the bill.

Although support for the legalisation of abortion has waned during the past two decades, a large majority of Polish society is against it being completely banned (80% when it threatens the life of the mother, 73% when the pregnancy is the result of rape; 53% when the child would be born ill or handicapped). However, the Polish government is now clothing itself in a cape of religious morality that cannot be questioned. As they are believers in the Catholic faith, they must simply do as the Church dictates. This moves Poland further away from a form of government based upon the opinions of the majority, and towards one that is run according to the ideology and decisions of a religious institution.

The claim by leading members of PiS that they are simply following their faith through obeying the decisions of the Catholic Church is misleading. For example, the Pope last year made a strong statement urging action on climate change, arguing that it 'is a problem which can no longer be left to a future generation' Meanwhile, the present Minister of the Environment is someone who in the past has claimed that climate change is not a threat and the government has recently announced a drastic increase in logging in the country's unique [Białowieża](#) forest.

Likewise, Pope Francis has repeatedly called for help for refugees during the present crisis, stating that all religious communities should aid and give shelter to refugees. However, the present Polish government has been one of the most hostile to refugees and, after the recent terrorist attacks in Brussels, it quickly announced that it would no longer take the quota of refugees that it had agreed previously with the EU. Therefore, whilst the conservative right in Poland is now talking about the 'rights of children' it is turning a blind eye to those refugee children being washed up on the shores of southern Europe, or the estimated 10,000 refugee children that have gone missing in Europe since the crisis began.

This blatant attack on the reproductive rights of women has been met with strong resistance. On Saturday (2 April), the left-wing party Razem organised protests around the country, including a demonstration of around 7,000 in front of the parliament. The atmosphere was defiant, with protestors holding up coat hangers as a symbol of the brutality of illegal abortions. A coalition of women's groups and other organisations has been formed to protest against the government's proposal, with a large demonstration planned in Warsaw this Saturday (9 April). Already, solidarity protests have been organised in other countries, with the Young Labour Women organisation also holding a picket in front of the Polish embassy in London this Saturday.

This aggressive move by PiS and the hierarchy of the Catholic Church is another sign of the anti-democratic and socially regressive nature of the present government. If it goes ahead with its stated intention to support the project to completely ban abortion in Poland, then the divisions and conflicts within the country will only intensify. The fight to defend women's reproductive rights from further erosion in Poland is part of a wider movement to oppose a government that is becoming increasingly authoritarian and regressive.

