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# You Will Never Walk Alone:

The Change of Social  
and Political Attitudes  
Toward Abortion in Poland

krytyka  
polityczna

FUNDACJA  
im. RÓŻY  
LUKSEMBURG

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# Introduction

A large, stylized red lightning bolt graphic is positioned diagonally across the page, pointing from the top right towards the bottom left. The background is solid black, and the lightning bolt is a vibrant red color.

# 1. Introduction

In 1989, on May 8th, Poland stood on the brink of its first semi-democratic election. This momentous occasion was marked by the inaugural publication of *Gazeta Wyborcza* (the Electoral Gazette), a publication emblematic of Poland's pro-democratic evolution. Its maiden issue opened with a brief account of a pivotal meeting between Józef Glemp, the Primate of Poland (the highest-ranking bishop of the Roman Catholic Church in Poland), and Lech Wałęsa, the leader of the Solidarity movement, alongside other democratic opposition figures. The article, spanning four paragraphs, underscored the Primate's emphasis on protecting the unborn, invoking the legacy of Father Jerzy Popiełuszko, an icon of anti-communist opposition, who regarded this issue with the utmost gravity. The Church, the Primate stressed, vested particular interest in safeguarding the rights of the unborn, decrying any attempts to politicize or exploit the issue for electoral gain.<sup>1</sup> The seeds of a new political era were sown in this charged political atmosphere. Even before the inaugural elections, the cost of the Catholic Church's support for the democratic opposition became apparent: the existing abortion law (passed in 1956) had to undergo restriction.



The front page of the maiden issue of *Gazeta Wyborcza*, May 8th, 1989.

<sup>1</sup> Marcin Kościelniak, "Transformacja i aborcja. Genealogia „kompromisu aborcyjnego,” *Widok. Teorie i Praktyki Kultury Wizualnej*, no. 27 (2020), <https://doi.org/10.36854/widok/2020.27.2247>.

The emergence of Poland’s new economic (capitalist) and political (democratic) system petrified the status of women’s reproductive rights for decades to come. The abortion debate, ongoing since the 1990s, reached a critical juncture in 2016 when the right-wing PiS party (Law and Justice) attempted to tighten the law, challenging the longstanding “compromise” of over 20 years. Subsequently, in recent years, we have witnessed heightened discourse from both sides and profound shifts regarding abortion. Poland’s struggle over abortion aligns with global trends in regulatory interventions concerning women’s reproductive rights:<sup>2</sup> on the one hand, liberalization (as seen in Cyprus and Ireland in 2018, Argentina in 2020, and the inclusion of abortion rights in the French Constitution in 2024), and on the other, tightening (such as the overturning of *Roe v. Wade* by the US Supreme Court in 2022).<sup>3</sup>

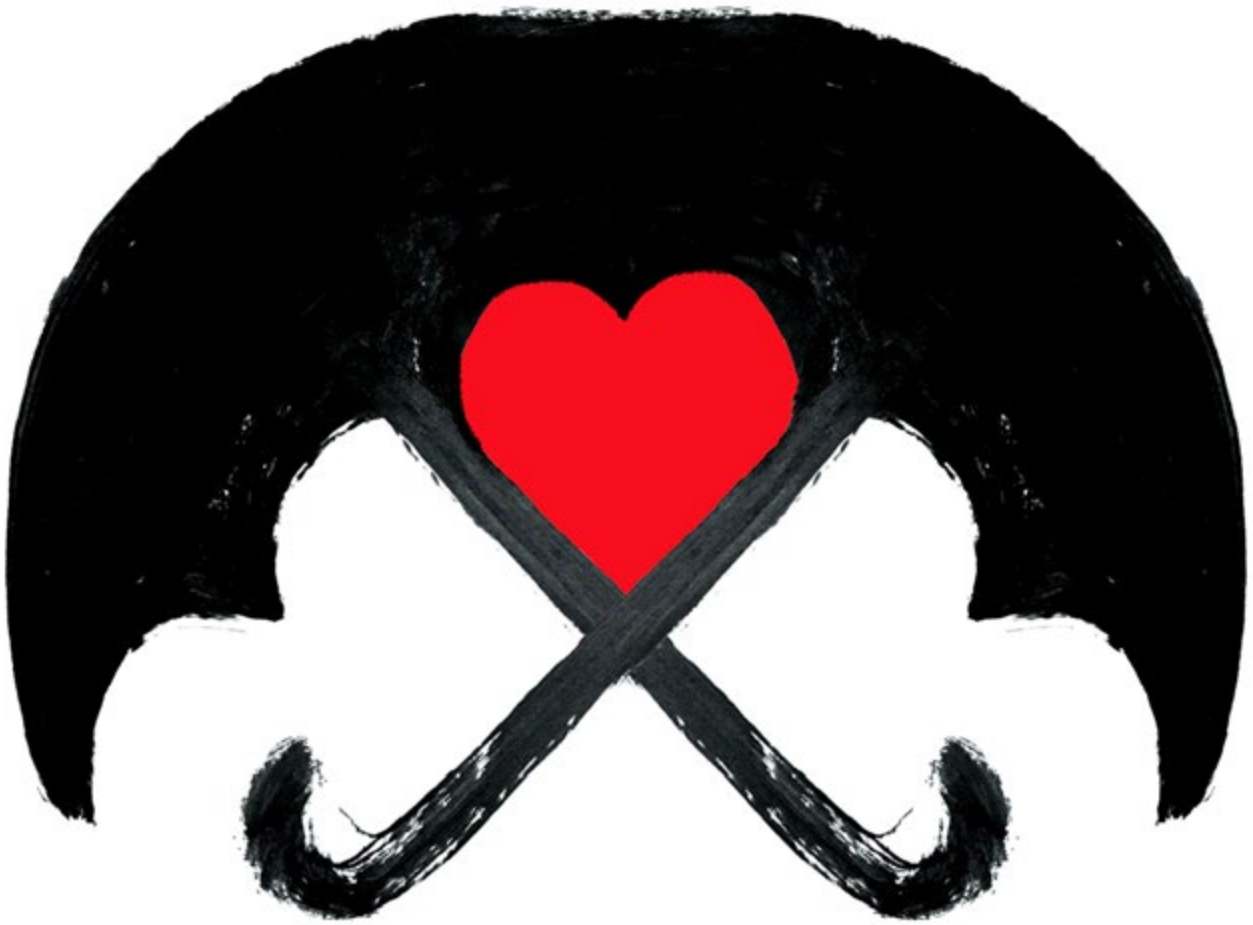
This report examines Poland’s ongoing battle over abortion through three key dimensions: government politics, activism, and public opinion. It begins with an overview of the post-1989 history of abortion in Poland, tracing the introduction of the so-called “compromise” in 1993, followed by the ongoing struggle for liberalization and alternative approaches to the legal constraints facing Polish women. The narrative then shifts to feminist resistance against right-wing attempts to restrict abortion rights in 2016, the successful tightening of abortion laws in 2020, and finally, the pivotal events of 2023, when women’s engagement contributed to the Law and Justice party’s loss in the elections and subsequent loss of power. The analysis exposes the interconnectedness of these three levels—government politics, activism, and public opinion—and their role in driving political and discursive change.

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<sup>2</sup> Marta Bucholc, “Abortion Law and Human Rights in Poland: The Closing of the Jurisprudential Horizon,” *Hague Journal on the Rule of Law* 14 (February 16, 2022), <https://doi.org/10.1007/s40803-022-00167-9>, 73–99.

<sup>3</sup> Johanna B. Fine, Katherine Mayall, and Lilian Sepúlveda, “The Role of International Human Rights Norms in the Liberalization of Abortion Laws Globally,” *Health and Human Rights* 19, no. 1 (June 2017): 69–80.

# 1990s: Genealogies of the So-called "Compromise"



## 2. 1990s: Genealogies of the So-called “Compromise”

Throughout the 1990s, the discourse and division within the political arena revolved around approaches to abortion. One of the initial legislative endeavors undertaken by the new parliament after the first free elections was the initiative to restrict access to abortion. On January 7th, 1993, the law on family planning, protection of human fetuses, and conditions for permissible pregnancy termination was enacted, marking the first limitation to legal abortion since 1956. In 1993, a bill was introduced to reverse the abortion law passed earlier that year, which had restricted abortion rights. The Sejm adopted the bill in 1994, but it was vetoed by then-President Lech Wałęsa. Subsequently, in 1995, the Sejm deliberated on a bill proposed by MPs that aimed to reinstate the pre-1993 abortion legislation. However, when a law liberalizing abortion rights was enacted in 1997, it faced immediate challenge at the Constitutional Tribunal by the Polish People’s Party (PSL) and the Solidarity coalition. In December of that year, the Constitutional Tribunal deemed the law incompatible with the Constitution, rendering it null and void and restoring the “abortion compromise” from 1993, limiting abortion rights to three cases.

**The ensuing two decades were shaped by the so-called “compromise,” the laws established in 1993 and 1997, and the pervasive reality of underground abortions.** From 1997 until 2016, abortion remained legal only in the following cases: (1) a threat to the life or health of the pregnant woman; (2) a high probability of severe and irreversible impairment of the fetus or an incurable disease threatening its life; (3) a suspicion of pregnancy resulting from a prohibited act. Alongside the 1993 bill and the 1997 ruling of the Constitutional Tribunal, several other legal restrictions were imposed on women’s reproductive rights. Provisions in the Penal Code (Articles 152, 153, and 154) criminalized abortion contrary to the law, while additional regulations impacted access to legal abortion procedures, such as Article 157a of the Penal Code, the conscience clause, and the procedure of medical commissions. These restrictions not only limited access to prenatal examinations but also hindered women’s access to legal abortion procedures, leading to the emergence of dangerous underground abortion practices. Since 1997, with each term of the Sejm, bills have been introduced attempting to tighten or liberalize abortion laws. Twenty-four bills aimed at liberalizing or altogether banning abortion were proposed in the Sejm between 1993



and 2023. In 2010, the first citizens' bill proposing a complete abortion ban was submitted by the Pro-Right to Life Foundation. The bill was rejected a year later, along with a parliamentary bill advocating for the full legalization of abortion up to the twelfth week of pregnancy proposed by the Democratic Left Alliance (SLD). This period marked a noticeable shift in the approach of anti-abortion organizations and groups. In 2012, the last parliamentary bill restricting abortion rights was submitted by Law and Justice (PiS) MPs. Subsequent years saw citizens' bills presented by the Committee for Legislative Initiative STOP Abortion, demanding the removal of the condition for legal abortion in cases of fetal lethality. Among the petitioners was Kaja Godek, a prominent anti-abortion activist and conservative who began her activism at the Pro-Right to Life Foundation.

**The contentious debate surrounding the potential revisions to the abortion law drew an immediate response from activists. Since the 1990s, activist groups have been raising awareness about reproductive rights through demonstrations, providing legal support, offering educational resources and information, offering psychological help, and facilitating access to reproductive healthcare services in other countries.**

As early as 1989, reports of initial proposals to restrict abortion prompted women opposed to these changes to organize themselves.<sup>4</sup> On May 6th, 1989, one of the earliest demonstrations against the proposed tightening of the abortion rights occurred under the monument of Nicolaus Copernicus at Krakowskie Przedmieście in Warsaw.<sup>5</sup> At the same time, in 1991, the first non-governmental organization advocating for reproductive rights, the Foundation for Women and Family Planning (FEDERA), was established.<sup>6</sup> Since then, the FEDERA has been continuously assisting women both individually, helping those who need or want to terminate pregnancies, and at a systemic level by providing education, legal support, and advocacy in the European forum for the enforcement of laws where they are violated. Consequently, the underground abortion

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<sup>4</sup> Irmina Kotiuk, "Kalendarium – 100 lat historii walki o prawo do aborcji w Polsce," *Archiwum Osiatyńskiego*, 2018, accessed April 27, 2024, <https://archiwumosiatynskiego.pl/wpis-w-debacie/kalendarium-100-lat-historii-walki-o-prawo-do-aborcji-w-polsce/>.

<sup>5</sup> Agata Chełstowska, "Krótka historia aborcji," in *20 lat – 20 zmian: raport: kobiety w Polsce w okresie transformacji 1989–2009*, ed. Anna Czerwińska, Anna, and Joanna Piotrowska (Warszawa: Fundacja Feminoteka, 2009).

<sup>6</sup> "O nas," FEDERA Fundacja na rzecz Kobiet i Planowania rodziny, accessed April 28, 2024, <https://federa.org.pl/o-nas/>.

network flourished, leading to the emergence of multiple activist groups and non-governmental organizations supporting women's reproductive rights. In 2000, following reports of a police raid on a gynecological clinic in Lubliniec, the group "Porozumienie kobiet ósmego marca" ("March 8th Women's Agreement") was formed. The police, acting on an anonymous tip about an alleged abortion, forcefully entered the medical office, seized the woman, and transported her for compulsory gynecological examinations without informing her of her rights. The media circulated a protest letter regarding this incident, and the Commissioner for Human Rights intervened. Subsequently, the women who took to the streets at that time decided to publicly protest every year, advocating for equal rights for women and all discriminated groups.<sup>7</sup> In 2006, the internet forum "Kobiety w sieci" (Women Online) was created under maszwybor.net. This forum focused on topics related to reproductive rights, provided information about abortion, and served as a platform for exchanging experiences and knowledge regarding sexual education. Over time, the forum grew significantly, prompting the moderators to establish a Facebook page in 2011, thereby broadening the scope of the portal. From that point onward, "Kobiety w sieci" also expanded its services to include psychological support through a helpline and assistance for women traveling to countries with legal abortion, such as the Netherlands, Germany, and the Czech Republic. Additionally, the forum provided language translation services at abortion clinics abroad.<sup>8</sup>

**Support for the liberalization of abortion was more robust in the early 1990s, gradually diminishing over time alongside the continuation of the "compromise" and limited rights. Societal stance on abortion increasingly mirrored the legal framework as time progressed.** Over time, the acceptance of the existing law gradually increased, with fewer people advocating for its change. In 1994, 58 percent perceived a need for legal adjustments, whereas by 2003, only 49 percent did; similarly, opposition to change increased from 19 percent in 1994 to 35 percent in 2003. The limitation of abortion rights in 1993 was enforced without widespread social support. According to the Centre for Public Opinion Research (CBOS), the majority of the public

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<sup>7</sup> "O Manifie," Manifa Warszawa, accessed April 28, 2024, <https://manifa.org/onas/>.

<sup>8</sup> Aborcyjny Dream Team, "Kobiety w sieci – forum aborcyjne MaszWybor.net – Aborcyjny Dream Team," accessed April 28, 2024, <https://adt.pl/kontakt/kobiety-w-sieci/>.

consistently supported legal abortion. In May 1989, when the Sejm first debated amending the Act on the Protection of Unborn Life, over half of society declared potential support for the right to abortion in a referendum. Initially, 52.8 percent declared support for abortion rights, with 60 percent opposition among high school seniors.<sup>9</sup> However, by June 1990, support had decreased by seven percentage points (to 45.3 percent), opposition increased by over eight percent (from 31.3 percent in 1989 to 39.6 percent in 1990), and indecision remained nearly unchanged.<sup>10</sup> The situation among high school seniors showed a contrasting trend: growing support for abortion rights (from 20.4 percent in 1989 to 27.7 percent in 1990) and decreasing opposition (from 60 percent in 1989 to 50.4 percent in 1990). In 1991, there was a slight decrease in support, with almost 60 percent favoring abortion rights, including 36 percent supporting access without limitations, and a third opposing abortion entirely. Over the following years, attitudes remained stable, with most respondents supporting the right to terminate pregnancy, albeit often with reservations for specific situations. The ongoing debate over amending the abortion law increasingly shifted toward religious and ethical considerations. While attitudes toward proposed legal regulations remained stable, opinions on holding a referendum on the matter shifted: support decreased. At the same time, opposition increased, although more people claimed they would support abortion rights in a referendum.<sup>11</sup> In August 1993, after the introduction of the new abortion law, the CBOS, in collaboration with Cambridge University, conducted a survey among women regarding the social consequences of the law on the conditions of terminating pregnancy. Many perceived the implementation of the law as risking unfavorable social impacts, such as impoverishing families and increasing deaths and childbirth complications.<sup>12</sup>

After the ruling of the Constitutional Tribunal, the opinions of Polish society regarding the legal permissibility of abortion remained essentially unchanged. Nearly two-thirds of respondents believed that a woman should have the right to abortion in the early weeks of pregnancy if she

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<sup>9</sup> CBOS, “Komunikat z badań: Opinia publiczna o przerywaniu ciąży,” 1990, BS/180/77/90.

<sup>10</sup> CBOS, “Komunikat z badań...,” 1990.

<sup>11</sup> CBOS “Komunikat z badań: Prawo o aborcji w opinii społeczeństwa,” 1991, BS/111/35/91.

<sup>12</sup> CBOS, “Komunikat z badań: Społeczne konsekwencje ustawy o warunkach dopuszczalności przerywania ciąży,” 1993, BS/173/140/93.

so chooses. Additionally, there was a consistently prevalent acceptance of abortion for so-called social reasons, even among those who advocated for an abortion ban but allowed for certain exceptions.<sup>13</sup> However, in the subsequent year, a shift occurred where the majority of Poles began to oppose extreme legal stances on abortion, rejecting both its unrestricted allowance and complete prohibition. In 1998, only 15 percent of respondents favored complete liberalization of abortion, while nearly two-fifths (38 percent) advocated for its permissibility with certain restrictions. One in ten respondents supported a total abortion ban, while almost one-third (30 percent) supported a ban with some exceptions. There was a decline in support for the complete liberalization of abortion, accompanied by an increase in the acceptance of regulations that restrict abortion, except in specific exceptional cases. The majority of respondents (59 percent) believed that abortion should be allowed for social reasons, while more than one-fourth (28 percent) opposed such regulations.<sup>14</sup> In 1999, the percentage of abortion ban supporters (33 percent) was comparable to the number of people in favor of its legal permissibility (36 percent). However, a sizable group (23 percent) opted for the middle point on the scale, interpreted as support for a compromise solution and allowing abortion only in specific situations.<sup>15</sup>

The political division in the 1990s was characterized by cultural and hereditary components, with one end of the scale representing cultural conservatism and the other secularism combined with a desire to relegate the past. This division influenced attitudes toward abortion, decommunization, the role of the Church in state affairs, and civil liberties. Additionally, young people presented a more restrictive stance on abortion than adults, with high school students more likely to oppose the legal permissibility of abortion in various situations. In the 1990s, the axes of political division—right-wing and left-wing—were formed concerning the positioning of these electorates regarding two components: cultural and hereditary. At one end of the scale lies cultural conservatism, which opposes legal abortion, supports decommunization, accepts

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<sup>13</sup> CBOS, “Komunikat z badań: Stosunek do aborcji po orzeczeniu Trybunału Konstytucyjnego,” 1997, BS/97/97/97.

<sup>14</sup> CBOS, “Komunikat z badań: Stosunek do aborcji po zaostrzeniu przepisów antyaborcyjnych,” 1998, BS/20/20/98.

<sup>15</sup> CBOS, “Komunikat z badań: Opinie o istotnych kwestiach społeczno-politycznych w elektoratach partyjnych,” 1999, BS/147/99.

the influence of the Church on state affairs, and (to a lesser extent) adheres to civil liberties. The other end of this spectrum can be characterized as secularism combined with a desire to relegate the past. This group shows a liberal stance on the legal regulation of abortion, opposes decommunization, calls for the separation of church and state, and, to a lesser extent, consents to the limitation of civil liberties in the fight against crime.<sup>16</sup>

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<sup>16</sup> CBOS, "Komunikat z badań...", 1999.

# 2016–2023: A Clash over Abortion



## 3. 2016–2023: A Clash over Abortion

### 3.1. Politics

#### 2016: The Attack and the Backlash

**In 2016, a pivotal moment emerged as the right-wing agenda aiming to restrict access to abortion faced significant opposition from women.** On September 22nd and 23rd, 2016, two citizens' bills were debated in the Sejm. The first, the Citizens' Bill on Women's Rights and Informed Parenthood, prepared by the "Save Women" Committee, addressed the regulation of women's rights to self-determination in matters of procreation. It included provisions for access to sexual education and modern family planning methods, and it also proposed the liberalization of abortion rights.<sup>17</sup> However, it was rejected in the first reading. The second bill, "Stop Abortion," authored by the Ordo Iuris Institute, proposed an amendment to the 1993 law, envisioning an absolute ban on abortion and imposing criminal liability for anyone involved in the termination of a pregnancy, including women seeking abortions.<sup>18</sup> This bill was voted to proceed for further consideration. The rejection of the first bill and the advancement of the second ignited a wave of black protests and sparked widespread opposition across the country in 2016. This public conflict over abortion escalated to a full-scale debate, dividing the public into two distinct discursive groups.

**The backlash against anti-abortionists was unprecedented in scale.** Just two days after the pivotal events of September 23rd in the Sejm, where the "Stop Abortion" bill was advanced for further consideration while the bill seeking to liberalize abortion rights was rejected, the Razem Party organized nine demonstrations in major Polish cities under the slogan #czarnyprotest (#blackprotest). The concept of Black Monday emerged during these gatherings when activist Marta Lempart, inspired by the women's strike in Iceland in 1975, urged women to join the

<sup>17</sup> Sejm.gov.pl, "Druk nr 830. Obywatelski projekt ustawy o prawach kobiet i świadomym rodzicielstwie," accessed April 29, 2024, <https://www.sejm.gov.pl/sejm8.nsf/druk.xsp?nr=830>.

<sup>18</sup> Sejm.gov.pl, "Druk nr 784. Obywatelski projekt ustawy o zmianie ustawy z dnia 7 stycznia 1993 r. o planowaniu rodziny, ochronie płodu ludzkiego i warunkach dopuszczalności przerywania ciąży oraz ustawy z dnia 6 czerwca 1997 r. – Kodeks karny," accessed April 29, 2024, [https://www.sejm.gov.pl/sejm8.nsf/PrzebiegProc.xsp?id=6EDFF98AE25263E5C1258014002\\_98427](https://www.sejm.gov.pl/sejm8.nsf/PrzebiegProc.xsp?id=6EDFF98AE25263E5C1258014002_98427).

protest. The nationwide Women's Strike, initiated by activists from "Dziewuchy Dziewuchom," the Committee for the Defence of Democracy (KOD), and the Save Women Committee (the initiator of the pro-choice bill), took place on October 3rd. Across 150 cities in Poland, between 100,000 to 200,000 people participated. Protest slogans included "Hell for Women," "No Woman, No Country," "Polish Women Has Not Yet Perished" (a reference to the Polish national anthem), "We Want to Love, Not Die," and "A Woman Is Not an Incubator." Additionally, there were slogans expressing an anti-government sentiment, such as "Beata, Unfortunately, Women Will Overthrow Your Government" and "Jarosław, Leave Women Alone." Ultimately, on October 6th, the Sejm emphatically rejected the "STOP Abortion" initiative, with over 80% of votes against it.

**Despite widespread social backlash, the push for implementing a total abortion ban persisted over the following years, supported by leading politicians from the Law and Justice party (PiS).** As early as 2016, following the Black Protest, Jarosław Kaczyński pledged to address the issue and ban "eugenic abortion." In November 2017, another bill, titled "Stop Abortion," was proposed. Since then, it has gradually progressed through the parliamentary procedures required for it to be enacted into law.<sup>19</sup> In March 2018, the Commission on Justice and Human Rights, led by a PiS MP, Stanisław Piotrowicz, chose not to dismiss a similar proposal called "Stop Abortion," instead advancing it for further consideration in the Sejm. Concurrently, in March 2018, the Parliamentary Legislative Committee endorsed a petition to the Constitutional Tribunal to declare the embryo-pathological condition unconstitutional. This was followed by similar actions in May 2018 initiated by Attorney General Zbigniew Ziobro. That same year, President Andrzej Duda repeatedly stated his readiness to sign the "Stop Abortion" bill if it reached his desk. The trend persisted in 2019, with another motion submitted to the Constitutional Tribunal challenging the constitutionality of the embryo-pathological condition. Subsequently, in April 2020, yet another proposal for a complete abortion ban was forwarded for evaluation to both the Health Committee and the Committee on Social Policy and Family.<sup>20</sup>

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<sup>19</sup> "Women in Poland: 'We Need Your Support and We Need It Now!,'" Amnesty International, October 11, 2021, <https://www.amnesty.org/en/latest/news/2018/03/women-in-poland-protest-restrictions-on-abortion/>.

<sup>20</sup> Magdalena Chrzonowicz, "Aż 53 proc. za aborcją na żądanie do 12. tygodnia. Bliżej Europy, dalej od Kościoła [sondaz OKO.press]," accessed April 28, 2024, <https://oko.press/az-53-proc-za-aborcja-na-zadanie-do-12-tygodnia-blizej-europy-dalej-od-kosciola-sondaz-oko-press>.



## 2020: The Limitation of the 1993 Law

**However, it was not until 2020, following the ruling of the Constitutional Tribunal, that the first significant change to the existing abortion law was implemented.** Once again (as in 1997), the limitation of the right to abortion was introduced by the Constitutional Tribunal. On October 22nd, 2020, the Constitutional Tribunal ruled the embryo-pathological clause, i.e., the provision allowing termination of pregnancy in cases of incurable fetal defects or impairments, to be unconstitutional. How did the Constitutional Tribunal, widely seen as controlled by PiS since 2015, declare the unconstitutionality of one of the provisions without the need for another anti-choice bill to be submitted to the Sejm? In 2018, a group of PiS MPs applied to recognize one of the grounds for legal abortion as unconstitutional. As a result, the motion was referred to the Sejm's Legislative Committee, which, with a majority of 10:2, supported the PiS MPs' argumentation and sent the motion to the Constitutional Tribunal. For some reason, only 12 MPs out of the 30 members of the Committee participated in the vote, of which ten belonged to PiS. The lack of opposition led to the motion being referred to the Tribunal. In May of the same year, it was supported by Attorney General Zbigniew Ziobro (also representing PiS). At the beginning of the new term of the Sejm (2019-2023) in 2019, the motion was resubmitted to the Tribunal, which was then considered and upheld in October 2020. It is worth noting that after winning the elections in 2015, Law and Justice (PiS) implemented the so-called "repair laws" for the Constitutional Tribunal, which raised doubts and concerns not only among other trusted institutions and citizens but also among international institutions such as the European Court of Human Rights. The ruling of the Tribunal effectively made abortions on that basis unobtainable for women in Poland. The provision had been used for 1074 of the 1110 legal abortions in 2019. According to the official abortion statistics from hospital reports, before 2021, around 1000–1010 abortions were performed per year, which also does not reflect the actual number of abortions. In 2021, after the ruling, it was only 75 abortions.<sup>21</sup>

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<sup>21</sup> Aborcynjny Dream Team, "Historia aborcji w Polsce – Aborcynjny Dream Team," accessed May 19, 2024, <https://adt.pl/edu/historia/w-polsce/>.

Despite the prohibition of public gatherings due to the COVID-19 pandemic, the ruling triggered the October 2020 Polish protests, which forced the government to delay the publication of the ruling in the *Dziennik Ustaw* until January 27th, 2021.<sup>22</sup> Protests were organized once again on the streets of many cities across the country. In the justification for its ruling, the Constitutional Tribunal stated that abortion is permissible in cases where “there is a high probability of severe and irreversible fetal impairment or an incurable disease endangering its life, which poses a threat to the life or health of the mother.” Thus, the condition that was deemed unconstitutional was linked to situations where abortion is permitted because the life or health of the mother is at risk.<sup>23</sup>

## 2023: The Elections

**The most significant political mobilization since 1989 led to the removal of the right-wing coalition from power.** On October 15th, 2023, a record-breaking turnout of 72.81 percent was recorded at the elections to the Sejm and Senate, surpassing by 10 percentage points the turnout from the first partially free elections of 1989.<sup>24</sup> In the lead-up to the polls, experts highlighted women’s crucial influence on determining the composition of the new Sejm. According to a pre-election report by the Stefan Batory Foundation, a higher proportion of women versus men across various age groups remained undecided. Notably, nearly half of women under 49 did not intend to vote.<sup>25</sup>

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<sup>22</sup> Isap.sejm.gov.pl, “M.P. 2021 poz. 114, 2021,” accessed April 30, 2024, <https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WMP20210000114>.

<sup>23</sup> CBOS, “Komunikat z badań: Stosunek Polaków do aborcji,” 2023, 47/2023.

<sup>24</sup> “Frekwencja w wyborach parlamentarnych najwyższa w dziejach III RP. A jak było kiedyś? [ZESTAWIENIE],” polskieradio.pl, accessed April 29, 2024, <https://polskieradio.pl/39/246/artukul/3261879,frekwencja-w-wyborach-parlamentarnych-najwyzsza-w-dziejach-iii-rp-a-jak-bylo-kiedys-zestawienie>.

<sup>25</sup> TVN24, “Tak głosowały kobiety w wyborach parlamentarnych,” October 15, 2023, <https://tvn24.pl/wybory-parlamentarne-2023/wybory-parlamentarne-2023-jak-glosowaly-kobiety-st7392708>.

## 3.2. Activism

**The tightening of the abortion law caused a surge of activist groups advocating for abortion rights.** The Facebook group “Dziewuchy Dziewuchom” (which could be loosely translated as “Girls for Girls”), founded in April 2016, was a response to a citizens’ project aimed at tightening abortion laws and to letters read in Polish churches in which the episcopate supported pro-life organizations and their actions. With nearly 100,000 members within a month of its creation, the group served as a platform for exchanging information on the current situation; they also organized and coordinated marches and protests expressing opposition to a law that would completely ban abortion. During the rally organized by “Dziewuchy” in front of the Polish Sejm, signatures were collected for the counter-project “Save Women,” which was rejected in the first reading in September of the same year. “Dziewuchy Dziewuchom” was among the initiators of the Black Monday protest on October 3rd, 2016. From 2018, “Dziewuchy Dziewuchom” operated as a foundation, and its activities expanded to supporting LGBTQ+ rights, refugees, and victims of violence (especially sexual violence).

The All-Poland Women’s Strike (Ogólnopolski Strajk Kobiet, or OSK) reactivated and intensified its actions after the Constitutional Tribunal had announced its ruling on October 22nd, 2020, tightening abortion rights. OSK activists, along with other organizations, initiated a series of protests across the country and abroad, criticizing the ruling of the Constitutional Tribunal and the actions of the PiS government. Simultaneously, the scale of the protests more than doubled, and the slogans voiced at the demonstrations took on an anti-government, anti-clerical, and anti-Catholic character. During the protests, the themes expanded to include other contentious issues such as climate change, the secular state, education, and LGBTQ+ rights. From the outset, the OSK faced controversy, mainly due to its symbol, a red lightning bolt combined with the silhouette of a woman. Supporters of a total abortion ban labeled it as “Nazi symbolism reminiscent of Hitler Youth and the SS.” Right-wing politicians and Polish Television presented the OSK message as fascist; the latter even dedicated an article to this topic titled “Hitlerian Symbol on Banners of Life Defense Opponents.”

**Cover of the *Wysokie Obcasy* magazine, February 17th, 2018.**

The slogan “Abortion is OK” and an interview with activists from the Abortion Dream Team sparked a wide-ranging discussion in the media and on social media platforms.



Another grassroots initiative focusing on access to safe and legal abortion brought together activists who had been active for years in various foundations and associations for women’s rights. The Abortion Dream Team was formed by women who had previously worked with the Federation for Women and Family Planning, Women Online, and Women Help Women. Like others, this movement also emerged in the wake of protests in 2016 and, since 2019, has joined many similar initiatives under the Abortion Without Borders umbrella. Abortion Without Borders is an international initiative established in 2019, bringing together Polish and foreign aid organizations providing access to safe abortion, both clinically and pharmacologically. The Guttmacher Institute reports that approximately 93,000 abortions are performed in Poland annually<sup>26</sup> (in 2021, only 75 abortions were recorded by Polish hospitals). According to data from just one organization, Abortion Without Borders,<sup>27</sup> at least 107 people terminated their pregnancies every day in Poland in 2021, including 101 who took abortion pills at home and six

<sup>26</sup> Guttmacher Institute, “Unintended Pregnancy and Abortion: Country Profile: Poland,” 2022.

<sup>27</sup> Magdalena Chrzonowicz, “44 tysiące: tyle osób w ostatnim roku mogło przerwać ciążę dzięki Aborcji Bez Granic [NOWE DANE],” OKO.press, accessed April 22, 2024, <https://oko.press/44-tysiacze-tyle-osob-w-ostatnim-roku-moglo-przerwac-ciaze-dzieki-aborcji-bez-granic-nowe-dane>.

who traveled to foreign clinics for abortions. From October 22nd, 2021, to October 17th, 2022, over 44,000 people accessed safe abortion care through Abortion Without Borders.<sup>28</sup> Currently, the initiative includes nine organizations, associations, and activist movements: Abortion Network Amsterdam, Abortion Support Network, Abortion Dream Team, Women Online, Women Help Women, Supporting Abortions for Everyone (SAFE), Aunt Basia (a German initiative), Aunt Vienna (an Austrian initiative), and Aunt Czesia (a Czech initiative). Since 2019, activists have been providing accommodation, translation assistance, and psychological support on-site; they have also been handling the entire procedure for women in Poland. Through their activities, they have attracted the attention of fundamentalist anti-abortion organizations (Pro-Right to Life, Ordo Iuris), which have singled out Abortion Without Borders as an example of an organization engaged in “child murder on demand” or “murdering unborn children.”

### 3.3. A Clash over Abortion: A Clash over Language

#### Pro-life Discourse

**The ulterior motive of pro-life discourse is to gradually “eliminate” women from public debate.** Terms such as “embryo” or “fetus” have been replaced with phrases like “unborn child” or “child in the mother’s womb,” and instead of the term “woman,” the word “mother” has been used. Moreover, abortion is referred to as “murder,” “homicide,” or “intrauterine mutilation of the child,” and the doctor performing the procedure is labeled as an “abortionist” or “murderer of the innocent.”<sup>29</sup> Pro-life activists are pushing their discourse into the mainstream by eliminating neutral terms, introducing appropriate synonyms, excluding specific formulations, and redefining others. Discussions about abortion in Poland have already moved beyond the context defined by considerations of women’s situation and women’s rights. They are typically

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<sup>28</sup> Aborcynjny Dream Team, “Historia aborcji w Polsce – Aborcynjny Dream Team,” accessed April 28, 2024, <https://adt.pl/edu/historia/w-polsce/>.

<sup>29</sup> Matuchniak-Krasuska 1995, as cited in Agnieszka Budnik, “Piekło kobiet – współczesny obraz prawa do aborcji w przestrzeni medialnej. Casus niewolenia kobiet czy ich emancypacji?,” *Ars Educandi*, no. 13 (December 1, 2016): 81–95, <https://doi.org/10.26881/ae.2016.13.08>.

situated within the discourse of morality, determining what abortion is.<sup>30</sup> When the issue of abortion permissibility shifted from the parliamentary forum to the broader public discourse, society became divided. Supporters of maintaining the right to abortion were labeled as advocates of the “culture of death,” while those supporting legislation to criminalize abortion were branded as supporters of “ignorance, backwardness, and medievalism, murderers of women.” Subsequently, supporters were categorized into pro-life (advocating for life) and pro-choice (advocating against life).<sup>31</sup>

Law and Justice (PiS), the leading conservative party in Poland, has built a narrative around the significant value of human life from conception and the importance of protecting that life. After the 2016 protests, the PiS leader Jarosław Kaczyński spoke about revising the law so that “even in difficult cases of pregnancy, when the child is condemned to death or deformed, the pregnancies would end in childbirth so that the child could be baptized, buried, and given a name.”<sup>32</sup> PiS also emphasized family values in its electoral programs, the importance of the “unborn child,” and the defense of these values against external threats. Since the early 2000s, opponents of abortion in parliamentary discussions and the media, such as Kaja Godek, have labeled themselves defenders of life and condemned their political opponents as murderers, child killers, or family destroyers. Since she arrived in politics, Godek has been changing the narrative, language, and arguments surrounding abortion. In 2013, when presenting the “Stop Abortion” bill, she stigmatized abortion as “killing children”;<sup>33</sup> from that moment on, she continued to refer to pro-choice activists as murderers and abortion as child murder.

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<sup>30</sup> Gawlicz 2005: 99, as cited in Agnieszka Budnik (2016).

<sup>31</sup> Wejbert-Wąsiewicz 2012: 84, as cited in Agnieszka Budnik (2016).

<sup>32</sup> Piotr Pacewicz. “Kaczyński rozstrzyga sprawę aborcji: «Żeby kobiety rodziły nawet zdeformowane dzieci, skazane na śmierć»,” OKO.press, accessed April 27, 2024, <https://oko.press/kaczyński-zeby-kobiety-rodziły-nawet-mocno-zdeformowane-dzieci-skazane-na-smierc>.

<sup>33</sup> “Wypowiedzi Na Posiedzeniach Sejmu Posiedzenie Nr 50 w Dniu 26-09-2013 (2. Dzień Obrad),” Sejm.gov.pl, accessed April 29, 2024, <https://www.sejm.gov.pl/Sejm7.nsf/wypowiedz.xsp?posiedzenie=50&dzien=2&wyp=136>.

This narrative is also maintained by PiS, which introduced the term “eugenic abortion”<sup>34</sup> into public debate. The term eugenics, referring to birth control, comes from an article by Margaret Sanger;<sup>35</sup> an American feminist and women’s rights activist. Fragments of Sanger’s article were taken out of context and quoted in an article published in 2016 on the conservative American website RedState.com. Authors, either mistaken or deliberately misleading readers, equated eugenics with birth control. Since then, the Western conservative right was using the term eugenics and Nazi references to describe abortion: “When in August 2017 Redstate.com reported that, thanks to widespread testing (and equally accessible abortion) in Iceland, almost no children with Down syndrome were born, it called it ‘Iceland turns to Nazi-style eugenics.’”<sup>36</sup> The Polish right-wing political scene has been using similar language since 2016, comparing pro-choice activists to the Nazis. In 2020, after the Constitutional Tribunal ruling and women taking to the streets, leading PiS politicians compared the lightning symbol, which was a sign of women’s rebellion and dissent, to Nazi symbolism. This view was expressed by the Marshal of the Sejm after the statements of MPs from the Civic Coalition and the Left, who protested in the Sejm against the Tribunal’s ruling (he also turned off their microphones during their speeches): “I must admit with some regret that in the Chamber among the MPs of the Left and the Civic Platform, there are MPs who wear masks with symbols deceptively resembling those of Hitlerjugend and the SS. It is my understanding that the total opposition follows totalitarian models.”<sup>37</sup>

## Pro-choice Discourse

**Pro-choice discourse is focused on the human rights perspective and women’s right to choose.** Pro-choice politicians who advocated for the liberalization of abortion laws before 2016 were affiliated with the broader left-wing movement: the longest from the

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<sup>34</sup> Adam Leszczyński, “Aborcja eugeniczna. Kto wymyślił tę nazwę i dlaczego to manipulacja,” OKO.press, accessed April 28, 2024, <https://oko.press/aborcja-eugeniczna>.

<sup>35</sup> Adam Leszczyński...

<sup>36</sup> Adam Leszczyński...

<sup>37</sup> “Sprawozdanie Stenograficzne z 20. Posiedzenia Sejmu Rzeczypospolitej Polskiej w Dniu 27 Października 2020 r. (Pierwszy Dzień Obrad),” Sejm Rzeczypospolitej Polskiej Kadencja IX, 2020.

SLD (the Democratic Left Alliance, or the post-communist Polish left); Zieloni (the Greens); Twój Ruch (Your Movement, a social liberal, populist, and anti-clerical political party); and Razem (Together, which played a crucial part in the 2016 protests). In 2019, Wiosna (Spring, a social-liberal party) also joined the struggle for women's reproductive rights. Similarly, the movement began to attract politicians from center to center-right liberal-conservative parties such as Platforma Obywatelska (PO, or the Civic Platform; as of 2016), and later, some politicians from Polska 2050 (Poland 2050, established in 2020).

Those politicians who were particularly outspoken on abortion issues were usually the same women from left-leaning parties who often discussed abortion restrictions alongside broader themes. The pro-choice faction in parliamentary debates comprised activists who consistently underscored abortion as a fundamental women's right constrained in Poland. They not only spoke about "women's hell" during protests but also advocated for legislative changes concerning sexual education, in vitro fertilization, and reproductive rights. Meanwhile, other parliamentary members routinely criticized left-leaning politicians, accusing them of being single-minded and lacking a broader perspective, arguing that the abortion issue should be prioritized and not politicized. Following the 2020 ruling of the Constitutional Tribunal, whenever a pregnant woman died due to a denied abortion in a hospital, left-wing female politicians raised the issue during sessions, demanding a moment of silence and calling for amendments to laws they deemed detrimental to women's health and rights. Furthermore, politicians displayed banners at protests, bearing slogans such as "You Will Never Walk Alone" and "Not One More," underscoring the tragic consequences of stringent abortion laws on women's lives.

## Everyday language

**A discourse prevalent in political debates does not always become part of the everyday language.** Researchers from the "More in Common" initiative emphasize the gravity with which Polish women and men approach the topic of abortion, which demonstrates their



awareness of the weight of a decision to have an abortion or not. This sentiment is conveyed by highlighting the complexity of the decision-making process and the careful consideration involved. Furthermore, voices underscored that abortion should be regarded as a last resort rather than a routine occurrence. Participants suggested comprehensive sexual education for children and adolescents as one solution to reduce the number of abortions. Interviewees refrained from using terms such as “abortion on demand” or “abortion for convenience,” either positively or negatively. These terms, prevalent in public discourse, were virtually absent from the vocabulary of ordinary Polish citizens, affirming that Polish society takes the issue of abortion very seriously. The reference to “killing for pleasure” was exceptionally rare. This serious approach to discussing abortion is linked to trust in women’s decision-making abilities and the belief that they will carefully consider the consequences and reconcile them with their conscience.<sup>38</sup>

### 3.4. Social Change

**The approach to abortion has seen a gradual shift since 2016.** Back in 2016, the long-standing “compromise” that had persisted for almost two decades remained in effect, shaping public sentiment in line with the prevailing legal framework. However, this legal framework had undergone changes, marking a departure from the time when the abortion law was first enacted in the 1990s. During March and April of that pivotal year, a significant majority of the population supported the existing “compromise,” with approval rates ranging from 53 to 80 percent, contingent upon the criteria for terminating pregnancies. Nevertheless, by April, there was a noticeable surge in support for the pro-choice stance, contrasting sharply with the mere 18 percent backing it in March.

On the other hand, resistance to economic criteria for abortion stood at 81 percent, while anti-choice sentiment reached 78 percent. However, by October, support for the existing “compromise” had dwindled to 62 percent. The ongoing public discourse surrounding this

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<sup>38</sup> Zofia Włodarczyk and Adam Traczyk, “Z troską i empatią: Polki i Polacy o prawie do przerywania ciąży” (Warszawa: More in Common Polska, 2024), 20–21, [https://www.moreincommon.pl/media/njjojirs/raport\\_mic\\_z-trosk%C4%85-i-empati%C4%85.pdf](https://www.moreincommon.pl/media/njjojirs/raport_mic_z-trosk%C4%85-i-empati%C4%85.pdf).

issue bolstered the perspectives of abortion advocates. There was a more resolute expression of support for terminating pregnancies in permissible situations than in the past. Additionally, there was a slight uptick in backing for allowing abortions in cases involving complex personal or financial circumstances for women. Nevertheless, such terminations were endorsed by no more than 20 percent of Poles. Compassion for abortion stemming from a reluctance to bear children remains consistently low, garnering support from only 14 percent of respondents.<sup>39</sup> A survey from November 2016 indicated that the landscape had shifted significantly—although the “compromise” still garnered widespread support at 58 percent, a substantial portion of respondents were willing to back its liberalization (27 percent) over its tightening (7%).<sup>40</sup> By December 2017, just a year later, the situation had undergone a radical transformation. Five separate polls revealed that support for liberalizing abortion laws surged to approximately 40 percent, matching the level of resistance to any alterations in the current legislation.<sup>41</sup> Overall, the overwhelming majority opposed the tightening of abortion laws proposed by the ruling party. This trend persisted, with support for liberalization continuing to grow. In 2018, between 53<sup>42</sup> and 58 percent<sup>43</sup> expressed unequivocal support for unrestricted access to abortion up to the twelfth week of pregnancy, while 15 percent indicated they “somewhat support” this statement.<sup>44</sup> In total, the vast majority were against the tightening of abortion laws planned by the ruling party. The trend persisted, and support for liberalization kept growing. In 2018, declared definite support for free access to abortion up to the twelfth week of pregnancy, and 15 percent stated that they “rather support” that statement. Furthermore, support for abortion in cases of severe and irreversible fetal damage or incurable diseases reached 78 percent.<sup>45</sup>

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<sup>39</sup> CBOS, “Komunikat z badań: Jakiego prawa aborcyjnego oczekują Polacy?,” 2016, nr 144/2016.

<sup>40</sup> CBOS, “Polacy o prawach kobiet, “czarnych protestach” i prawie aborcyjnym,” 2016, nr 165/2016.

<sup>41</sup> Monika Prończuk, “Sondaż Polityki potwierdza, że prawie 40 proc. Polaków chce liberalizacji aborcji. A w Sejmie projekt dalszego jej zaostrzenia,” OKO.press, accessed April 28, 2024, <https://oko.press/70-proc-polakow-utrzymaniem-lub-zlagodzeniem-ustawy-antaborcyjnej-a-sejmie-projekt-dalszego-zaostrzenia>.

<sup>42</sup> Magdalena Chrzonowicz, “Aż 53 proc. za aborcją na żądanie do 12. tygodnia. Bliżej Europy, dalej od Kościoła [sondaż OKO.press],” OKO.press, accessed April 26, 2024, <https://oko.press/az-53-proc-za-aborcja-na-zadanie-do-12-tygodnia-blizej-europy-dalej-od-kosciola-sondaz-oko-press>.

<sup>43</sup> Krzysztof Pacewicz, “Sondaż ‘Wyborczej’: Rekordowe poparcie dla prawa do aborcji na żądanie,” Wyborcza.pl, April 17, 2019, <https://wyborcza.pl/7,75398,24670637,sondaz-wyborczej-rekordowe-poparcie-dla-prawa-do-aborcji.html>.

<sup>44</sup> FEDERA, “Badanie opinii na temat stosunku do przerywania ciąży,” 2018, accessed April 25, 2024. <https://federa.org.pl/wp-content/uploads/2018/09/Badanie-opinii-na-temat-stosunku-do-przerywania-ci%C4%85%C5%BCy.pdf>.

<sup>45</sup> Magdalena Chrzonowicz, “Aż 53 proc. za aborcją na żądanie...”

With as many as 53 percent of Poles in general (and 56 percent of Polish women) expressing support for a woman’s right to abortion within the first twelve weeks of pregnancy, regardless of circumstances, a significant societal shift is evident.<sup>46</sup> This marks a revolutionary development—not only a call for the liberalization of abortion laws, including economic considerations, but also a push for ensuring unrestricted access to abortion within the initial twelve weeks of pregnancy. This trend has persisted and strengthened over time. In less than two years, this figure increased by another 13 percentage points, with as many as 66 percent of respondents now supporting a woman’s right to abortion up to the twelfth week of pregnancy. Opposition has decreased as well, with only 26 percent expressing disagreement, nine percentage points less than in 2019.<sup>47</sup>

Compared to the 1990s, one can observe a reverse trend in the way young people approach abortion. During that period, young people tended to be more conservative and supportive of stricter abortion laws. In October 2016, their attitude toward the legal regulation of abortion was similar to that of the general population surveyed, with even less approval of abortion legality. Presently, young people exhibit a distinctly more liberal stance on this issue compared to older generations. Their participation in protests could shape a generational experience, significantly influencing their perspective on abortion and its legal regulation in the long term.<sup>48</sup> In November 2020, as many as 79 percent of people aged 18–29 answered “yes” to the question about the right to abortion up to the twelfth week of pregnancy. In 2019, this figure was only 48 percent.<sup>49</sup> Another leap occurred in 2022, with a record-breaking 70 percent declaring their support for abortion up to the twelfth week of pregnancy (49 percent declared “definite yes” and 21 percent stated “rather yes”).<sup>50</sup> The support shifts but remains

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<sup>46</sup> Magdalena Chrzonowicz, “Aż 53 proc. za aborcją na żądanie...”.

<sup>47</sup> Magdalena Chrzonowicz, “66 proc. Polaków za prawem do aborcji. Rekordowy wynik w sondażu Ipsos dla OKO.press,” OKO.press, accessed April 29, 2024, <https://oko.press/66-proc-za-prawem-do-aborcji>.

<sup>48</sup> CBOS, “Komunikat z badań: O dopuszczalności przerywania ciąży i protestach po wyroku Trybunału Konstytucyjnego,” 2020, nr 153/2020.

<sup>49</sup> Chrzonowicz, Magdalena. “66 proc. Polaków za prawem do aborcji. Rekordowy wynik w sondażu Ipsos dla OKO.press.” Accessed April 29, 2024, <https://oko.press/66-proc-za-prawem-do-aborcji>.

<sup>50</sup> Magdalena Chrzonowicz, “Takiego wyniku jeszcze nie było! Rekordowe poparcie dla aborcji do 12. tygodnia [SONDAŻ OKO.press],” OKO.press, accessed April 30, 2024, <https://oko.press/rekordowe-poparcie-dla-aborcji-do-12-tygodnia-sondaz-oko-press>.

high regardless of the survey. In a 2024 survey, 57 percent declared support for women's right to choose.<sup>51</sup>

**The change of support accompanied a shift in discourse used by pro-abortion activists.**

In 2016, the main objective was to uphold the status quo and protect the so-called “compromise.” However, by 2020, the landscape had changed significantly. Discursive and political efforts from the activists shifted the focus from defending the existing laws to advocating for their liberalization and granting women freedom of choice. This resurgence of passionate support for abortion rights evokes memories of the sentiments seen in the 1990s, characterized by intermittent yet significant backing for liberal abortion laws.

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<sup>51</sup> Zofia Włodarczyk and Adam Traczyk. “Z troską i empatią...”. [https://www.moreincommon.pl/media/njjojirs/raport\\_mic\\_z-trosk%C4%85-i-empati%C4%85.pdf](https://www.moreincommon.pl/media/njjojirs/raport_mic_z-trosk%C4%85-i-empati%C4%85.pdf).

# 2024 Epilogue: Women in Poland Still Waiting for Their Rights



## 4. 2024 Epilogue: Women in Poland Still Waiting

The opposition secured victory on October 15th, and the new government took office on December 13th, yet women still await changes to the law. Despite promises made during political campaigns by opposition parties to liberalize abortion rights, no legislative changes have been enacted. All coalition government parties addressed the issue in their platforms: the Left and the Civic Coalition declared support for abortion up to the twelfth week of pregnancy. At the same time, the Third Way proposed a referendum for the citizens to decide on access to abortion. Even before the referendum, the option of terminating a pregnancy in cases of developmental or genetic abnormalities would be reinstated.<sup>52</sup> Four bills have been proposed in the Sejm, none of which were rejected in the initial readings; they will now be referred to a specially appointed extraordinary committee. However, the process faces obstacles: firstly, the Marshal of the Sejm, Szymon Hołownia, postponed voting on the bills until after the first round of local elections on April 11th;<sup>53</sup> furthermore, the consideration of the bills, which propose a significant liberalization of the abortion law, is scheduled only after the European elections on June 9th.<sup>54</sup> Given the contentious nature of the issue, which is likely to inflame voters, it appears prudent to defer decisions until after the election cycle. Once again, women's rights are caught in the political machinery of election cycles and campaigns.

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<sup>52</sup> Maja Rup, "4 projekty aborcyjne w Sejmie," MamPrawoWiedziec.pl, accessed April 30, 2024, <https://mamprawowiedziec.pl/czytelnia/artyku/1668>

<sup>53</sup> Iwona Szpala, "Debata o aborcji jednak przesunięta. Hołownia: Tu koalicja mogłaby się rozjechać," Wyborcza.pl, March 5, 2024, <https://wyborcza.pl/7.75398.30766891.debata-o-aborcji-jednak-przesunieta-holownia-tu-koalicja-moglaby.html>.

<sup>54</sup> Wiktor Ferfecki. "Aborcja dopiero po wyborach. Rozpatrzenie projektów ustaw nie nastąpi szybko," Rzeczpospolita, accessed April 30, 2024, <https://www.rp.pl/polityka/art40218821-aborcja-dopiero-po-wyborach-rozpatrzenie-projektow-ustaw-nie-nastapi-szybko>