

Ms. Helena Dalli

Member of the European Commission
Equality

Brussels, 27 November 2020

Dear Commissioner,

Following the plenary debate on abortion in Poland on 25 November 2020, I would like to thank you for clarifying that abortion is not a competence of the European Union. As guardian of the Treaties, the Commission cannot attribute competencies, which it does not have. Therefore, it is very good that you made this issue clear.

Nevertheless, while I am aware that we approach the matter of abortion in a very different way, I would like you to have a full picture of what is happening in Poland today. I would therefore like to provide you with information that may not be so obvious, as there is a lot of coverage in the media that omits or distorts the facts:

- The request to the Constitutional Court to examine the compatibility of eugenic condition with the Constitution of the Republic of Poland was submitted by a group of 119 members of the Polish parliament from different political parties. The Polish parliament made no changes to the law. It was only the Constitutional Tribunal, which underlined that the binding act of 1993 is to some extent incompatible with the Polish constitution;
- Article 38 of the Constitution of the Republic of Poland clearly states that the protection of life is a right and a protected value;
- Under the Constitution of the Republic of Poland, the ruling could not have been different, since such imprecise provisions were a blatant discrimination on the grounds of disability, as confirmed by m.in. Professor Andrzej Zoll, a former President of the Constitutional Court;
- In 1997 the Constitutional Court, repealing the social condition for abortion, explicitly stated „human life ... in a democratic state of law must remain under constitutional protection at every stage of its development“;

Today one of the key challenges of the European Union is to deal with the Covid-19 pandemic. Poland went through this period well until early autumn, but then the number of infections and the death rate increased significantly. The ongoing street protests make the fight against the pandemic much more complicated and directly contribute to illnesses and deaths. Therefore, we should lower the temperature of disputes and, above all, protect people's lives and health.

Yours sincerely,

Jadwiga Wiśniewska
MEP