

Mr Andrzej Duda
President of Poland

Mr Mateusz Morawiecki
Prime Minister of Poland

Ms Elżbieta Witek
Marshal of the Sejm

Mr Tomasz Grodzki
Marshal of the Senate



5 November 2020

Subject: The Polish ‘Constitutional Tribunal’ ruling on abortion

Dear President,
Dear Prime Minister,
Dear Marshals,

As Members of the European Parliament we are writing to express our serious concern about the recent roll-back on reproductive health and rights in Poland¹. These further restrictions on access to abortion are a violation of Poland’s international human rights obligations to guarantee women’s fundamental rights. We condemn any use of force against peaceful protestors and incitement to violence against them, as well as attempts of intimidation against protest organisers by the National Public Prosecutor's Office. It is our firm belief that these developments are a clear manifestation of the ongoing deterioration of the rule of law and fundamental human rights in Poland.

Concerns over the independence and legitimacy of the Polish ‘Constitutional Tribunal’ have been repeatedly raised by the European Parliament, most recently in its resolution of 16 September 2020 on the determination of a clear risk of a serious breach by the Republic of Poland of the rule of law², as well as by the European Commission and the Venice Commission. In light of its unlawful composition and functioning, the ‘Constitutional Tribunal’ can no longer be considered a legitimate body free from political interference.

Additionally, we stress that freedom of assembly is at the core of the European Union, including in times of a pandemic. Any restriction on that right must apply the principle of proportionality. We condemn the use of physical force and tear gas against the protestors, which feeds into the growing problem of police brutality in Poland. We also note with

¹ On 22 October 2020, the Polish so-called ‘Constitutional Tribunal’ ruled that access to abortion on the ground of severe and irreversible fetal defect or incurable illness that threatens the fetus’ life is unconstitutional. As a result of this decision, a staggering 97.6% of legal abortions will no longer be performed in Poland.

² European Parliament resolution of 17 September 2020 on the proposal for a Council decision on the determination of a clear risk of a serious breach by the Republic of Poland of the rule of law (COM(2017)0835 – 2017/0360R(NLE)).

concern the recent ordinance allowing the use of gendarmerie in law enforcement and stress that any response made by this force must respect the freedom of expression and of assembly.

In light of these grave concerns, we urge you to engage in a dialogue, to listen to the demands of the protestors, and to prevent any further escalation. We call on you to abstain from any new restrictions on fundamental human rights and ask you to put a stop to the dismantling of the rule of law in Poland.

Yours sincerely,

Reintke Terry, Member of the European Parliament
Spurek Sylwia, Member of the European Parliament

Alfonsi François, Member of the European Parliament
Al-Sahlani Abir, Member of the European Parliament
Andresen Rasmus, Member of the European Parliament
Andrews Barry, Member of the European Parliament
Ansip Andrus, Member of the European Parliament
Ara-Kovács Attila, Member of the European Parliament
Arena Maria, Member of the European Parliament
Auken Margrete, Member of the European Parliament
Barrena Fernando, Member of the European Parliament
Benifei Brando, Member of the European Parliament
Bischoff Gabriele, Member of the European Parliament
Biteau Benoît, Member of the European Parliament
Björk Malin, Member of the European Parliament
Bloss Michael, Member of the European Parliament
Bompard Manuel, Member of the European Parliament
Brglez Milan, Member of the European Parliament
Bricmont Saskia, Member of the European Parliament
Bürstmayr Georg, Member of the National Council of Austria
Carême Damien, Member of the European Parliament
Carvalhais Isabel, Member of the European Parliament
Chaibi Leila, Member of the European Parliament
Chastel Olivier, Member of the European Parliament
Cormane David, Member of the European Parliament
Cuffe Ciarán, Member of the European Parliament
Dalunde Jakop, Member of the European Parliament
Delbos-Corfield Gwendoline, Member of the European Parliament
Delli Karima, Member of the European Parliament
Demirel Özlem, Member of the European Parliament
Disoski Meri, Member of the National Council of Austria
Dobrev Klára, Member of the European Parliament
Durand Pascal, Member of the European Parliament

D'Amato Rosa, Member of the European Parliament
Ernst Cornelia, Member of the European Parliament
Ernst-Dziedzic Ewa, Member of the National Council of Austria
Evi Eleonora, Member of the European Parliament
Falon Tanja, Member of the European Parliament
Farreng Laurence, Member of the European Parliament
Franz Romeo, Member of the European Parliament
Freund Daniel, Member of the European Parliament
Geier Jens, Member of the European Parliament
Georgoulis Alexis, Member of the European Parliament
Götze Elisabeth, Member of the National Council of Austria
Gozi Sandro, Member of the European Parliament
Grebien Heike, Member of the National Council of Austria
Gregorova Marketa, Member of the European Parliament
Grošelj Klemen, Member of the European Parliament
Gruffat Claude, Member of the European Parliament
Guerreiro Francisco, Member of the European Parliament
Gusmão José, Member of the European Parliament
Hahn Henrike, Member of the European Parliament
Hautala Heidi, Member of the European Parliament
Hayer Valérie, Member of the European Parliament
Hojsík Martin, Member of the European Parliament
Holmgren Pär, Member of the European Parliament
Jadot Yannick, Member of the European Parliament
Kanev Radan, Member of the European Parliament
Kohut Łukasz, Member of the European Parliament
Kokalari Arba, Member of the European Parliament
Köster Dietmar, Member of the European Parliament
Kuhnke Alice, Member of the European Parliament
Kumpula-Natri Miapetra, Member of the European Parliament
Leitão Marques Maria Manuel, Member of the European Parliament
Loiseau Nathalie, Member of the European Parliament
Maldeikienė Aušra, Member of the European Parliament
Marquardt Erik, Member of the European Parliament
Matias Marisa, Member of the European Parliament
Matić Predrag, Member of the European Parliament
Maurel Emanuel, Member of the European Parliament
Maxova Radka, Member of the European Parliament
Melchior Karen, Member of the European Parliament
Metz Tilly, Member of the European Parliament
Molnár Csaba, Member of the European Parliament
Neumann Hannah, Member of the European Parliament
Nienäß Niklas, Member of the European Parliament
Oetjen Jan-Christoph, Member of the European Parliament

Papadimoulis Dimitrios, Member of the European Parliament
Paulus Jutta, Member of the European Parliament
Peter-Hansen Kira Marie, Member of the European Parliament
Picierno Pina, Member of the European Parliament
Pietikäinen Sirpa, Member of the European Parliament
Pineda Manu, Member of the European Parliament
Rafaela Samira, Member of the European Parliament
Regner Evelyn, Member of the European Parliament
Rego Sira, Member of the European Parliament
Riba i Giner Diana, Member of the European Parliament
Rivasi Michèle, Member of the European Parliament
Rodríguez Palop María Eugenia, Member of the European Parliament
Rodríguez Ramos Soraya, Member of the European Parliament
Rónai Sándor, Member of the European Parliament
Roose Caroline, Member of the European Parliament
Santos Isabel, Member of the European Parliament
Sarvamaa Petri, Member of the European Parliament
Satouri Mounir, Member of the European Parliament
Schieder Andreas, Member of the European Parliament
Scholz Helmut, Member of the European Parliament
Schreuder Marco, Member of the National Council of Austria
Šimečka Michal, Member of the European Parliament
Sippel Birgit, Member of the European Parliament
Solé Jordi, Member of the European Parliament
Strik Tineke, Member of the European Parliament
Tarabella Marc, Member of the European Parliament
Toussaint Marie, Member of the European Parliament
Ujhelyi István, Member of the European Parliament
Urtasun Ernest, Member of the European Parliament
Vana Monika, Member of the European Parliament
Vautmans Hilde, Member of the European Parliament
Vedrenne Marie-Pierre, Member of the European Parliament
Villanueva Ruiz Idoia, Member of the European Parliament
Villumsen Nikolaj, Member of the European Parliament
Vind Marianne, Member of the European Parliament
Waitz Thomas, Member of the European Parliament
Walsh Maria, Member of the European Parliament
Wiener Sarah, Member of the European Parliament
Yenbou Salima, Member of the European Parliament
Zacharopoulou Chrysoula, Member of the European Parliament
Zorba Süleyman, Member of the National Council of Austria