



Public Prosecutor General,
Mr. Zbigniew Tadeusz Ziobro
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Stockholm 03 - 01 - 2023

Open letter to Public Prosecutor General, Mr. Zbigniew Tadeusz Ziobro.

Reference: Justyna Wydrzyńska case

The Swedish Association of Midwives, the Swedish Association of Health Professionals, and the Swedish Association of Obstetricians and Gynecologists, are professional organisations representing 119 200 Midwives, Nurses, and OB/Gyn Doctors in Sweden.

We, the undersigned, are deeply concerned about the prosecution of Justyna Wydrzyńska and join the International Federation of Gynecology and Obstetrics (FIGO) in calling on you to drop all charges against her, refrain from further reprisals against her or other activists campaigning for sexual and reproductive rights, and fully decriminalise access to abortion in Poland.

Ensuring access to safe and legal abortion is fundamental to protecting women's human rights, empowering women and achieving gender equality. Denying women the right to make their own decisions about their bodies and lives is the cause and consequence of unequal power relations between men and women. Basic human rights, including the right to health, the right to life¹, the right to privacy, the right to freedom from cruel, inhuman or degrading treatment, the right to autonomy in reproductive decision-making, and the right to enjoy the benefits of scientific

¹ The history of the development of UN human rights treaties, including the Convention on the Rights of the Child, with the subsequent interpretation of their right to life provisions by official interpretative bodies, show that the right to life treaty provisions apply only after birth. In fact, no human rights body has ever found allowing termination of pregnancy to be incompatible with human rights, including the right to life. Standards therefore reflect that human rights protections apply after birth, not before.

progress, all have an influence on ensuring the right to abortion². The Convention on the Elimination of All forms of Discrimination against Women (CEDAW), to which Poland is a state party, specifically addresses discrimination against women in the field of health care, including “appropriate services in connection with pregnancy” (article 12.1) and the right to decide freely and responsibly on the number and spacing of their children” (article 16.1). Violations of women’s sexual and reproductive health and rights, such as forced pregnancy, criminalization of abortion, denial or delay of safe abortion and/or post-abortion care, forced continuation of pregnancy, and abuse and mistreatment of women and girls seeking sexual and reproductive health information, goods and services, are forms of gender-based violence.³

Poland’s abortion legislation is one of the most restrictive in Europe and globally. Global evidence demonstrates that restricting abortion with laws does not lead to fewer abortions, but to an increase in unsafe abortions and preventable maternal deaths and disability. For those wanting an abortion, the result of Poland’s abortion ban has been agonising and has led to the death of at least 6 women who were denied care by their doctors while having obstetric emergencies.

We, the signatories, believe that reproductive autonomy, including access to safe abortion services, to be a basic and non-negotiable human right of every woman and girl in the world.

The provision of safe abortion is time-sensitive, essential health care. Safe abortion care should be available on request, universally affordable, and accessible – as early as possible and as late as necessary. Current legal and policy restrictions in Poland represent discrimination against women and girls that can have an impact on accessing other human rights, for example the right to privacy, body autonomy and integrity, and entitlements.

The criminalisation of abortion prevents clinical best practice and the full realisation of sexual and reproductive health and rights. Poland’s current abortion law imposes restrictions that are not clinically evidence-based and inevitably cause preventable delays and harm. Such restrictions impact the ability of women and girls to access safe and legal abortions without delays. They do not reflect evidence supporting the role of multi-level health professionals, and women themselves, in self-management practices.

The criminalisation of abortion prevents health professionals from doing their jobs. Under threat of actual or supposed prosecution, health professionals may be more reluctant to authorise, conduct or provide information and counselling about abortion services.

As a result, women and girls may be forced to continue pregnancies they do not want because they cannot find doctors willing or able to treat them. Others may resort to illegal or unsafe measures with the associated risks of death and disability.

²http://www.reproductiverights.org/sites/crr.civicactions.net/files/documents/pub_fac_safeab_10.11.pdf

³ General recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19, CEDAW/C/GC/35.

Criminalisation contributes to the stigmatisation of both abortion providers and those who need or have had an abortion. The criminalisation of abortion causes ambiguity with dangerous consequences.

We urge you to take an evidence-based and human rights-based approach to the sexual and reproductive health care and rights of women and girls in your country. We call on the Polish authorities to carry out the necessary reforms to repeal Article 152 in the Penal Code and ensure access to safe abortion care respecting pregnant person's rights, autonomy, dignity, privacy, and confidentiality. Polish authorities should also ensure adequate access to essential medicines required for the purpose of safe self-management of abortions in an affordable and non-discriminatory manner, including by using telemedicine in line with recent WHO guidelines⁴ on abortion care.

Justyna Wydrzyńska's efforts are part of a growing movement of individuals in Poland and around the world who show solidarity and compassion, while helping others to access the sexual and reproductive health and rights they are entitled to. We reaffirm our call that you drop all charges against Justyna Wydrzyńska, refrain from further reprisals against her or other activists campaigning for sexual and reproductive rights, and fully decriminalise access to abortion in Poland.

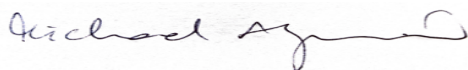
Yours sincerely,



Sineva Ribeiro, President Vårdförbundet (the Swedish Association of Health Professionals)

Eva Nordlund

Eva Nordlund, President Svenska Barnmorskeförbundet (The Swedish Association of Midwives)



Michael Algovik, President SFOG

⁴ Abortion Care Guidelines <https://apps.who.int/iris/bitstream/handle/10665/349316/9789240039483-eng.pdf?sequence=1&isAllowed=y>