

7 April 2022

Public Prosecutor General, Mr. Zbigniew Tadeusz Ziobro
ul. Postępu 3
02-676 Warszawa
Poland

Dear Public Prosecutor General, Mr Zbigniew Tadeusz Ziobro,

Reference: Justyna Wydrzyńska case

The International Federation of Gynecology and Obstetrics (FIGO) is a professional organisation that brings together more than 130 obstetrical and gynaecological (OBGYN) associations from all over the world. FIGO's vision is that women and girls of the world achieve the highest possible standards of physical, mental, reproductive and sexual health and wellbeing throughout their lives. FIGO is in official relations with the World Health Organization (WHO) and consultative status with the United Nations (UN).

We are writing to share with you our evidence-based recommendations, that we hope will provide helpful guidance for you in relation to charges against Justyna Wydrzyńska. Based on this evidence, we are writing to ask you to drop all charges, refrain from further reprisals against her or other activists campaigning for sexual and reproductive rights, and fully decriminalise access to abortion in Poland.

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. Likewise, decriminalisation does not result in an increase in the abortion rate but rather to a shift from unsafe abortion to safe abortion, often accompanied by comprehensive services that allow women to receive contraceptive counselling that further prevents unwanted pregnancies.

FIGO regards 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 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. Restrictions serve to marginalise women and girls and heighten their risk of undergoing unsafe abortions, leading to higher rates of preventable maternal deaths and disability. Restrictions based on the rights of the fetus over the rights of the woman imply that at some point the embryo/fetus is entitled to equal or greater protection than the pregnant woman.

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.

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 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. Criminalisation contributes to the stigmatisation of both abortion providers and those who need or have had an abortion.

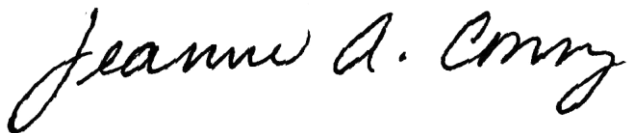
The criminalisation of abortion causes ambiguity with dangerous consequences. Most countries state the grounds under which they permit abortion, but these may be ambiguous, interpreted liberally or narrowly, and implemented differently in different settings, or not at all. Non-alignment between laws also leads to confusion and renders it difficult or near impossible to deliver services to the full extent of national law within a country.

FIGO [calls for the total decriminalisation of safe abortion](#), and for the promotion of universal access to abortion, post-abortion care and evidence-based, non-biased abortion-related information, free of force, coercion, violence and discrimination. Abortion should be removed from criminal law and regulated by laws consistent with every other medical procedure, and with the wellbeing of women and girls placed at the centre of their care.

FIGO urges you to take an evidence-based approach to the sexual and reproductive health care and rights of women and girls. 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.

Please do not hesitate to [contact us](#) if you require further details or related clinical evidence.

Yours sincerely,



Dr Jeanne Conry
FIGO President

Supporting evidence

- FIGO's global statement to decriminalise abortion:
www.figo.org/resources/figo-statements/figo-calls-total-decriminalisation-safe-abortion
- FIGO endorses the permanent adoption of telemedicine abortion services:
www.figo.org/FIGO-endorses-telemedicine-abortion-services
- Addressing barriers to safe abortion:
www.figo.org/resources/figo-statements/addressing-barriers-safe-abortion