



Warsaw Statement of Commitment Committed to the Rule of Law and Sexual and Reproductive Rights for all in Europe

21 October 2021

Introduction

We, Members of Parliament from across Europe, have gathered in Warsaw, Poland, on 21-22 October 2021 at a time when the rule of law is under severe strain provoking devastating consequences for human dignity, specifically in the area of sexual and reproductive health and rights. It is fitting that we find ourselves in the Polish capital exactly one year after the severe tightening of the law on abortion in Poland that came about as a result of a decision of the Constitutional Tribunal which is highly contested for its lack of full legitimacy and dependence on the ruling party. The decision normalised institutionalised cruelty towards women and girls by potentially forcing them to carry to term a non-viable pregnancy of a foetus with severe disability or an incurable and/or life-threatening disease. These restrictions are at odds with Polish public opinion, international global health guidance and human rights standards and push Poland to the margins of Europe in terms of respect for human rights.

The European Commission and the Council of Europe have already raised concerns about these changes in ongoing proceedings about infringement of the rule of law in Poland. We, as Parliamentarians from across the democratic political spectrum, are deeply worried about the direction the Polish Government is taking the country. We feel the urgency to sound the alarm about the plight of Polish women and girls and sexual and gender minorities as well as the possibility of a European country sliding into illiberalism. Therefore:

1. We reiterate our full support for the rule of law and our solidarity with and support for Polish women and girls and sexual and gender minorities. We note that the crisis surrounding the rule of law in Poland has led to the stigmatisation of sexual and gender minorities as well as the implementation of a cruel law of questionable legitimacy regarding women's access to health care and a near prohibition on comprehensive sexuality education. Those worrying developments have been met with staunch opposition from civil society.
2. We recall and commend the European Parliament report of Predrag Fred Matić, MEP on the situation of sexual and reproductive health and rights in the EU, in the frame of women and girls' health. This report recalls that EU Member States have a responsibility to ensure access to a full range of sexual and reproductive health and rights (SRHR) services. Sexual and reproductive rights (SRR) are recognised as human rights in international and European human rights law and violations of SRHR constitute breaches of human rights. All challenges related to SRHR faced within EU Member States constitute common European challenges.

3. We will work for a world where preventable maternal deaths and infant and child mortality are a thing of the past, where everyone has access to the family planning of their choice, where gender-based violence and harmful practices do not exist, where young people can live healthy and productive lives, where stigmatisation and discrimination have no place in society and where reproductive rights are promoted, respected and protected.¹
4. We support linking the disbursement of EU funds to respect for fundamental rights and rule of law by all EU and Council of Europe Member States and further applaud those who have found funding to provide solutions to facilitate Polish women's access legal abortion in other jurisdictions.
5. We are concerned by the direction of some European political leaders who cynically undermine the human rights of women and girls' and sexual and gender minorities for short-term electoral gains, thus undermining the foundations for human rights and inclusive democracy in the European region.
6. We note that the backsliding in sexual and reproductive health and rights witnessed across Europe is accompanied, encouraged and legitimised by an emergent 'Conservative un-civil society'² which hold exclusionary views and restrictive conceptualisation of the population deserving to be included in society (traditional families, heterosexual citizens and native population) and that this emergence requires an appropriate response for how to address 'Conservative un-civil society' as a European phenomenon which undermines democratic foundations.
7. We call on all current and future Presidents of the European Union as well as other relevant officials within the EU institutions to prioritise SRHR issues and to closely monitor the situation in this regard across the whole European Union.

Our Pledge

We, parliamentarians from across Europe gathered in Warsaw, pledge to:

- Work towards full implementation of women's rights, including refugee women's rights, sexual and reproductive rights, including access to safe and legal abortion, and LGBTQI rights in Europe and around the world; Ensure full compliance of all Council of Europe and EU Member States with all human rights, fundamental rights and rule of law obligations;
- Ensure that any funding disbursed to any public authority be conditioned on respect for human rights, fundamental rights and rule of law obligations;
- Regularly and systematically scrutinise the situation of women's rights, sexual and reproductive rights and LGBTQI rights across Europe at Member State level as an indicator of the level of respect for fundamental rights;
- Find practical solutions, including through financial support, for women and other concerned groups, whose rights are undermined by the actions of their Governments, to exercise their fundamental rights and live a life of dignity.

¹ See Nairobi Keeping the Promise and SDGs.

² See Ruzza, Carlo, The Institutionalisation of populist political discourse and conservative uncivil society in the European Union – from the margins to the mainstream, Nordicom Review, 42 (S1)