



New Abortion Laws in Poland

 drishtias.com/printpdf/new-abortion-laws-in-poland

Why in News

Recently, **women in Poland** have been protesting a court ruling that drastically restricts their **right to access safe and legal abortions**.

Key Points

- **Poland's Abortion Laws:**
 - The existing **1993 abortion law permits the termination of pregnancy on the grounds of foetal defects**.
 - These are **already considered some of the strictest laws in Europe** and after the enactment of the court's decision, **abortions will only be permitted in cases of rape, incest, or if there is a threat to the mother's life**.
- **Background:**
 - **Poland's Constitutional Tribunal** ruled that an **existing law** was **unconstitutional** because the **Polish constitution assures a right to life** and the abortion based on a foetal malfunction was a directly forbidden form of discrimination.
 - Tribunal held that **permitting abortions** in the case of foetal deformities **legalised "eugenic practices** with regard to an unborn child, thus denying it the respect and protection of human dignity."
 - **Eugenics** is the **practice or advocacy of improving the human species** by selectively mating people with specific desirable hereditary traits.
 - It **aims to reduce human suffering** by "breeding out" disease, disabilities and so-called undesirable characteristics from the human population.

- **Similar Instances:**

- **Earlier in 2016** too, thousands of women went on strike in **protest against a draft law for a complete ban on abortions.**
- The draft law was **proposed by an anti-abortion citizens' group** and was initially **supported by the Catholic Church.** It **suggested stringent punishments** like jail upto 5 years for the women and also the doctors performing the abortion.
- However, the **Church later backed out** when bishops said they **could not support the proposal to jail women who underwent an abortion.**

- **Implications of the Latest Ruling:**

- Fewer than 2,000 legal abortions are carried out in Poland each year, a **majority of which are due to foetal defects.** So the ruling **essentially translates to a near complete ban** on abortions in the country.
 - Abortions in cases of rape, incest or where there is a threat to the mother's life account for **merely 2% of all legal terminations.**
- An estimated **80,000 to 1,20,000 Polish women either go abroad or seek illegal abortions every year** due to the country's **strict laws** or the **stigma** associated with it.
 - It is feared that the **number could surge even further** if terminations due to malformed fetuses are outlawed.

- **Global Reactions:**

Regional and global organisations like the **Council of Europe, Amnesty International, the Center for Reproductive Rights and Human Rights Watch** criticised the ruling.

Abortion

It is defined as the **termination of pregnancy by various methods**, including **medical surgery** before the fetus is able to sustain independent life.

Abortion Laws in India

- Abortions in India are regulated by the **Medical Termination of Pregnancy (MTP) Act, 1971.**

- Under the law (**section 3** of the MTP Act 1971), the **doctor can perform an abortion in the following conditions:**
 - If the pregnancy would be **harmful to the life of the patient or affects her physical or mental health**. The doctor will need to consider the circumstances of the patient to figure out if the pregnancy will harm her mental health, on a case to case basis.
 - If there is a good chance that the **child would suffer from physical or mental abnormalities** which would leave him or her seriously handicapped.
 - If pregnancy occurred as a **result of a failure of contraception** (only applicable to married women).
 - If pregnancy is a **result of sexual assault or rape**.
- **Termination of Pregnancy:**
 - If the pregnancy has **not exceeded 12 weeks, only one doctor** is needed to sign-off.
 - If the pregnancy **has exceeded 12 weeks and is below 24 weeks, two doctors** are needed.
 - The **gestation period does not matter** if a doctor feels that an immediate abortion must be conducted **to save the life of the patient**.
 - The doctor who determines if it is necessary to perform an abortion and performs it **needs to be a 'registered medical practitioner' under the law**.
- In **January 2020**, the Union Cabinet approved **amendments to the MTP Act**, allowing women to seek abortions as part of the reproductive right and gender justice.
- The amendment **raised the upper limit of MTP from 20 weeks to 24 weeks** for women including rape survivors, victims of incest, differently-abled women and minors.

Source: IE