

Opinion – How Polish Women Fight Their Right-Wing Government

Written by Monika Kabata and Kateřina Krulišová

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MONIKA KABATA AND KATEŘINA KRULIŠOVÁ, JAN 26 2021

Until autumn 2020, abortion in Poland was only legal in three instances. Pregnancy could be legally terminated if it met either of the following conditions: (1) the pregnancy posed a threat to a woman's life or health; (2) the pregnancy was a result of the 'prohibited act' (rape); or (3) it was highly probable that the foetus is severely and irreversibly impaired and/or will suffer from a life-threatening disease. On 22 October 2020, the Polish Constitutional Tribunal ruled that the third condition no longer applied. In response to this decision, and in the midst of a second wave of the Coronavirus pandemic, Poland saw some of its biggest protests since the fall of communism.

The protests have been organised by the civil society movement, 'Strajk Kobiet'. Having been active for more than 4 years, the organisation is fighting the continuous governmental affront on women's rights. In 2016, the lower house of the Polish parliament rejected a proposal to liberalise Polish abortion law. Instead, it continued working with a conservative anti-choice association's proposal, with the aim of completely prohibiting abortion. In response to this, a nationwide protest known as 'Black Monday' was organised. It gathered more than 200 000 people. The name 'Black Monday' referred to the 1975 Icelandic women's strike when 90% of Icelandic women took a day off (didn't go to their paid jobs nor did any housework). Although the conservative anti-choice proposal was rejected, the movement remained active and since grown into a global phenomenon. In March 2018, the International Women's Strike took place in 60 countries around the world. Since then, the battle over women's rights between conservative and liberal Poles continues.

The incessant attempts to ban abortion might be the most visible effect of a highly conservative, patriarchal culture. But proposals like these do not exist in a vacuum. Similarly to other populist and right-wing governments, Polish officials unite in their affront against all things relating to 'gender'. The ruling party PiS is known for various sexist statements. Current Education Minister, Przemysław Czarnek, also a professor at the Catholic University of Lublin, claims that gender is an ideology not science, further, it is 'a false vision of man'. Czarnek also voiced his opinions on reproduction before taking up his ministerial function:

If you give birth to the first child at the age of 30, how many of these children can you have? These are the consequences of telling women that they don't have to do what God has called them to do.

Seeking the termination of a pregnancy in Poland is also difficult due to 'conscientious objection'. Since 1996, doctors could legally refuse to perform abortion on the grounds of conflict of conscience with their Catholicism. When this clause was invoked, they had to indicate another doctor who they knew would be willing to help. Since 2020, this indication of an alternative contact is no longer given. This, in effect, forces women to rely on informal networks and their own contacts. Similarly, doctors can refuse to provide prescription for contraception and the morning after pill.

Unsurprisingly, the Polish government recently announced that is preparing to withdraw from the Council of Europe Convention on preventing and combating violence against women and domestic violence, better known as Istanbul Convention. This human rights treaty focuses on strategies to mitigate violence against women. In the eyes of the Polish government, the Convention promotes 'gender ideology' and should therefore be dropped.

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The transnational phenomenon of a variety of actors opposing what they tend to call 'gender ideology', 'genderism', 'cultural Marxism', 'homosexual propaganda' or 'gender theory' is well mapped by feminist scholars and commentators. While the roots of this discourse can be traced to the Vatican, the last decade has seen prominent backlash against women's rights in a number of countries. Protests against marriage equality, reproductive justice, gender mainstreaming, transgender rights or sexual education have been linked to rise in populism and larger systemic political crisis of the liberal order.

In the context of Central and Eastern Europe, the 'gender ideology' becomes often framed as a neo-colonial project and/or a successor of Marxism/communism/socialism. Polish priest and professor, Dariusz Oko, claimed that 'gender ideology (...) is worse than communism and Nazims'. At other times, gender is seen as a colonising tool used by 'the West' to impose its values in the region. This is particularly visible by actors opposing the EU. This mix of revoking historical trauma of totalitarian past and feeding on contemporary anti-EU sentiments makes the 'anti-gender collective' particularly powerful in Poland.

Although women's protests in Poland are not new, current demonstrations are different from those of previous years and not only because of their scale and international publicity. First, they have been taking place during a second wave of the Covid-19 pandemic. In spring 2020, when the legislative proposal on the de facto ban on the right to abortion has been discussed in the Polish parliament, women also protested. But the strikes during the first wave had a different character: due to the Covid-19 restrictions in Poland, protesters placed black umbrellas and banners in windows and balconies, organised cars blockades and carried banners in socially distanced queues to stores. In autumn the situation escalated – Poland was just a step from the actual prohibition of abortion and people took to the streets while risking their own lives and the lives of their loved ones.

As the number of new COVID-19 cases in Poland was rising rapidly, the government has been conveniently blaming Strajk Kobiet demonstrations for it. Previous opposition candidate for President, Rafał Trzaskowski, argued that the government timed their decision on this controversial piece of legislation to detract from their failures in managing the pandemic. Another possible explanation is that the government was counting on the severity of the pandemic preventing people from protesting. Significantly, the legal proposal has been sent directly to the Tribunal (what could mean almost immediate ban) and the process has not followed the standard legislative process.

Second, the support for the ruling Law and Order party (PiS) is decreasing. The recent presidential elections have revealed the scale of division between more a conservative and liberal Poland. The ongoing protests further damaged PiS's position as its support has decreased from its usual 40-45% to an all-time low 30%. Another confirmation of the Poles' dissatisfaction is a recent study that claims that 70% of Poles support the demonstrations organised by Strajk Kobiet while only 13% of the respondents took part in the protests. This demonstrates that protestors in the streets are only a small percentage of all of those who disagree with proposed changes in abortion law. The study also shows that although women more often than men are taking part in the protests, the support for the strikes is similar among each.

Undoubtedly, the Polish government was surprised by the scale of the protests. The judgment of the Tribunal has not yet been published, despite the fact that the period of time for its publication has already passed. This is highly irregular. In the meantime, two other legislation proposals, that were seen as a compromise by the government, have been also discussed. Among them is the President's proposal which aims at ensuring the protection from abortion of children with Down syndrome. Strajk Kobiet firmly rejects this proposal and provides 13 postulates that, apart from abortion on demand, refer to e.g. LGBT's community rights, climate, and education. According to the latest statement of the government, they intend to wait on publishing the Tribunal's judgment until the Tribunal publishes its justification. When this happens is not known. The uncertainty about the legal situation led some hospitals to declare cessation of performing abortion while others inform that they won't stop it until the judgment is published.

The government finds itself in a difficult position, not only for its failures in managing the pandemic and protests against abortion law proposals, but also due to the almost constant dispute with the EU regarding the rules of law. Poles are not taking the streets only to oppose the abortion laws, they want to defend their freedom and democracy.

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In this difficult position, the government could simply adopt the President's proposal, naming it as a compromise, and wait until people stop protesting. However, the scale of the protests and persistence of the Polish people is clearly stopping them from making any rash decisions. Much will depend on the determination shown of the protesters during the ever-worsening pandemic and a winter making their fight much harder. The question is if this social discontent can withstand until the next parliamentary elections in 2023. Finally, the situation in Poland is a symptom of the global backlash against women's rights in the region as well as worldwide. At the same time, it shows the power of peaceful protest and the importance of feminist solidarity.

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