

Professor Danuta Hübner

„When democracy falters, women are first to suffer the consequences”

Plenary speech on “Plans to undermine further fundamental rights in Poland”

European Parliament, Strasbourg (online), 15 December 2021

Last month, the Polish Constitutional Tribunal deemed unconstitutional art. 6 of the European Convention on Human Rights which says that *„everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal.”*

This is the latest assault on the integrity of the European and Polish rule of law. Today there might be another one.

Undermining the standards introduced by the Convention on Human Rights is one of the battle grounds in the total war against the citizens. It is a dangerous path to be taken by any democratic state.

European Convention on Human Rights is not just some document. All twenty seven Member states are parties to the Convention and the EU itself is currently negotiating its accession.

It is a cornerstone of what a democratic political realm should look like.

And it so happens that when the norms of democratic politics give way to authoritarianism, it is usually women who are first to suffer.

Their reproductive rights are questioned and their health is threatened.

By issuing its antiabortion ruling of 2020, Polish Tribunal violated the private space protected by art. 8 of the ECHR. The new government proposal to register all pregnancies and miscarriages in a Medical Information System is straight from Orwell.

Two women are known to have already died in my country as a result of fear induced in doctors by that inhumane ruling.

This week the Committee of Ministers of the Council of Europe called on Poland to execute the judgments of the Strasbourg Tribunal on abortions and to *„ensure effective access to legal abortions and prenatal examinations”*.

In a letter to the Polish Foreign Minister, Secretary-General asked Poland to explain how it ensures the effective implementation of its obligations under the Convention.

We shall call the Polish government on that thousands of times if needed - until it returns to the democratic path.