



### **Defending Family and Life in contemporary Europe – Polish experience**

Ladies and Gentlemen, thank you very much for inviting me to this prestigious and highly important conference, which I appreciate very much.

Talking today about necessary defense of the Life and family, especially if we talk about it in the context of contemporary cultural processes, we have to realize what we are fighting for. Looking into diversity of contemporary threats to the Family and Life, we have to realize, that the main problem consists of the loosing of our sense of identity. People are no longer sure what they believe in. They are no longer sure what is marriage and family and finally they do not know what they are.

We are experiencing today within our intellectual culture the same fraudulent conversation the Eve had with the serpent. The serpent is provoking substantial doubt as to the things she had previously never doubted about – “Is it true, you must not eat fruits of this garden?” Apparent misrepresentation is provoking clarification and the conversation has started. In course of it Eve is loosing her confidence in what she believed so far to be true. She has become ready to check whether the God is not a layer and whether the sin might be a means of liberation.

In a similar way, contemporary man has liberated himself from marital love, from maternal love or just from the love of a neighbor. This is the reason why defense of human life and



Family has to be base of the reaffirmation of the true identity of human being and the Family as natural community.

If we loose the awareness, that during the early stages of the human development; stages which are often described with different technical terms (as embryo or fetus), this has been still a child who is developing. If we loos this perspective we are opening ourselves to doubts about necessity of the protection of this child before its delivery or other conventionally determined moment.

Similarly, if we loose our awareness that a marriage is objective reality of strictly determined identity and not a conventional cohabitation arrangement, we might deem that politicians once had defined what is marriage and so they might it redefine. Political authority to protect marriage in its identity is becoming to be understood as a power to decide freely what is called with this word.

All those remarks are very much important if we are intending to protect those most precious goods in a proper way. As a proper way of protection I understand affirmation of their identity and not just looking for excuses enabling temporary relief from the pressure for statutory attempts to deny this identity.

We have to realize, that the best argument in defending fundamental goods consist not of a spectacular, rhetoric tricks but of exposure of the true, so tat it's splendor illuminate minds of cotemporary man. This however requires us to realize, why we defend the innocent human life or family based on the true marriage. Unfortunately, often it appears, that our strong convictions are not necessary supported with intellectual awareness of its reasons.

This intellectual approach must lead our eforts in defense of the contemporary human *oikos* including our strategy and language with which we describe the world. This cultural was also, from the very beginning the leading idea for Ordo Iuris as the Institute for Legal Culture, in its engagement.



Therefore we are not speaking about “redefinition of marriage”, as we are not ready to grant legislature with a power to define it. However we do speak about statutory denial of the identity of marriage or about its protection. When protecting marriage, we emphasize that already an institutionalization of concubinage, is threatening marriage identity. It is important to realize this, as in some countries even Catholics believe, institutionalization of same sex concubinage is the best way of protecting marriage identity. Therefore we are paying lots of attention to removing of all legal regulations, which are allowing same sex relationship to be considered in a similar way to marital union.

The same apply to our efforts of protecting children in the prenatal phase of their development. We are strictly avoiding to speak about “right to abortion” or its “restriction”. We aim at protecting man during his or her entire life including the period, when he or she is particularly vulnerable and deserves special care. A proper agreed language is provided here by the UN Declaration on the Rights of the Child which was upheld by the UN Convention on the Rights of the Child of 1989 which are expressly saying that: “the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth”. The Constitution of Poland grants the legal protection of life to everyone and requires that everyone be treated on equal footing. In 1997, the Polish Constitutional Court found beyond any doubt that “since its very onset, human life becomes a constitutionally protected value, also at its prenatal stage”. This decision allow us to assert, that all the abortion premises, which are now still existing in Polish law, are unconstitutional even though constitutional court had no opportunity so far to say so.

This approach was taken consistently in Poland within the recent “Abortion Stop” Civic Initiative, which aimed at removing, still existing unconstitutional premises, allowing for the killing of innocent children at the early stage of their development. The initiative, which was supported by the vast majority of parliamentarians during the first reading procedure, was than rejected, after the ruling Law and Justice party has been frightened with violent feminists demonstration. It is shameful true, that the ruling in Poland political party, is much more worrying about people who are not supporting them than about people who do support them.



A representative social survey as performed five months ago showed, that more than 58% of it respondents supported proposals to introduce a complete protection of children in the early stage of their life banning abortion, while providing for full protection of potentially threatened mother's life or health. Moreover, it was supported by nearly 80% of respondents aged 18-24.

It was emphasized that the "Stop Abortion" Citizens' Initiative was intended to protect both children and women. In times of a widespread renouncement of the death penalty, even for the most serious crimes, millions of completely innocent children are being killed all over the world in accordance with statutory provisions. The United Nations indicate that the world population is already now affected by the shortage of 200 million girls who have fallen victim to sex-selective abortion or infanticide. Most of all, a wider use of abortion causes the death of girls, not only in Asia or in Africa, and also in Europe and in the United States.

When discussing abortion ban, we were emphasizing conclusions rising from data provided by the World Bank and the World Health Organization. In Poland, maternal mortality rate has gone down fivefold since 1993 when access to abortion was seriously limited! In effect, maternal mortality in Poland is twice lower than in Germany, three times lower than in England and nearly five times (!) lower than in the United States. In England - a country with an increasingly wider access to abortion - over the ten most recent years maternal mortality has become twice higher than in Ireland, which grants the full protection of life. Also Mexican federal states which protect the life of children before birth record the maternal mortality rate which is 23% lower than in Mexican states allowing abortion.

The "Abortion Stop" bill was therefore aiming at making protection of children before birth equal to that granted to them after birth. It was emphasized, the existing abortive limitation to the full protection of human life amounts to the discrimination on grounds of the stage of development, the handicap, the circumstances of conception or delivery.

First of all, in order to restore the full legal protection of the life of conceived children, the bill intended transformation of the circumstances still allowing for an abortive homicide into the grounds for providing the family concerned with State financial assistance and care.



Secondly, the bill granted to mother an access to all available therapy saving the mother's life, even if indirectly it would result in the death of the child. If the pregnancy would lead to the death of either the mother or the child, the mother will be the one to choose among available medical procedures.

Thirdly, the bill states that the child before birth is considered as a patient having all respective rights, including the right to information, as exercised in its name by the parents. Complete protection of life would purify perinatal diagnostics from its controversial dimension as an abortion resulting procedure. The bill intended in restituting perinatal tests their purely diagnostic and therapeutic purpose as well as general availability.

Protection of human life in its prenatal stage would be vain if there is no criminal protection. The bill intended to replace current protection of impersonal "pregnancy state", with the protection of conceived child. Thereby, the bill, like the legislation in the overwhelming majority of the countries all over the world, introduces appropriate criminal liability of all abortion offenders. Subject to this liability are first of all those who have assisted or incited to take the conceived child's life, including the child's father if pushed the mother to abort by providing her with abortifacients.

In the same time, the bill was providing very much nuanced approach to the mother's liability. She was immunized from potential liability for unintentional causing the death of her child. However, if the mother has intentionally participating in abortion, the court was still granted with possibility to refrain from imposing a penalty or reducing it. In that way, the full legal protection of the child's life is reconciled with the most liberal approach to mother, who might be exposed for serious pressure and other extraordinary situations.

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To sum up this presentation of recent attempt to protect fully children at early stage of their development, I would like to make two remarks.

The one is about necessity of international cooperation for the protection of Life, Faith and Family. There is no doubt; our opponents are promoting their dehumanizing agenda using



international networks. During last months, international pressure on Poland was really great and came from everywhere. We also need such a networking.

The second remark concerns domestic level. We are not aware how much determined are some states in promoting dehumanizing agenda on international level – to mention only Sweden. Neither Poland no Croatia is ready to promote in a similar way the values, which are so dear to their people. We have to change this situation.

Our governments must experience huge grassroots pressure requiring them to be vocal on the protection of Christians, on the protection of unborn children, on the protection of marriage and the family autonomy.

We need to know, that no one is taking care of those who are polite and silent. We have to show our full determination and our governments must be worried about our disappointment to the highest extent. Otherwise, they will ignore us.

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