

We need to solve both COVID-19 and women's reproductive health crises

The draconian ruling of the Polish Constitutional Court which bans pregnancy terminations in the instances where a foetus is diagnosed with a serious and irreversible birth defect introduces an unacceptable restriction of women's freedom and rights. It creates a public health crisis which will unwind over time, leading to a substantial increase in the number of unsafe abortions. Countries with more restrictive abortion laws record similar abortion rates to countries with less restrictive laws which are at comparable development level.¹ However, countries with more restrictive laws exhibit higher shares of unsafe abortions which are substantially riskier for women – it is estimated that 68,000 women die as a result of unsafe abortion globally, and millions more have complications, often permanent.² Even before the recent ruling, Poland had the strictest abortion laws and the lowest rate of legal abortions in the European Union. Further restrictions will seriously undermine freedom, rights, and physical and mental health of Polish women. Fertility will be negatively affected under health concerns.

This unwinding public health crisis will affect mainly young people. It is unfortunate, although probably deliberate, that the draconian ruling was announced in the midst of the COVID-19 pandemic. Young adults, teens and children have borne most of the socio-economic brunt of a lockdown. Their education has been severely disrupted. They have faced the highest risk of losing a job and of long-term negative consequences of starting a career during a global economic downturn.³ Their social life was put into disarray. Of course, restricting the mobility and social interactions of young people has been important to control the spread of the virus – although young adults are less likely than older people to get infected and to be seriously ill from COVID-19, they are as likely to transmit it.⁴ In their case, externalities play a much larger role than individual risk. For this reason, the public policy should balance restrictions with interventions which reduce the socio-economic burden on young people. Such interventions may include expanding the safety nets, reducing the risk of long-term joblessness, and adapting the education system to the challenges of online education. Unfortunately, none of these have been implemented in Poland between the first and the second wave of the pandemic.

The ongoing protests are a reaction to the grave intrusion of freedom. They also constitute a rational response to the looming public health crisis which will seriously undermine reproductive health of current and future generations. The aim of the public health policy should be to minimise deaths and suffering from all causes, not only from one cause, even as serious as COVID-19. With the current pandemic wave accelerating and health care system capacity reaching its limit in Poland, social distancing is crucial. However, women cannot pay the price of COVID containment. Assuming that the government cares about preventing thousands of avoidable deaths, we believe that the best way forward is to retract the draconian ruling, restore women's rights and the minimum standard of reproductive health, and deal with the spread of COVID-19.

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¹ Jonathan Bearak et al., 'Unintended Pregnancy and Abortion by Income, Region, and the Legal Status of Abortion: Estimates from a Comprehensive Model for 1990–2019', *The Lancet Global Health* 8, no. 9 (2020): e1152–61, [https://doi.org/10.1016/S2214-109X\(20\)30315-6](https://doi.org/10.1016/S2214-109X(20)30315-6).

² David A Grimes et al., 'Unsafe Abortion: The Preventable Pandemic', *The Lancet* 368, no. 9550 (25 November 2006): 1908–19, [https://doi.org/10.1016/S0140-6736\(06\)69481-6](https://doi.org/10.1016/S0140-6736(06)69481-6).

³ OECD, *Employment Outlook 2020* (Paris: OECD, 2020), <http://www.oecd.org/employment-outlook/2020/>.

⁴ Edward Goldstein, Marc Lipsitch, and Muge Cevik, 'On the Effect of Age on the Transmission of SARS-CoV-2 in Households, Schools and the Community', *MedRxiv*, 28 July 2020, 2020.07.19.20157362, <https://doi.org/10.1101/2020.07.19.20157362>.