

## VOTING ANALYSIS: PROPOSED 2011 ABORTION BAN IN POLAND

### INTRODUCTION

The Polish Parliament was the setting for a landmark event in women's rights and sexual and reproductive health and rights (SRHR) on 31 August 2011, where a complete ban on abortion was narrowly avoided by 5 votes in plenary session. Many women's rights and SRHR advocates are legitimately asking how it came to be possible that Poland, the European Union's 6<sup>th</sup> largest Member State, could come so close to bringing about a complete ban on abortion. This Intelligence Brief looks at the voting results of this session and examines the voting patterns of the assorted political parties to draw the necessary lessons from this event.

On the evening of 31<sup>st</sup> August 2011 Polish MPs voted on two, mutually exclusive, 'motions' on abortion:

- 1) The first motion was to reject a proposal to liberalise Poland's abortion legislation, which was presented by Hon. Marek Balicki, MP (a member of the Democratic Left Alliance party) in July 2011 as a response to a proposal by other MPs to ban abortion.
  - **Of the 402 MPs present for the vote 369 voted to reject liberalizing abortion in Poland, while only 31 MPs were in favour of the motion.**
- 2) The second motion was to reject the proposal for a complete ban on abortion. Over the course of August, both the Health and the Family Committees had issued negative opinions on the proposed ban.
  - **Of the 382 MPs present for the vote, 191 voted in favour of rejecting the abortion ban while 186 voted against the motion.**

You will find a full overview of both votes at the end.

### EPF KEY FINDINGS FROM BOTH VOTES

The results of both votes tell us the following about Polish MPs' attitudes to abortion:

- 1) 42% of Polish MPs voted to maintain the legislative status quo on abortion by rejecting a complete ban.
- 2) 40% of Polish MPs would be prepared to have a complete ban on abortion.
- 3) Fewer than 7% of Polish MPs voted to further liberalise Poland's abortion legislation.

- 4) The few defections from party line which occurred all favoured a more repressive approach towards abortion, costing 16 votes to those rejecting the abortion ban. For example, members of 'Civic Platform' who defected from the party line cost 15 votes in favour of the measure to reject the ban. One MP from the Polish Social Democrats voted against the liberal initiative. No other defections occurred.

However, there were a number of factors which contributed to the narrow margin of victory for the motion to reject the abortion ban, these included:

- 1) The centre-right, Civic Platform Party, decided to approve the motion to reject, contributing 160 of the 191 votes towards the approval to reject.
- 2) The two centre-left parties voted en-bloc to approve the motion to reject, contributing 29 of the 191 votes towards the approval to reject.
- 3) More than one third of the 43 members the 'Democratic Left Alliance' were not present at the vote. This was the highest absentee rate of any political party – twice that of the ruling 'Civic Platform' and almost four times that of 'Law and Justice'. If absent 'Democratic Left Alliance' MPs had followed party line, 100% attendance would have ensured 16 more votes in favour of the motion to reject the complete ban on abortion.
- 4) There was a higher absentee rate for the ruling 'Civic Platform' Party in the motion to reject than in liberal abortion proposal, with 15 fewer MPs participating in the vote.
- 5) In contrast, the very low absentee rate of the 'Law and Justice' Party at less than 7% ensured their members were primed to vote against the liberal project and in favour of a complete ban. Assuming that absent 'Law and Justice' MPs would have followed the party line, 'Law and Justice' lost only 10 votes due to absenteeism.

## POLISH POLITICS IN AUGUST 2011

To understand how Poland came so close to instituting a complete ban on abortion, one must first understand the basics of politics in Poland. Unlike most other EU Member States, the Polish political landscape in the national parliament (or 'Sejm') is overwhelmingly dominated by centre right / conservative parties, who occupy 400 of the 460 seats. These parties are the ruling party of the 'Civic Platform' with the largest number of seats, along with the party of 'Law and Justice' (party of former President Kaczynski), the nationalist party 'Poland is Most Important' and the smaller 'Polish People's Party'. All of the parties follow a combination of both socially conservative and economically conservative ideologies.

On the centre-left there are the 'Democratic Left Alliance' and the much smaller 'Polish Social Democrats', who together occupy 46 of the Sejm's 460 seats (the remaining 14 seats are occupied by independents). There are no parties in the Polish Parliament which are affiliated with

liberal ideology (ie. economically conservative but socially progressive as represented by an affiliation with the Liberal International movement) or any green / environmental parties.

Therefore, any progress on either of the draft laws would require the support of centre right or conservative parties, the centre left being numerically too weak to advance an agenda in the Sejm by itself in the current legislature. In addition, at the time of the votes Poland was in an election campaign period with parliamentary elections scheduled for 9 October 2011. The initiative to ban abortion was a result of a campaign which had gathered 600.000 signatures of Polish citizens and the fact that the vote on its future fell so close to an election can be expected to have had an influence on the decisions of the Members of Parliament.

### General Overview of the Polish Political Landscape in the Sejm (Lower House)

Political Party Abbreviation	Political Party Name in Polish	Political Party Logo	English Translation Political Party Name	European Affiliation of Political Party	N° of MPs in Sejm	N° of MPs taking part in vote to reject liberal law	N° of MP taking part in vote to reject ban
PO	Platforma Obywatelska		Civic Platform	European People's Party	208	192	177
PiS	Prawo i Sprawiedliwość		Law and Justice	Alliance of European Conservatives and Reformists	146	136	136
SLD	Sojusz Lewicy Demokratycznej		Democratic Left Alliance	Socialist International / Party of European Socialists	43	29	27
PSL	Polskie Stronictwo Ludowe		Polish People's Party	European People's Party	31	24	23
PJN	Polska jest Najważniejsza		Poland is Most Important	Alliance of European Conservatives and Reformists	15	13	12
niez.	Niezrzeszonych	N/A	Independents	N/A	14	6	5
SDPL	Socjaldemokracja Polska		Polish Social Democrats	None	3	2	2

## POLITICAL PARTY POSITIONS

The votes on the two proposals took place consecutively during a normal sitting of the plenary of the Polish Sejm, where a range of other issues were also voted upon which were not related to abortion. At voting sessions in the Sejm there are no debates or speeches. Over 80% of Parliamentarians were present for each vote, despite the fact that the votes took place late in the evening at 9pm. Both motions were carried, meaning that the Sejm voted to reject both draft laws, thus ending the legislative work on both.

The following is a summary of party positions on both motions:

Political Party Logo	English Translation Political Party Name	Reject the Liberal Bill	Reject the Abortion ban
	Civic Platform	<b>In favour</b>	<b>In favour</b>
	Law and Justice	<b>In favour</b>	<b>Against</b>
	Democratic Left Alliance	<b>Against</b>	<b>In favour</b>
	Polish People's Party	<b>In favour</b>	<b>Against</b>
	Poland is Most Important	<b>In favour</b>	<b>Against</b>
N/A	Independents	<b>Mixed</b>	<b>Mixed</b>
	Polish Social democrats	<b>Mixed</b>	<b>In favour</b>
Constructive approach to abortion	Mixed approach to abortion	Restrictive approach to abortion	

## PARTY DISCIPLINE & DEFECTIONS FROM PARTY LINE

There was a high degree of party discipline for both votes, and the few defections from party lines which did take place all favoured a more conservative approach to abortion. All voting MPs from the four centre right parties followed their respective party lines to vote in favour of rejecting the liberal bill. While all participating MPs from the 'Democratic Left Alliance' voted against rejecting the liberal bill only the small left wing Polish Social Democrats were split on the liberal bill.

For the motion to reject the total ban on abortion a significant defection from party line did take place in the ruling Civic Platform. Here 15 MPs decided to vote against rejecting the ban, representing a defection equal to 7.21% of the parliamentary party. This defection suggests the existence of a faction within Civic Platform which would favour a more restrictive approach to abortion than the current status quo.

The fifteen Civic Platform MPs who defied their party position in favour of a complete ban on abortion are (of which, only one is a woman):

Paweł Arndt	Joanna Fabisiak	Mariusz Grad
Wiesław Kilian	Roman Kosecki	Mirosław Koźlakiewicz
Jan Filip Libicki	Dariusz Lipiński	Mirosław Pluta
Grzegorz Raniewicz	Mirosław Sekuła	Andrzej Smirnow
Jacek Tomczak	Wojciech Ziemniak	Jacek Żalek

All participating MPs from all other parties adhered strictly to party positions. From the other three centre right parties all MPs voted against rejecting the abortion ban and the two centre-left parties voted to reject the ban.

## PRESENCE AT THE VOTE

While there was overall a high attendance rate for the two votes, with over 83% of all MPs taking part in each vote, there were wide discrepancies in attendance between parties. The political party which ensured the highest participation of its members was the 'Law and Justice' Party, with an absentee rate of less than 7% for both votes. Indeed, 'Law and Justice' seems to have ensured that its members were present to ensure a vote against the liberal project and for a complete ban. Other centre-right parties had an average absentee rate of 20%.

Surprisingly, the party with the highest absentee rate was the 'Democratic Left Alliance' with approximately one third of its members not attending either vote (absentee rate of 32.56% for the liberalisation initiative and of 37.21% on the complete ban initiative). While there were a greater number of voters on the liberal abortion initiative (402 voters) than on the complete ban project (389 voters), the trends related to participation did not differ significantly.

Political Party Logo	English Translation Political Party Name	Absentee rate from motion to reject liberal initiative	Absentee rate from motion to reject total ban
	Civic Platform	7.69%	14.90%
	Law and Justice	6.85%	6.85%
	Democratic Left Alliance	32.56%	37.21%
	Polish People's Party	22.58%	25.81%
	Poland is Most Important	13.33%	20.00%
N/A	Independents	57.14%	64.29%
	Polish Social democrats	33.33%	33.33%

## REFERENCES:

Official record of the voting results on the measure to ban abortion:

<http://orka.sejm.gov.pl/SQL.nsf/glosowania?OpenAgent&6&99&170>

Official record of the voting results on the measure to liberalise abortion:

<http://orka.sejm.gov.pl/SQL.nsf/glosowania?OpenAgent&6&99&169>

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## VOTE ON THE TOTAL BAN ON ABORTION

“The proposal to reject the whole bill to amend the law on family planning, protection of the human fetus and conditions for the admissibility of abortion and some other acts”

The result vote on the motion to reject the total ban on abortion was very narrow, with a margin of five votes between the two blocs in favour of rejecting the draft law. The main difference in the rejection of the ban motion was the position of the ruling party Civic Platform, which aligned itself with the two centre left parties. Of the 382 MPs present for the vote, 191 voted for rejecting the abortion ban while 186 voted against rejecting the motion for the abortion ban.

The party most strongly favourable to the complete abortion ban was the Law and Justice Party, where over 93% of its members voted against the motion in question. This is 20% points above the other two centre-right/conservative parties, where on average more than 70% of their members voted against the motion.

The fact that the two largest political parties, Civic Platform and Law and Justice, took such strong and diametrically opposed positions and enforced party lines for voting discipline is demonstrative of the role that abortion is playing and will continue to play in the run up to the legislative elections of October 2011. Indeed, Civic Platform and Law and Justice are each other's main rival for gaining primacy in the Polish Parliament. Civic Platform's decision to block a complete ban on abortion may have less to do with women's health and rights than the need to differentiate itself from Law and Justice.



Parliamentary Group	Total MPs in Sejm	Voters on Motion	For the Motion	Against the Motion	Abstention	Absent	% taking part in vote	% of whole party voting for the motion	% of whole party voting against the motion	% of whole party abstaining
Civic Platform	208	177	160	15	2	31	85.10%	76.92%	7.21%	0.96%
Law and Justice	146	136	0	136	0	10	93.15%	0	93.15%	0
Democratic Left Alliance	43	27	27	0	0	16	62.79%	62.79%	0	0
Polish People's Party	31	23	0	22	1	8	74.19%	0	70.97%	3.23%
Poland is Most Important	15	12	0	11	1	3	80.00%	0	73.33%	6.67%
Independents	14	5	2	2	1	9	35.71%	14.29%	14.29%	7.14%
Polish Social Democrats	3	2	2	0	0	1	66.67%	66.67%	0	0
<b>Sub-totals</b>	<b>460</b>	<b>382</b>	<b>191</b>	<b>186</b>	<b>5</b>	<b>78</b>	<b>83.04</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>

## VOTE ON THE MEASURE TO LIBERALISE ABORTION

“On adoption of the motion to reject the first reading of the parliamentary bill on Parental Awareness”

The vote on the motion to reject the liberal law took place first and was resoundingly accepted with 369 in favour against only 31 votes against. This means that 91.79% of the Parliamentarians present voted against liberalising access to abortion. Liberalising Poland's abortion law gathered less than 8% of support in the Sejm.

Among political parties, only MPs from the 'Democratic Left Alliance' unambiguously supported the measure while even the smaller 'Polish Social Democrats' were split on the measure with each of their three MPs either voting for the rejection, against the rejection and the third was absent from the vote.

All centre right / conservative parties voted in favour of rejecting the liberalising measure and the very low level of abstention (only 2 MPs representing 0.5% of voting MPs) suggests that clear instructions were provided by party leaderships to ensure voting discipline.



Parliamentary Group	Total MPs in Sejm	Voters on Motion	For the Motion	Against the Motion	Abstention	Absent	% of whole party taking part in vote	% of whole party voting for the motion	% of whole party voting against the motion	% of whole party abstaining
Civil Platform	208	192	191	0	1	16	92.31%	91.83%	0.00%	0.48%
Law and Justice	146	136	136	0	0	10	93.15%	93.15%	0.00%	0.00%
Democratic Left Alliance	43	29	0	29	0	14	67.44%	0.00%	67.44%	0.00%
Polish People's Party	31	24	24	0	0	7	77.42%	77.42%	0.00%	0.00%
Poland is Most Important	15	13	13	0	0	2	86.67%	86.67%	0.00%	0.00%
Independents	14	6	4	1	1	8	42.86%	28.57%	7.14%	7.14%
Polish Social Democrats	3	2	1	1	0	1	66.67%	33.33%	33.33%	0.00%
<b>Sub-Total</b>	<b>460</b>	<b>402</b>	<b>369</b>	<b>31</b>	<b>2</b>	<b>58</b>	<b>87.39%</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>