

DOSSIER

Political advancements protecting life: two successful experiences

Amy Sinclair • Piotr Uściński • Diego Hernández

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The Political Network for Values is an international platform of political representatives who promote and defend, locally and globally, the values they share, including the protection of human life, marriage and the family, freedom of religion and conscience.

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Summary

- 05 | **Introduction**, Lola Velarde
- 07 | **What is the Heartbeat bill?** by Amy Sinclair
- 10 | **USA: where a heart beats, there is a life**, interview with Amy Sinclair
- 16 | **How we repeal eugenic abortion**, by Piotr Uściński
- 19 | **Poland: checkmate the main cause of abortions in the country**,
interview with Piotr Uściński
- 24 | **Five lessons in political realism and love of life**, by Diego Hernández
- 30 | **Documents:**
Heartbeat bill, Iowa Senate, USA, 2018.
Appeal for the declaration of unconstitutionality of eugenic abortion, 119 deputies of the Sejm, Poland, 2019
Sentence K 1/20, Constitutional Court, Poland, 2020.

Introduction

One of the purposes of the [Political Network for Values](#) is to facilitate the exchange of successful experiences and good practices among political representatives. The dossier you are now reading is the result of the Transatlantic Dialogue held on May 28, 2021 with the participation of Amy Sinclair, Iowa Member of Senate (USA), and Piotr Uściński, Member of the Polish Parliament (the Sejm).

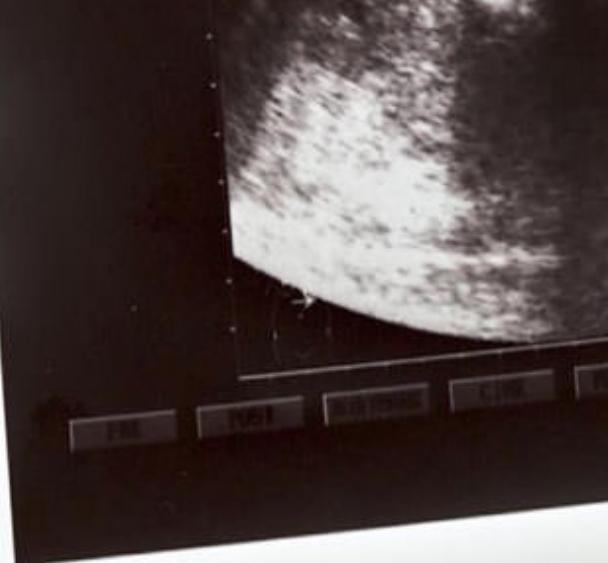
Both present first-hand accounts of the initiatives they respectively championed. Sinclair explains the origin, meaning and consequences of the groundbreaking Heartbeat Bill, which, despite being blocked, generated an intense ripple effect that reached 12 other states and even the doorstep of the Supreme Court. Uściński shares the reasons that led 119 legislators to request the Polish Constitutional Tribunal to repeal eugenic abortion. They explain this through a brief article and the interviews they granted us. In addition, we have added annexes with the texts of the Iowa Heartbeat Bill and the Polish appeal.

I would like to underline that behind these stories there is a powerful message of hope: those who defend life can and must be steps ahead of those who profit from death. This is one of the lessons learned from these two cases; 3 more lessons can be read in the final analysis by the journalist and director of communication of our Network, Diego Hernandez. We hope that this dossier may encourage its readers to undertake similar initiatives where circumstances allow and, above all, to never give up, embracing the spirit that impregnates these pages. I wish you a good time reading.



Lola Velarde

Directora Ejecutiva de la Political Network for Values



What is the Heartbeat bill?

By *Amy Sinclair* | USA

In 2017 Iowa began a journey to protect all life, particularly unborn life, when Republicans took control of the Iowa House, Iowa Senate, and the Governor's office. That process was one that took Iowa's abortion laws from the least restrictive of all states in the United States to among the most restrictive...from one of the most dangerous places to be an unborn child to one of the safest.

This didn't happen overnight, but rather was a process of several bills to build public awareness and to address all aspects of the assault on the preborn. The first step was to limit access to family planning funds so that abortion providers could not utilize the money available for birth control and counselling. The second step, and this is where Iowa's law can currently be enforced, was to limit all abortions past 20 weeks gestation. Prior to 2017, there was no limit on abortion. Also passed by the Senate in 2017 was a bill that banned the sale of fetal body parts. This bill was ultimately amended in 2018 and used as the vehicle to advance the Fetal Heartbeat Abortion Ban in Iowa. The final bill that was passed restricted abortion once a fetal heartbeat was detected, but included exceptions for rape, incest, and the life of the mother up to the 20-week limitation on abortion.

While Iowa's 2018 Heartbeat Bill was struck down by our state court system, the measures that Iowa took eventually led to a national movement to protect life. By 2019 - only a year later - nine states had passed similar legislation and today there are 13 states that have laws that restrict or prohibit abortion once a fetal heartbeat has been detected. And while all of these laws have faced challenges within our court systems and are currently not in force, the United States Supreme Court has now agreed to hear the Mississippi case, which could lead to an eventual overturn of the precepts that exist in the Roe v. Wade decision that continues to keep abortion legal in all 50 US States.



Amy Sinclair *is a member of the Senate of the state of Iowa, in the United States, since 2013, and of the Republican Party, her family is dedicated to cultivating the field, she is married and has three children.*





Iowa Sen. Amy Sinclair

USA: where a heart beats, there is a life

*Political Network for Values interview
to the senator **Amy Sinclair***

In her first pregnancy, at age 19, she heard her son's heartbeat and immediately, instinctively, knew that this was a new and independent life. Years later, another heartbeat, the one that faded in his father's heart, also marked his existence and his orientation in political activity. Amy Sinclair is a Republican senator in the state of Iowa, where the Heartbeat Bill was passed in 2018 for the first time, which prevented the murder of unborn babies from the moment their heartbeat was detected. heart. The law was repealed by a local court, but it started a kind of chain reaction throughout the country: since

then almost half of the states of the American Union have passed similar laws, and the Supreme Court, now with a conservative majority, will analyze the case of one of those laws, that of Mississippi, and it may be that it will reverse the Roe vs. Wade sentence, which in 1973 legalized abortion in the country.

What was the legal situation on abortion in Iowa before the approval of this Bill?

Prior to the passage of SF359 and several other bills that were passed during Iowa's 87th General Assembly, Iowa had some of the least restrictive abortion laws in the United States. There was no late term abortion ban, there was no informed consent law related to viewing/hearing the ultrasound or a fetal heartbeat, there was no restriction on the use of tax funds related to abortion providers.

How did the idea of this legal initiative come about?

When conservative lawmakers took control of state government following the 2016 election cycle, protecting life was the top priority. As described above in the process, there were several steps taken to get to the Heartbeat Bill. These dealt with late term bans, funding restrictions, and informed medical decision-making related to abortion, as well as bans on the use of fetal body parts and tissues for medical use. The language ultimately adopted in SF359, which restricted abortions following the detection of a fetal heartbeat, came about through cooperation with members of a federal congressional delegation and tailored to meet the needs of our state laws. The language of the "heartbeat" was used because the concept of a heartbeat being the physical indication of life is one that is easily understood and easily defended.



Photograph of a 9-week-old baby, his heartbeat can already be clearly heard

What were the main obstacles you found and how did you overcome them?

The main obstacles we faced through this process are twofold: major abortion providers are well-funded and will do everything they can to prevent the ending of abortion. They are determined not to have their major moneymaker taken from them and will use the complicit media, intimidation, and any other avenue to protect it.

Secondly, our court system must be taken into account. Because of prior court decisions, including the Roe case and the later Casey case, the judicial branch has long been tied to that prior precedent in determining the outcome of legal challenges to laws restricting abortion.

How did you manage to obtain a majority agreement and a sufficient number of votes to win?

The November 2016 elections brought sweeping changes to Iowa's state government. Conservative policymakers were elected in large

numbers as Iowans began rejecting an agenda by the left that didn't align with their worldview. Those legislators were sworn in January of 2017 and began advancing conservative policies, including many pro-life initiatives. Republicans held control of both the House and Senate chambers as well as having the support of a Republican governor. While not all Republicans are pro-life, the logic of the proposed pieces of legislation managed to convince a majority of the lawmakers to support their passage and ultimately be signed by a very pro-life governor.

After yours, there were other similar Bills all over the country. What improvements would you make to the Iowa legislation today?

Iowa's legislation was used as a model for what today are 12 other state statutes. Initially I opposed, and still do oppose, the exceptions made for rape and incest. Those exceptions were ultimately necessary for the passage of the legislation. I am pragmatic in my approach to lawmaking, so I believe we passed the law that made the most sense for our state. One change I would make to the legislation would be to add language that included enacting provisions to be in effect should *Roe v. Wade* be overturned at a later date. Other states have taken similar steps so that the life protections will be in place as soon as possible.

What benefits have this Bill brought to the State and eventually the country?

Many benefits exist for our nation with the passage of this bill. As previously indicated, Iowa's law was overturned by our judicial system, but the passage of our legislation sparked a movement within other conservative states that will ultimately end the barbaric practice of murdering the unborn simply because they are unwanted by their parents. Currently 13 states have laws that protect unborn children as soon as a heartbeat is detected. And while they are tied up with the



A teenager speaks out in favor of the Fetal Heart Law in the USA

judicial system and currently barred from enforcement, we have finally seen one law out of Mississippi that is being considered later this year by the Supreme Court of the United States.

The passage of these heartbeat laws also has a broader impact on the society of our nation. The discourse that has been prompted within the states, and nationally as well as internationally, is shining a spotlight on what is the human rights violation of our time. Younger people are seeing the hypocrisy of only placing value on life if it has meaning to another rather than acknowledging that all life has intrinsic value regardless of another's opinion. Ultimately the ending of abortion must be a moral movement more than a legal movement. These bills have prompted people to consider the value of their fellow man and the rights to life and liberty that all human beings should share.





How we repeal eugenic abortion

By *Piotr Uściński* | *Polonia*

The proceedings concerning admissibility of eugenic reasons for abortion were initiated by a group of Members of Parliament represented by Doctor Bartłomiej Wróblewski and Piotr Uściński. The applicants questioned the constitutionality of the circumstances referred to in Article 4a of the Act on Family Planning, Human Embryo Protection and Conditions of Permissibility of Abortion of 7 January 1993 (FPA) as legitimating eugenic practices involving an unborn child, in this way depriving the child of its right to human dignity. They also identified a number of other circumstances affecting compliance of the above-mentioned provisions with the Constitution. First and foremost, the conceived child's right to life is conditioned by its health, which is direct discrimination, also termination of pregnancy is legitimated without being sufficiently substantiated by the need to protect another value, right or constitutional freedom and, finally, the criteria of legitimation are unclear, which violates the protection of human life guaranteed by the Constitution. The motion did not concern other circumstances in which abortion is permissible. It should be noted that the Tribunal is bound by the scope of appeal determined in the motion. Thus, only eugenic abortion was analysed in terms of its compliance with the constitution.

In its Ruling of 22 October 2020 issued in case K 1/20, the Constitutional Tribunal determined that Article 4a(1)(2) of the FPA is inconsistent with Article 38 in conjunction with Article 30 in conjunction with Article 31(3) of the Constitution of the Republic of Poland. The Ruling of the Tribunal entered into force and became effective on 27 January 2021 upon publication in the Polish Journal of Laws (item 175). Consequently, abortion for eugenic reasons (embryo pathology) has become illegal in Poland. The other two circumstances legitimizing abortion have remained in force, namely medical (saving the mother's life and health) and criminal (pregnancy as a result of an offence).

Prior to the entry into force of this Ruling of the Constitutional Tribunal, abortion was in principle a felony according to the Polish law. The only three exceptions were admissible: (1) when pregnancy posed a threat to the health or life of the child's mother, (2) when prenatal tests or other medical considerations suggested a high likelihood of severe and irreversible impairment or terminal disease of the child in utero, and (3) when pregnancy resulted from an offence. The former law was the effect of the Ruling of the Constitutional Tribunal of 28 May 1997, stipulating that the social circumstance of the admissibility of abortion was contrary to the principle of the democratic rule of law. Most abortions were done in Poland for reasons of eugenics (embryo pathology). Down syndrome was, on average, the cause for 37% of all abortions performed annually.



Piotr Uściński is a deputy of the Sejm, the Lower House of the Polish Parliament, president of the Parliamentary Group for Life and the Family, and a member of the Law and Justice party.





MP Piotr Uściński

How we repeal eugenic abortion

*Political Network for Values interview
to the deputy **Piotr Uściński***

Polonia is, comparatively, one of the countries in Europe that has one of the most restrictive laws on abortion. The case is unique because during the decades that the country was subjected to communism, a favorable legal framework for the murder of unborn babies prevailed, and with democratization, starting in the 90s, and the entry into the scene of the Law and Justice party, in 2001, it progressively restricted the practice, but without succeeding in penalizing it completely.

Over the past 30 years, victories and defeats of pro-life and abortion agendas have intertwined. The most recent victory for life in Poland,

achieved in 2020, repealed eugenic abortion. However, it was not through a legislative reform but through an appeal filed before the Constitutional Court in 2019 by 119 deputies. According to data from the Ministry of Health, abortion of babies diagnosed with congenital diseases represents 97% of all abortions performed in the country and 4 out of 10 are children with Down syndrome. One of the leaders of that process was Piotr Uściński, a deputy from the Law and Justice party and president of the Front for Life and Family in the Sejm, the lower house of the Polish Parliament. This is our conversation:

What was the legal situation in Poland before the ruling of the Constitutional Court?

The 1993 Act allowed abortion only in three cases: 1. When the life and health of a pregnant woman is at risk; 2. When there is a probability of severe and irreversible impairment of the fetus or an incurable disease that may endanger its life; 3. When there is a justified suspicion that the pregnancy is the result of an act prohibited.

How did the idea of appealing to the Constitutional Court come about?

In 1997, the constitutional court revoked the fourth exception, which was added to the law by the parliament (it was the possibility of abortion due to the difficult situation of women). At the time, however, the tribunal was only ruling on that one provision (difficult situation). So we thought it was a good way to go. Our appeal concerned only one (eugenic) exception to the prohibition of abortion.

What political and legal context in the country made it possible to carry out this initiative?

There have been two major social initiatives to protect life recently: one of them was a civic bill prohibiting abortion completely - rejected by the Parliament-, and the other was a bill identical to our appeal,



prohibiting eugenic abortion - not considered-. It was difficult to actually get a political decision of a parliamentary majority, whereas it took only several dozen MPs' signatures to submit an application to the Constitutional Court, and it was not necessary to wait for a political consensus.

What were the main obstacles you found and how did you overcome them?

First: We have waited a long time for the verdict of the constitutional court. We just had to wait, we could only keep praying.

Second: the big problem for us was the misunderstanding among some of the prolife activists. I know this is hard to understand, but we were accused of bad intentions, that the submission of the appeal does not make sense and only harms the fight for the life of unborn children: some said that we should try to pass a law on this matter, and not appeal to the tribunal, others said that we should fight for adding the

words "from conception" to Art. 38 of the Constitution. Time has shown us to be right.

How did you manage to obtain the sufficient number of supports to file the appeal?

It was not difficult, there are many deputies in the Polish parliament for whom protection of life is important, we collected over 100 signatures, although only 50 were required.

Did you enjoy the support of the Executive?

Most importantly, there were no obstacles. But many people are concerned about the future of life protection in Poland. They fear that the ruling of the Constitutional Court will only accelerate the extension of the right to abortion in the future. This is a serious concern and only God knows what the future will be.

What benefits have this constitutional ruling brought to the country?

First, sick and disabled children will not be legally killed before birth. It was about a thousand deaths a year. This is the most important.

Secondly, Poland has a legal system in which human life is respected before birth. We perpetuate the truth that human dignity comes from conception and everyone has the right to life, regardless of whether they have down syndrome or other disabilities, regardless of whether they are born or not.





Five lessons in political realism and love of life

By *Diego Hernández* | *Brasil*

At least five lessons emerge from the policy initiatives presented in this dossier. The Heartbeat Bill, approved in 2018 by the Senate of Iowa in the United States, and the appeal signed by 119 parliamentarians and filed in 2019 before the Constitutional Court of Poland, the ruling of which repealed eugenic abortion in the country - both generated objective advances in the defense of human life. These examples must be disseminated and replicated wherever possible, with the adaptations that the circumstances require. For this reason, it is worth noting some useful lessons for those who strive to promote and defend life, family and fundamental freedoms.

Lesson #1: use power when conquering. At the 2016 elections in the United States, in the state of Iowa the Republican Party won: they became the governing party of the state having control over the House of Representatives and the local Senate. A group of Republican parliamentarians decided to take advantage of the favorable scenario and start promoting significant changes in the defense of life, culminating in a process composed of a series of legislative acts. They gradually cornered the main promoters of abortion and neutralized their modus operandi: they “closed the tap” of public financing,

banned the trade of fetal body parts, introduced aids to pregnant women and families in vulnerable situations, and established stricter and stricter limits to abortion. In just a few years, Iowa went from being one of the most dangerous places for a fetus to one of the safest. First, carrying out abortion after 20 weeks of gestation got restricted, and then, after the baby's heartbeat could be detected, that is, from week 8 or 9 of gestation. All in just 4 years. They conquered a patch of power and used it promptly, intelligently, systematically and consistently to save lives.

Lesson #2: *who persists, advances.* In Iowa, the Heartbeat Bill was fiercely attacked by the abortion consortia and brought to court. The state judicial system repealed it. In Poland, abortion was legal throughout the communist regime. In 1990, with the fall of the Soviet Bloc the first restrictions on its practice were established, but a parliamentary majority was never achieved that would allow its complete prohibition. In 2011, half a million citizens presented an initiative in this regard, but it was not approved. In 2016 there was a second attempt, and in 2017 the Law and Justice Party proposed a project to end eugenic abortion, but it did not go through either.

Well, in both cases the persistence of the legislators, despite the obstacles they faced, paid off. In the United States, the Heartbeat Bill spread like “wildfire”: along with Iowa, 12 more states have approved it, which are Alabama, Arkansas, South Carolina, North Dakota, Georgia, Kentucky, Louisiana, Mississippi, Missouri, Ohio, Tennessee and Texas, and the states of Maryland, Minnesota and West Virginia recently began processing it. Although the law has been judicially blocked in practically all the states where it was passed, it has generated an intense and very positive debate on the right to life throughout the country. In addition, in case of Mississippi, the Bill reached the

Supreme Court for further analysis and with the current court configuration there is the possibility of a favorable ruling, which would inflict a mortal wound on the Roe vs Wade sentence.

In Poland, successive defeats to pass a law that would fully criminalize abortion did not paralyze MPs Bartłomiej Wróblewski and Piotr Uściński: they opted for an alternative, a risky but viable path, to appeal to the Constitutional Court. Although judicial activism infects the courts of most of the world, the previous rulings on abortion of this body favored the right to life. They saw that they had an opportunity and took it. The Court agreed with them. Eugenic abortion was declared unconstitutional and thereby eliminated the grounds for authorizing no less than 97% of abortions in the country. In both Iowa and Warsaw, they did not give up. They persisted and advanced.

Lesson #3: *it is possible to reverse the advances of the abortion agenda.* The experiences narrated in this dossier by Senator Amy Sinclair and MP Piotr Uściński were able not only to stop, but also to reverse the apparently consolidated and definitive conquests of the legalization of abortion. And this is a lesson for hope. Objectively, the State of Iowa is in a much more favorable situation today for the protection of the right to life than five years ago, and also a better one in Poland than a year ago. Both are currently considered territories, one within the United States and the other in Europe, with highly restrictive legal systems on abortion. And that translates into lives. But this required a good deal of realism.

Lesson #4: *realism.* This is one of the strongest conclusions we can draw. Neither the Heartbeat Bill, nor the judicial appeal signed by 119 parliamentarians and the consequent ruling of the Constitutional Court of Poland are “perfect”. They do not totally prohibit abortion or explicitly recognize that every human being, regardless of their

condition or degree of development, has an inherent dignity from the moment of conception. However, both initiatives achieved the greatest possible good given the specific circumstances that gave rise to them. In Iowa, to pass the law in the Senate it was necessary to include some exceptions and focus the protection of the baby not on the dignity, but on another fact that conquered the required majority: the heartbeat. Because where there is heartbeat, there is life. In Poland, faced with the impossibility of passing laws that would limit abortion in Parliament, they prosecuted one of the three causes of legal abortion. Why not all of them? The possibility that the challenge would be rejected if contesting all was very high. They opted for the motion of unconstitutionality that would concern 9 out of 10 abortions. The same tactic that "progressives" use where the courts are infected by judicial activism. It was a "Molotov cocktail" thrown at the "right to abortion" roared radical feminism.

Such decisions cannot be considered neither cowardly compromise nor cynical pragmatism, in which not a few politicians fall, since the two initiatives were seen by their promoters as steps within a process towards the full recognition of the right to life. This requires realism and a clearly expressed right intention and reminds us all that political practice demands the virtue of prudence and carefulness.

It is significant that in both cases there was a "friendly fire". Dialogue between politicians and civil society leaders as well as a joint and articulated action are fundamental, but it must be recognized that if they had been paralyzed by failing to promote the "perfect" solutions, the changes that we have today would not exist.

Lesson #5: *stay a few steps ahead.* Finally, with the two initiatives, their authors took a few steps ahead of the opponents of the right to life and set the political agenda. They went from a reactive attitude to a proactive and assertive one. This is what Lola Velarde underlines in the

Portico of this dossier. Although the two cases impose restrictive measures, they can hardly be considered reactive, since the approach of Senator Sinclair in the United States, and that of MP Uściński in Poland saw far away, moved the focus of the debate to another point, and acted in an unexpected, surprising the "Tyrians and Trojans".

So far five lessons, among others that we could list, from what Amy Sinclair and Piotr Uściński shared with us at first hand. They are a clear example that it is possible to move forward with hope despite living in such dark times that we have nowadays.



Diego Hernández *is a journalist and the director of Communication and Development for Iberoamerica.*



Documents

Full texts in English.

Heartbeat bill, Iowa Senate, USA, 2018.

Appeal for the declaration of unconstitutionality of eugenic abortion, 119 deputies of the Sejm, Poland, 2019

Sentence K 1/20, Constitutional Court, Poland, 2020.

01 | Heartbeat bill (SF359)

Iowa Senate | USA | 2018

<https://politicalnetworkforvalues.org/en/2021/06/heartbeat-bill-usa/>

02 | Appeal for the declaration of unconstitutionality of eugenic abortion

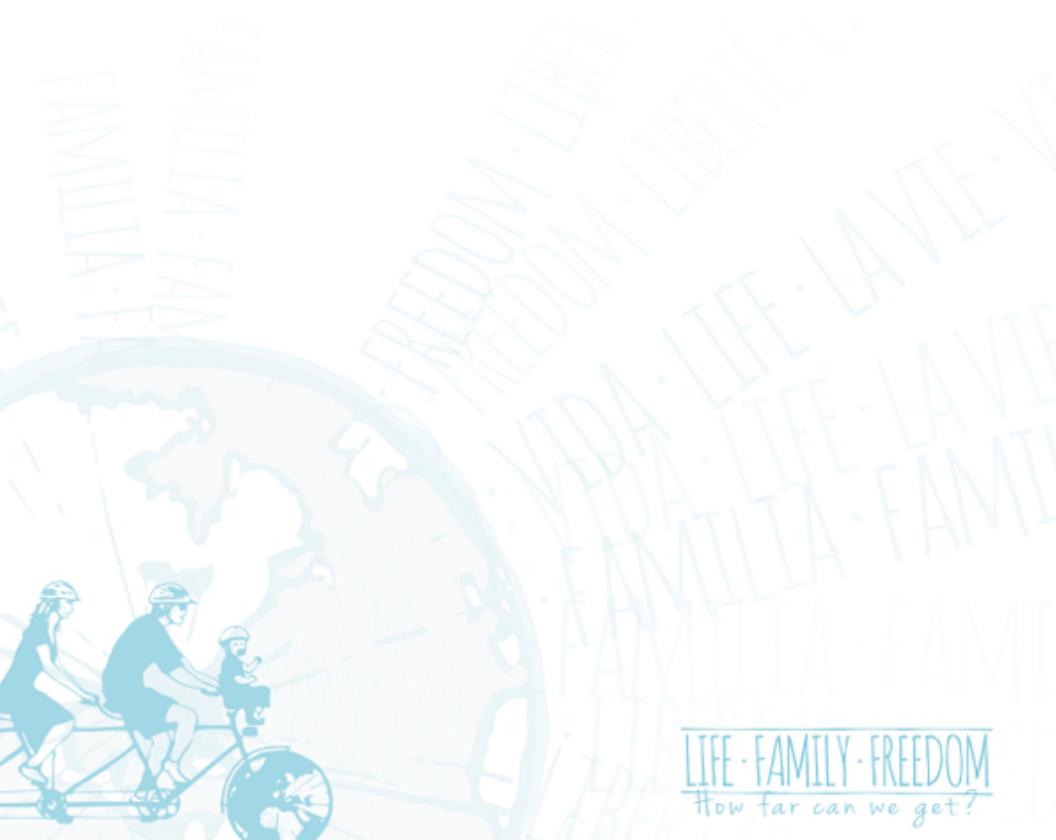
119 deputies of the Sejm | Poland | 2019

<https://politicalnetworkforvalues.org/en/2021/06/unconstitutionality-of-eugenic-abortion-poland/>

03 | Sentence K 1/20

Tribunal Constitucjonal | Polonia | 2020

<https://politicalnetworkforvalues.org/en/2021/06/unconstitutionality-of-eugenic-abortion-poland/>



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