



Federation for Women and Family Planning
13/15 Nowolipie St, 00-150 Warsaw
tel./fax: 022 635 93 95; 022 887 81 40
biuro@federa.org.pl; www.federa.org.pl

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On behalf of the Federation for Women and Family Planning and 16 organizations

Thank you for the opportunity to deliver this statement on behalf of 16 organizations that have made a joint submission to the Committee regarding access to abortion services for women in Poland.

Under the Act on Family Planning of 1993 abortion is legal only in three narrow cases: when pregnancy is a result of sexual assault, when it poses a threat to the life or health of the woman and in cases of fetal impairment. However, in reality even women who do meet the very strict requirements are generally not able to access legal abortion services in practice due to a range of factors.

First, the criminalization of abortion outside those exceptional circumstances and the very restrictive nature of the law itself has generated a punitive and stigmatizing environment and a strong “chilling effect” on doctors that undermines effective implementation of the law.

Second, conscience-based refusals of care are widespread and a key obstacle to women’s access to legal abortion. There are entire regions of Poland where women are unable to find a doctor or hospital willing to perform an abortion under the law. The government has failed to put in place and implement an effective regulatory framework regarding conscience-based refusals, and following a 2015 judgment of the Constitutional Tribunal the regulatory framework has been significantly weakened. The Tribunal found unconstitutional doctors’ referral obligation when refusing care on grounds of conscience. Without an effective referral system women’s access legal reproductive health services in Poland cannot be guaranteed.

Third, the lack of timely and effective mechanisms for women to establish their entitlement to legal abortion services is another key shortcoming. The government has established a complaint procedure but it does not meet the needs of women in these circumstances for timely and enforceable decisions and is hardly being used.

Fourth, the implementation of Poland’s abortion law is marred by arbitrariness. Hospital procedures and guidelines are often incomplete and arbitrary and many hospitals impose requirements beyond those specified in the law such as additional medical opinions or consultations which delay or in effect prevent women’s access to legal abortion services.

The restrictive nature of the law and the many barriers it generates leads many women to seek clandestine and unsafe abortions, self-administer the abortion pill, or travel to another country to access abortion services. The law’s impacts varies among different groups of women depending on their socio-economic status and causes further discrimination against marginalized women.

Finally, many of you will be aware that Poland’s parliament very recently rejected a proposal to ban abortion entirely. However, we remain very concerned about further attempts to restrict the law. It is already functioning as nearly as de facto ban on abortion and we therefore encourage the Committee to call on the government to decriminalize abortion and legalize abortion on a woman’s request, at least within the first trimester.