



Brussels, 14 July 2020

Dear Members of the Polish Parliament,
Dear Colleagues,

As Members of the European Parliament we are writing to **urge you to support the amendment proposed by the Senate to Article 39 § 2 of the draft bill on the professions of doctor and dentist** (Act of 5 December 1996 on the professions of doctor and dentist; see Journal of Laws of 2020, item 514, as amended).

The amendment would modify Article 39 by introducing into Polish law an obligation on health facilities to refer women to an alternative doctor or health facility if they have been refused health care, including legal abortion care, by a doctor in the health facility on grounds of conscience or religion.

Adopting this amendment is critical to Poland discharging its international human rights obligations to ensure that conscience-based refusals by doctors do not undermine women's timely access to legal reproductive health services. International human rights bodies have affirmed that states that allow doctors to refuse health care on grounds of conscience or religion must adopt a regulatory framework that meets certain minimum criteria, including that patients must be referred to an alternative provider.

Under current Polish law there is no obligation on health facilities or doctors to refer women seeking abortion care to an alternative provider when they are refused care on grounds of conscience or religion.

Women in Poland face a multitude of barriers in access to legal abortion care including widespread refusals of care on grounds of conscience and religion and ongoing failures to guarantee referral of women in those circumstances to another health facility or provider. It is therefore critical that the Sejm approves the amendments to ensure that women seeking legal abortion care are guaranteed timely care by being referred to another doctor or health facility when they encounter doctors invoking the conscience clause.

In March 2020, the Council of Europe's Committee of Ministers, which monitors the execution of three landmark judgments from the European Court of Human Rights against Poland concerning access to legal abortion care and related information, noted with interest that the government intended to amend the Act on the professions of doctor and dentist to explicitly provide that health facilities are obliged to refer women to another facility or provider when they encounter doctors invoking the conscience clause. The Committee of Ministers urged the Polish authorities to adopt this amendment without delay to comply with the judgments of the Court.

Failure by the Sejm to adopt the amendment would perpetuate ongoing violations of Poland's international human rights obligations to guarantee women access to legal abortion care and ensure that doctors' refusals of care do not undermine access to care to this care and would further undermine compliance with the judgments of the European Court of Human Rights.

We therefore strongly urge you to support this important amendment.

Yours sincerely,

All of Us Coordinators:

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