



Federation
for Women
and Family
Planning

Secretariat of the Committee against Torture
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**List of Issues Prior to Reporting: Poland
for the Committee against Torture 73rd session (April-May 2022)**

The Federation for Women and Family Planning¹ present this submission to the Committee against Torture for its consideration in the context of the preparation of the List of Issues Prior to Reporting on Poland's implementation of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. This submission highlights Poland's ongoing failure to comply with its human rights obligations under the Convention concerning access to safe abortion care. At the end of the submission the Federation included recommended questions for the Committee's list of issues prior to reporting.

In its recent concluding observations Committee against Torture of August 2019² advised Poland among other recommendations **to consider decriminalizing abortion** and issue guidelines on how to proceed with legal abortion, being mindful of the possible severe physical and mental consequences of denial, including after conscience-based refusals by doctors to perform abortions, and without requirements not specified in law; ensure that medical boards issue a decision within 10 days; ensure the provision of post-abortion health care for women, irrespective of whether they have undergone an illegal or legal abortion; **and ensure that neither patients nor their doctors face criminal sanctions or other threats for seeking or providing such care.**

Not only Poland has failed to take meaningful action in response to these recommendations, but it has taken retrogressive steps in order to further restrict access to safe abortion care. The most poignant evidence of ignoring international human rights bodies' calls regarding decriminalising abortion and access to abortion care was a ruling issued on **22 October 2020 by the politicized Constitutional Tribunal which further restricted access to abortion in Poland.** The ruling came into force on 27 January 2021 and it banned abortion in cases of

¹ The Federation for Women and Family Planning is a non-governmental organization based in Poland that works locally, regionally and internationally on advancement of women's reproductive rights through monitoring, advocacy and educational activities as well as strategic litigation before domestic and international courts.

²https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT/C/POL/CO/7&Lang=En

“severe and irreversible fetal defect or incurable illness that threatens the fetus’ life”. It had already had a tragic toll in the death caused to a young pregnant woman by a lack of provision of abortion care in the pregnancy condition constituting serious threat to her life (see the story description below).

Poland’s highly restrictive abortion law and practice **causes frustration of women’s reproductive autonomy and can inflict severe pain and suffering tantamount to cruel, inhuman or degrading treatment and shall trigger Poland’s responsibility under this Convention.** All the factors described below add to the degrading conditions of the system in which women and pregnant persons are not provided with the health services and support they need while doctors operate in the atmosphere of fear and intimidation.

1) Poland’s further legal restriction on access to abortion introduced in 2020

Since 1993 Poland has had one of the most restrictive abortion laws in Europe.³ Until January 2021, the law allowed abortion only when the life or health of a pregnant woman was at risk, in situations of severe or fatal fetal impairment or if a pregnancy resulted from sexual assault. In the previous submission to this Committee, Federation underlined that the stark effects of the restrictive legal framework has been compounded by a lack of effective regulation of conscience-based refusals of care by doctors, various extra statutory authorization requirements and absence of any guidelines and procedures that would facilitate access to legal abortion services.

The law became even more restrictive following a ruling of Poland’s Constitutional Tribunal from 2020. On 22 October 2020, Poland’s Constitutional Tribunal considered a petition challenging the provision of the 1993 law⁴ allowing for abortion in situations of “a high risk of severe and irreversible fetal defect or incurable illness that threatens the fetus’ life” as inconsistent with Art. 38 in conjunction with Art. 30 in conjunction with Art. 31 sec. 3 of the Constitution of the Republic of Poland filed by members of the Polish Sejm and formally supported by the Prosecutor General. The Tribunal announced that it considered those provisions unconstitutional.⁵ On 27 January 2021, the Tribunal’s decision was published in the Journal of Laws and took legal effect.

The Constitutional Tribunal’s decision must be seen in the context of the ongoing erosion of the rule of law in Poland. The independence and legitimacy of the Constitutional Tribunal has been severely undermined by reforms to the judiciary adopted since 2015. The Constitutional Tribunal can no longer be considered an “independent and impartial court.” The European Commission has noted that, “the constitutionality of Polish laws can no longer be effectively guaranteed. The judgments rendered by the Tribunal under these circumstances can no longer be considered as providing an effective constitutional review.”⁶ The Parliamentary Assembly

³ CENTER FOR REPRODUCTIVE RIGHTS, The World’s Abortion Laws, available at <https://reproductiverights.org/worldabortionlaws>.

⁴ Act of 7 January 1993 on Family Planning, Human Foetus Protection, and Conditions of Legal Pregnancy Termination, Art. 4a sec. 1 point 2.

⁵ The Constitutional Tribunal of Poland, Case no. K 1/20 (2020), https://ipo.trybunal.gov.pl/ipo/view/sprawa.xhtml?&pokaz=dokumenty&sygnatura=K%201/20#komparycja_20359.

⁶ Reasoned Proposal for a Council decision on the determination of a clear risk of a serious breach by the Republic of Poland of the rule of law (COM/2017/0835 final - 2017/0360 (NLE)), paras. 92-113 and 175(1). *See also* European Commission, 2020 Rule of Law Report Country Chapter on the rule of law situation in Poland, SWD(2020) 320 final (30 September 2020), p. 3, <https://eur-lex.europa.eu/legal->

of the Council of Europe, in its resolution adopted in January 2021, reiterated that “the Constitutional Tribunal seems to be firmly under the control of the ruling authorities, preventing it from being an impartial and independent arbiter of constitutionality and the rule of law.”⁷ As such, the October 2020 ruling of the Constitutional Tribunal cannot be considered to constitute an effective or legitimate constitutional review as required by rule of law principles.

2) The consequences of the Constitutional Tribunal ruling of 22 October 2020

Access to abortion care became even more difficult after the ruling of the illegitimate Constitutional Tribunal of 22 October 2020. „This ruling will have devastating consequences for women and adolescent girls in need of such terminations, especially those who are socio-economically disadvantaged and migrant women in irregular situations who do not have the means to go abroad for abortion services” the UN experts said in the communication issued after the ruling⁸.

a) Official abortion statistics for 2020 and partial statistics for 2021

According to the recent abortion statistics for 2020 provided by the Ministry of Health, there were a total of 1076 abortions carried out in 2020. Within this number, 1053 abortions were carried out on the grounds of fetal impairment and 21 abortions were carried out because of the threat for women’s life and health. The 2020 statistics show that there were 2 legal abortions carried out on grounds of sexual assault which maintains the trend of the last 10 years when only between 0 and 3 legal abortions have been performed each year on the ground of sexual assault⁹. **Abortions performed on the ground of severe or fatal fetal impairment accounted for 98 % of total number of abortions performed in Poland and in 2021 these interventions would not be legal anymore.**

The most recent and only partial official statistics for January and February 2021¹⁰ show that there were 112 so called “induced miscarriages” carried out in the public health care system while in the same period of 2020 there were 255. The decline is expected to be even greater since February was the first full month the decision of the flawed Tribunal came into force (only in February the number fell from 130 to 30).

As regards the prenatal testing, during these first 2 months there were 4 000 patients less than during the same period in the last year. This is due to the general decrease in the number of pregnancies but also due to the fact that doctors do not encourage women to have the tests done

content/EN/TXT/?qid=1602579986149&uri=CELEX%3A52020SC0320; European Parliament resolution of 26 November 2020 on the de facto ban on the right to abortion in Poland (2020/2876(RSP)).

⁷ Parliamentary Assembly of the Council of Europe, Judges in Poland and in the Republic of Moldova must remain independent, Resolution 2359 (2021) Provisional Version, point 12.1, <https://pace.coe.int/en/files/29000/html>. See also *Xero Flor w Polsce sp. z o.o. v. Poland* (Appl. no. 4907/18), Eur. Ct. H.R. (2021).

⁸ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26434&LangID=E>

⁹ While the research published in 2018 demonstrates that every 5th Polish woman experienced rape <http://www.fundacjaster.org.pl/upload/Raport-STERu-do-netu.pdf>

¹⁰ Obtained from the National Health Fund upon request from journalists, not yet accessible from the source.

as for the lack of options after receiving the results of the tests (as it has been confirmed by many doctors the Federation spoke to or who have been interviewed by the media recently)¹¹.

There are no official statistics of legal abortions for 2021 which could illustrate the change in number of legal abortions provided in Poland after the entry into force of the illegitimate Constitutional Tribunal ruling.

b) Role of the NGOs and informal groups in providing help to women

The burden of providing information, help, resources and access to abortion fell on the NGOs, informal groups and initiatives in Poland or abroad that help Polish women in accessing medical abortion and abortion care abroad. On top of all the legislative barriers indicated and other factors hampering access to SRHR services, Covid-19 pandemic exacerbated the difficulties relating to access to services abroad for the costs of travel increased by the necessity to do expensive tests and made these services available only to these persons who have financial resources and who can access information on services. This creates insurmountable obstacles in access to abortion for women and girls lacking access to financial resources and from the rural areas where even access to gynecologist constitutes a serious challenge.

The available data collected by the organizations helping women to get access to abortion show to some extent how the near total abortion ban affects women seeking access to abortion. The data available gives general overview of the situation and is not divided by age groups and other factors.

The Federation for Women and Family Planning during the year since the Constitutional Tribunal ruling answered 8.000 phone calls and 5.000 mails from women in a need for information on access to abortion and prenatal testing. The Federation also helped 300 pregnant women to have abortion in Poland on ground of a threat for their physical or mental health. We conduct interventions in cases when pregnant women's health or life is in danger due to the restrictive policies and reality in Poland.

According to data gathered by the organization Abortion Without Borders, 1.080 women had an abortion in the second trimester in foreign clinics during the year after 2020 Constitutional Tribunal ruling. 18.000 women ordered abortion pills from Women Help Women organization to have a medical abortion at home. The total number of abortions outside the system reported by Abortion Without Borders was 34.000 during the year. Total amount of support provided by Abortion Without Borders to women who needed abortion was over 700.000 PLN¹².

c) Criminalisation of abortion and chilling effect on doctors

Abortion is criminalized in all situations beyond the two exceptional circumstances and doctors or anyone else who helps pregnant person to obtain an abortion outside of the scope of the law is liable to up to three-year prison sentence¹³ and if the foetus has become capable of living

¹¹ <https://www.gazetaprawna.pl/wiadomosci/kraj/artykuly/8166757,legalne-aborcje-w-polsce-statystyki.html>

¹² <https://www.asn.org.uk/abortion-without-borders-helps-more-than-34000-people-in-poland-access-abortions/>

¹³ Polish criminal code: Article 152

§ 1. Whoever, with consent of the woman, terminates her pregnancy in violation of the law shall be subject to the penalty of deprivation of liberty for up to 3 years.

outside the pregnant woman's body shall be subject to the penalty of the deprivation of liberty for a term of between 6 months and 8 years (art. 152 § 3).

In the one year from the 2020 Tribunal's ruling, there were numerous reports of denial of abortion care to women who were entitled to obtain care under the law on the grounds of a risk to their life or health, further extending and exacerbating the obstacles that women face in accessing legal abortion care in Poland. The tragic consequences of the chilling effects of the ruling on doctors' decision making in providing medical care have been showed in Izabela case (described below).

The Federation forges a path for an wider interpretation of the ground for abortion which refers to the threat to women's life/health so that it could cover mental health problems related to pregnancy. However, again, many doctors fear issuing certificates on state of mental health qualifying for legal abortion. There is also opposition from the religious fundamentalists to considering mental health as equal to physical health component of overall health: one of the hospitals who refused to provide legal abortion to a 26 years old woman whose pregnancy was diagnosed with a fatal fetal impairment relied on the opinion of the religious fundamentalist organisation claiming that "depression does not constitute threat to health"¹⁴ (see the case from Białystok described below).

According to the most recent official statistics for 2020 there were 103 criminal proceedings instituted under 152 of the Polish criminal code, 37 crimes have been established. Moreover, the data and statistics are not recent as the government failed to present its report from the execution of the Act on Family Planning on time and the most recent detailed government statistics cover a year 2018.

d) Other circumstances adding to chilling effect on doctors

- Controls of hospitals providing abortion

The controls of the hospitals contribute to the overall atmosphere of fear and intimidation of doctors.

❖ In February 2021 the media reported¹⁵ that following the request of the antiabortion organisation, the Białystok Prosecutor ordered one of the hospitals to provide information on abortions performed after issuing of the ruling of the Constitutional Tribunal and before its entry into force and requested data of the patients. The Commissioner for Human Rights objected to this scrutiny stating that in this transition period the abortions on fetal conditions ground were still legal and the intervention of Prosecutor was unfounded¹⁶.

§ 2. The same punishment shall be imposed on anyone, who renders assistance to a pregnant women in terminating her pregnancy in violation of the law or persuades her to do so.

§ 3. Whoever commits the act specified in § 1 or 2, after the foetus has become capable of living outside the pregnant woman's body shall be subject to the penalty of the deprivation of liberty for a term of between 6 months and 8 years.

¹⁴ <https://www.wysokieobcasy.pl/wysokie-obcasy/7,163229,27862402,szpital-w-bialymstoku-odmowil-aborcji-powolal-sie-na-opinie.html>

¹⁵ <https://www.gazetaprawna.pl/wiadomosci/kraj/artykuly/8089894,wyrok-tk-ws-aborcji-prokuratura-w-bialymstoku.html>

¹⁶ <https://bip.brpo.gov.pl/pl/content/rpo-prokuratura-nie-moze-badac-aborcji-przed-wejsciem-w-zycie-wyroku-tk>

- ❖ In December 2021 **Bielanski hospital in Warsaw received an information on standard control of its gynecological unit** by the Regional Consultant of Gynecology where abortions are performed. Earlier, the facility was asked to prepare a register of abortions, list of refusals of abortion and the number of pregnancies where fetus died. The hospital issued a statement on the doubtful grounds of this standard control¹⁷. Finally the control visits did not take place or have been suspended due to media pressure and firm stand of the hospital.
- ❖ In December 2021 the Białystok refused to provide abortion to a woman who was 26 years old and her fetus suffered from acrania (no skull). In this lethal condition it is not possible for the fetus to survive but because of the ruling of the Constitutional Tribunal it was not possible for the doctors to terminate pregnancy on this ground. The doctors waited for the fetus to die. The pregnant woman's state of mental health aggravated, she has obtained two psychiatric certificates proving that her state of mental health is of such gravity that it constitutes threat to her health. However, the director of the hospital In Białystok refused to carry out abortion relying on the opinion of Ordo Iuris (anti-gender radical organization in Poland advocating for prison sentence for women who had abortion). Owing to the Federation's help, the woman had abortion in another hospital in Poland. **The Białystok hospital issued a statement¹⁸ where it admitted that the refusal of abortion was caused by the recent ban on abortion on fetus condition ground, fear of criminal sanctions and fear of losing the right to exercise the medical profession.** The hospital admitted that a year ago, before the ruling abortion care would have been granted in the similar circumstances.

- **Pregnancy register**

On 8 November 2021, the Polish Ministry of Health published a proposal for an amendment to the ordinance of the Minister of Health of 26 June 2020. The draft amendment concerns the scope of medical data that will need to be transferred by all medical service providers to the medical information system. The reporting will become mandatory on 1 July 2022.

3) Polish abortion cases before the European Court of Human Rights under Article 3 of the European Convention of Human Rights

Severe difficulties which women in Poland face in access to legal abortion services have been addressed by the European Court of Human Rights in three judgments against Poland.

a) “Old cases” - R.R. v. Poland and P.S. v. Poland and its lack of execution

In 2011 the European Court handed down its decision in R.R. v. Poland (complaint no. 27617/04), where it held that the State's failure to provide the applicant with an adequate procedure for accessing prenatal genetic testing, a prerequisite for a legal abortion in Poland

¹⁷ <https://www.bielanski.med.pl/2021/12/11/oswiadczenie-w-zwiazku-z-kontrola-konsultant-w-dziedzinie-poloznictwa-i-ginekologii/>

¹⁸ <https://federa.org.pl/stanowisko-ws-oswiadczenia-szpitala-w-bialymstoku/>

not only amounted to a violation of the State's obligations under Article 8, but also amounted to inhuman and degrading treatment under Article 3.

P. and S. case against Poland (complaint no. 57375/08) involved a fourteen-year-old girl who was raped by a classmate and subsequently became pregnant (“P”). In concluding that P had suffered a violation of her rights under Article 3, the Court emphasized P’s particular vulnerability as both a minor and a rape victim. Given the totality of the circumstances—including her difficulties obtaining a legal abortion and her detention the Court held that the authorities had treated P in a “deplorable manner,” and that her suffering amounted to a violation of Article 3.

Most recently, in December 2021 the Council of Europe’s Committee of Ministers¹⁹ has expressed again serious concern about Poland’s longstanding failure to ensure that women and girls in Poland can access legal abortion care in practice. The Committee of Ministers has urged Poland to implement three²⁰ landmark judgments on women’s access to abortion from the European Court of Human Rights and give effect to women’s entitlements to abortion under Polish law. The Committee of Ministers drew attention that following the Constitutional Court’s judgment of October 2020 new situations arise related to risks for pregnant women’s life or health, causing additional uncertainty for pregnant women and doctors. The Committee underlined that such situations require particular attention by the authorities who must ensure that a doctors’ assessment of risks to the woman’s health as a ground for lawful abortion, is guided solely by the genuine need to protect the life or health of the woman and is not compromised by pressure from other possible factors, such as the risk of criminal liability for performing an abortion combined with the very limited situations when abortion is currently permitted²¹.

b) Collective complaint of Polish women – cases communicated by the ECHR to the Polish government after the ruling of 22 October 2020

Following the October 2020 ruling on abortion in April 2021 women who considered themselves potential victims of the Convention lodged complaints to the ECHR within the campaign of the Federation called “Women’s Collective Complaint”. In July 2021 the European Court of Human Rights has announced that it would deal with the merits of some of the complaints that it has received and among other questions asked the Polish government about the possibility of the violation of Article 3 of the Convention. ECHR will consider three groups of four cases each under both Article 3 and Article 8 of the Convention. All the communications are under the links in these references²². They concern women in different life circumstances who are pregnant or fear to get pregnant because of the ruling and its consequences on the

¹⁹ <https://hudoc.exec.coe.int/eng#%7B%22EXEIdentifier%22:%5B%22004-20614%22%5D,%22EXECDocumentTypeCollection%22:%5B%22CEC%22%5D,%22EXECApno%22:%5B%2257375/08%22%5D%7D>

²⁰ Apart from the 2 judgments described in this paragraph, the ECHR issued a judgment on abortion in the case *Tysic v. Poland* (complaint no 5410/03). It has not been included in the above list because the ECHR examined it under Art. 8 of the Convention only.

²¹ Committee of Ministers’ December 2021 decision.

²² <https://hudoc.echr.coe.int/eng#%7B%22documentcollectionid%22:%5B%22COMMUNICATEDCASES%22%5D,%22itemid%22:%5B%22001-211179%22%5D%7D>

<https://hudoc.echr.coe.int/eng#%7B%22documentcollectionid%22:%5B%22COMMUNICATEDCASES%22%5D,%22itemid%22:%5B%22001-211176%22%5D%7D>

<https://hudoc.echr.coe.int/eng#%7B%22documentcollectionid%22:%5B%22COMMUNICATEDCASES%22%5D,%22itemid%22:%5B%22001-211177%22%5D%7D>

available care for pregnant women as regards access to pregnancy care and abortion in situations of severe or fatal fetal impairment.

c) More cases on abortion in the ECHR

M.L. v. Poland²³: communicated to the Polish government on 8 October 2021. This case concerns a woman whose pregnancy was diagnosed with a fetal impairment in early 2021. She was qualified for an abortion under section 4a (1) 2 of the 1993 Act on Family Planning as previously in force. The applicant obtained a referral for a legal abortion scheduled to be performed on 28 January 2021. However, on 27 January 2021 the Constitutional Court's judgment of 22 October 2020 entered into force. On the same day, the applicant received information from the hospital that she should not come for her appointment as all scheduled abortions had been cancelled. The applicant travelled to the Netherlands where the procedure was carried out in a private clinic on 29 January 2021, her transportation and medical fees amounted to 1,220 Euros.

The ECHR in its communication asked the Polish government about the likelihood of the violation not only under Article 8 but also Article 3 of the Convention.

Federation's lawyers assisted 5 other women in lodging the cases with the ECHR after the ruling had been issued. Their applications are pending and there is no decision of the ECHR as to whether it is going to proceed with these cases further.

4) Other cases of pregnant women amounting to cruel, inhuman and degrading treatment

a) Death of Izabela from Pszczyna

In November 2021 Izabela, 30 years old, 22 weeks' pregnant woman has been taken to the hospital with lack of amniotic fluid. Doctors, although they could legally perform an abortion in a situation where a woman's life was in danger, waited for the fetus to die. The young woman died shortly after of septic shock. This case showed raw effect of the law in Poland and escalated Poland-wide protests. The doctors admitted they were afraid of criminal sanctions if they perform abortion prematurely²⁴.

Every day, at the Federation we receive calls from women who are close to the Isabela's case and no conclusions have been drawn from the tragic circumstances of this case resulting from the denial of care to a pregnant woman.

To the attention of the Federation several cases have been brought about how some doctors approach pregnancies characterized by the lack of amniotic fluid (as in Izabela's case) or low amniotic fluid. Lack of amniotic fluid makes it usually impossible for the fetus to survive. In these cases, following the initial examination the doctors are reported to refer women home in order for women to self-monitor the movements of the fetus and their health. Women are

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[https://hudoc.echr.coe.int/eng#{%22fulltext%22:\[%22\%22M.L.%20v.%20POLAND\%22%22\],%22documentcollectionid%22:\[%22COMMUNICATEDCASES%22\],%22itemid%22:\[%22001-212756%22\]}](https://hudoc.echr.coe.int/eng#{%22fulltext%22:[%22\%22M.L.%20v.%20POLAND\%22%22],%22documentcollectionid%22:[%22COMMUNICATEDCASES%22],%22itemid%22:[%22001-212756%22]})

²⁴ <https://uwaga.tvn.pl/reportaze,2671,n/lekarze-z-pszczyzny-bali-sie-oskarzen-o-nielegalna-aborcje-nagrania,347588.html>

afraid they may not notice some risky development on time while doctors seem to avoid responsibility in case of women reporting too late. The Commissioner for Human Rights intervened promptly and addressed the letter to the National Health Fund and to the Ombudsman for Patients' rights²⁵ to monitor closely these cases where the life and health of women may be threatened.

b) Case of 26 years old women who was refused abortion in the Białystok hospital

In December 2021 the Białystok refused to provide abortion to a woman who was 26 years old and her fetus suffered from acrania (no skull). In this lethal condition it is not possible for the fetus to survive but because of the ruling of the Constitutional Tribunal it was not possible for the doctors to terminate pregnancy on this ground. The doctors waited for the fetus to die. The pregnant woman's state of mental health aggravated, she has obtained two psychiatric certificates proving that her state of mental health is of such gravity that it constitutes threat to her health. However, the director of the hospital In Białystok refused to carry out abortion relying on the opinion of Ordo Iuris (anti-gender radical organization in Poland advocating for prison sentence for women who had abortion). Owing to the Federation's help, the women had abortion in another hospital in Poland.

Conclusions

Given that the prohibition of cruel, inhuman and degrading treatment is a non-derogable right, the Federation for Women and Family Planning calls on the Committee against Torture to consider experience of Polish women and pregnant persons who in the situations as described above are refused access to abortion care in the frame of cruel, inhuman and degrading treatment to engage greater accountability from the Polish State that is responsible for this suffering. On the example of Izabela from Pszczyna who died because of lack of access to abortion care we see clearly what impact the recent ban on abortion has on women in Poland.

In the light of the above, the Federation for Women and Family Planning calls the Committee against Torture to recommend Poland to urgently reform the law so as to fully decriminalize abortion and legalize abortion on request, at least up until 12 weeks of pregnancy, and adopt the necessary accompanying guidelines to ensure women can access safe abortion services in a timely manner and without unnecessary and burdensome authorization or certification requirements.

Therefore the Federation for Women and Family Planning invites the Committee against Torture to address the issue of abortion and Poland's persistent lack of realisation of the recommendations in this field as addressed to Poland by this Committee.

Recommended questions to be addressed to the Polish government:

- Please explain what measures the State party is taking to ensure that pregnant person's life and health are protected in the situations of severe or fatal fetal impairment in maternal and

²⁵ https://bip.brpo.gov.pl/sites/default/files/2022-01/Do_NFZ_18.1.2022.pdf

other reproductive health care settings and how the State is monitoring and assessing health professionals' and facilities' compliance with these measures.

- Please explain what measures Poland is taking to ensure that lack of access to abortion does not cause unnecessary pain and suffering to pregnant women to avoid further reoccurrence of fatal cases.

- Please explain the measures Poland is taking in order for the criminal penalties on doctors not to prevent them from providing them necessary health care, including abortion care to make sure the doctors are guided solely by the genuine need to protect the life or health of the woman.