

Joint statement by Federation for Women and Family Planning and Sexual Rights Initiative

Thank you Madam President,

This statement is also made on behalf of the Sexual Rights Initiative¹.

We welcome the recommendation made to the Polish Government by Slovenia to “**provide women that have been unjustifiably denied access to adequate reproductive health services with an effective redress mechanism.**” (Recommendation 90.108) We emphasize strongly that Polish women currently do not have access to any effective remedy while in danger of being refused legal abortion or prenatal testing of a foetus.

The right to complain against a doctor’s statement or opinion which was established in the Act on patients’ rights in 2008 and is supposed to help women attain the proper services that they are entitled to, is not effective. Firstly, it is poorly regulated by law, difficult to understand and difficult to follow. It is therefore not used. We call on the Polish government to revise and amend the legal provisions regulating the complaint mechanism so that it can be used for the purpose for which it was created. Secondly, the right to complain against a doctor’s statement or opinion can only be used in specific situations in which there is a need to change the content of a **statement or opinion** in order to have a legal abortion. It does not secure access to an abortion service itself being performed in a certain case. In fact it is still difficult to obtain such a service as it is subject to many obstacles and no redress mechanism for denials of access to legal services is provided by law.

We emphasize that the complaint mechanism cannot be used to change a doctor’s **decision** not to perform legal abortion or not to issue a referral for prenatal testing. The Polish government continuously refuses to acknowledge that there is no effective timely mechanism that guarantees real access to legal abortion and prenatal testing. We are concerned by the fact that the recommendation made by Slovenia has been found as already implemented. It means that in the government’s opinion the complaint mechanism is effective and sufficient. Yet we know that this is disingenuous at best and entirely false at worst.

We urge the Polish government to acknowledge the limitations of the complaint mechanism and its ineffectiveness in cases of refusal of legal abortion or referral for prenatal testing of a foetus and strongly recommend the Polish government to establish a **new, real, timely and effective remedy** to guarantee access to legal reproductive health services.

Thank you for your attention.

1 SRI is a coalition of organisations including Action Canada for Population and Development (Canada), Akahata (Argentina), CREA (India), Coalition of African Lesbians (South Africa), Egyptian Initiative for Personal Rights (Egypt), Federation for Women and Family Planning (Poland).