

**Briefing for representatives of the Committee of Ministers on Poland's implementation of the judgments in *Tysic v. Poland* (App. No. 5410/03), *R.R. v. Poland* (Appl. No. 27617/04) and *P. and S. v. Poland* (App. No. 57375/08)**

**21 February 2020**

**RECOMMENDATIONS**

We recommend that the Committee of Ministers continue its enhanced scrutiny of the *Tysic*, *R.R.* and *P. and S.* judgments until effective access to lawful abortion is guaranteed for women and adolescents in Poland.

**We recommend that the Committee of Ministers request the authorities to:**

- Establish effective and timely procedure for women to challenge and resolve disagreements with and between doctors regarding their entitlement to legal abortion care and to exercise their rights in this regard. This mechanism must ensure: a decision within no more than 3 days; the right of judicial appeal; the issuance of enforceable orders mandating a particular health care facility or medical provider to provide the care sought.
- Adopt effective measures to ensure that conscience-based refusals by medical professionals do not undermine or delay women's access to legal abortion services or prenatal testing. This should include enacting legally binding measures requiring medical professionals to timely refer women who are refused abortion services on grounds of conscience or religion to alternative health care professionals willing and able to perform the abortion; establishing effective oversight and monitoring mechanisms; and ensuring an adequate number and dispersal of medical providers willing and able to perform abortions throughout the country.
- Strengthen enforcement procedures and measures, including by ensuring appropriate sanctions and disciplinary actions against health facilities and professionals for any failures to comply with obligations to provide legal reproductive health services and information.
- Effectively monitor compliance by all health care facilities with their contractual obligations to the National Health Fund and actively enforce these contracts, including by sanctioning breaches by health care institutions and medical providers.
- Adopt effective measures to guarantee women access to reliable information on the conditions and effective procedures for their access to legal abortion care, such as guidelines to all medical facilities and professionals providing reproductive health care.
- Adopt effective measures to ensure that full and reliable information is provided to women and adolescent girls enabling them to take informed decisions about their pregnancy.
- Adopt effective measures to enhance protection of patient data confidentiality.
- Introduce targeted measures to ensure that the needs of adolescents who are seeking legal abortion services are met and that they are treated with respect and due consideration for their vulnerability.