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LEGISLATION

'Law on Family Planning, Human Embryo Protection and Conditions of Abortion', 7 January 1993.
In January 1997, new restrictive amendments were introduced

GROUNDINGS/GESTATIONAL LIMITS

- If the pregnancy is endangering the mother's life or seriously jeopardizing her health
- If it is needed to save the woman's life or to prevent serious injury to her health
- If there is a serious and irremediable defect in the fetus
- Rape or other sexual crime (the criminal act has to be confirmed by a prosecutor)

REGULATIONS/CONDITIONS

- An abortion has to be performed by a physician in a health care establishment in the public sector
- For abortions on medical grounds, the diagnosis of two physicians other than the physician carrying out the procedure is needed. If a threat to the woman's life has to be eliminated immediately, such diagnosis is not necessary.
- The defect in the foetus needs a prenatal diagnosis established by two physicians other than the physician carrying out the procedure.

Ministry of Health Orders

- 22/01/97 on professional qualification of doctors permitted to perform an abortion or establish the risk of the woman's life or the risk of fetal malformation
- 13/02/97 on qualifications of persons other than doctors empowered to counsel a pregnant woman intending to have an abortion; establishment of list of consultants and the rules for consultations
- Doctors performing abortions outside of stated grounds are subject to 2 years imprisonment

COST

- Illegal abortion in private clinics' or private cabinets' gynaecological rooms is estimated to cost around zloty 2000-5000 (US\$ 659-1647)
- Legal abortion costs are covered by the State Health Care system.

DISPARITY IN THE APPLICATION OF THE LAW:

- *Unclear implications of the new law. The law is more restrictive in practice. There is a lot of evidence that many women were denied legal abortions to which they were legally entitled, particularly when their health is endangered. This is mainly due to the lack of adequate regulations on the medical grounds for abortion. It depends only on the doctors' position and it can be easily abused, because they are influenced by anti-choice campaigns*
- *According to the law, the government was obliged to promote family planning and to introduce sexuality education in schools. But up until 2003 this part of the law has not yet been implemented, and in fact both the knowledge and the use of contraception are low.*

COMMENTS:

- *High reliance on illegal abortions in private clinics (where even doctors who refused to perform it in a state clinic do not object anymore) or abroad, and the new phenomenon of abandonment or infanticide*
- *New amendments to the law on the physicians' profession and parallel changes in the Penal Code 1999: higher penalties for women killing their babies under post-delivery shock; reduced penalties for rapists; higher penalties for damages threatening the life of the 'conceived child', which makes doctors afraid of prenatal examinations, even those with low risk of miscarriage.*