

THE WORLD MEDICAL ASSOCIATION, INC.

Document no:	MEC 207/ Therapeutic Abortion REV2/Oct2017	Original: English
Title:	Proposed revision of WMA Declaration on Therapeutic Abortion	
Destination:	Constituent Members	Action(s) required: For comments
Note:	<p>As part of the annual policy review process, the Council in Buenos Aires (April 2016) decided that the WMA Declaration on Therapeutic Abortion should be reaffirmed with minor revision. The WMA secretariat submitted a revision to the 204th Council session in Tapei (October 2016). The Council decided to circulate this version to WMA members for comments. Given the controversies of opinions reflected in the comments from members, the Council appointed a workgroup with South Africa as the chair. This version is the compilation from the working group.</p> <p>The 207th Council session in Chicago (October 2017) considered the version proposed by the workgroup and decided to circulate it within WMA membership for comments.</p>	
Keywords:	Abortion, Pregnancy, Mother, Respect, Autonomy, Fundamental Right	

Title: WMA Declaration on therapeutic Medically-Indicated Abortion

General Comments of the Polish Chamber of Physicians and Dentists

The Polish Chamber of Physicians and Dentists is of the opinion that physicians have a right to conscientious objection to providing certain medical services and those medical doctors who do not provide certain services may not be disciplined or discriminated against which should be safeguarded by national laws by the so called “conscience clause”.

Abortion is one of the medical procedures that is most often associated with the issue of conscientious objection. The Polish Chamber, therefore welcomes clear reference to the physicians’ right to conscientious objection to providing abortion.

As the Polish Constitutional Court stated in its judgment of 7 October 2015 in the proceedings initiated by the Polish Chamber it is not only the physician’s right but it is the physician’s duty to act according to his / her conscience. Acting against physician’s conscience may be required only in cases where a delay in providing medical assistance would result in posing danger to life or serious harm.

At the same time the Constitutional Court said that it is against the Polish constitution to require that a doctor who objects to provide abortion has to refer the woman to another easily accessible physician or health facility willing to perform abortion. As the Court indicated this would unproportionally infringe the physician’s conscience. Also it is not a duty of a physician to gather and provide information about other physicians who do not object to perform abortion – in fact gathering such information by a physician could constitute a breach of other laws. This kind of information should be provided to patients by those who are in charge of running the healthcare system (public authorities, healthcare facility management, National Health Fund) and not by individual doctors whose conscience does not allow them to participate in abortion.

The reasoning of this verdict should be fully supported, therefore the Polish Chamber proposes to amend points 8 and 9 by deleting second sentence in point 8, rephrasing the third sentence in point 8 and deleting point 9 which puts an obligation on all doctors despite their ethical convictions.

In those cases where medically-indicated abortion is legally allowed it should be performed by a competent physician in approved healthcare facilities – these procedures should not be delegated to other health care professions. Therefore the Polish Chamber proposes to amend point 5 of the draft by deleting the part “”or other health care worker”.

Specific comments and proposals of the Polish Chamber of Physicians and Dentists

PREAMBLE

1. Medically-indicated abortion refers to interruption of pregnancy due to health reasons, in accordance with evidence-based medicine principles and good clinical practice.
2. Abortion is a medical matter between the patient and the physician. Attitudes toward abortion are a matter of individual conviction and conscience that must be respected.
3. Circumstances where the interest of a woman is in conflict with the interests of her unborn fetus may create a dilemma as to whether or not the pregnancy should be deliberately terminated. The diversity of responses to such situations is due in part to the diversity of attitudes towards the life of the fetus, for various reasons including cultural, religious and traditional.

RECOMMENDATIONS

4. Doctors should be aware of local abortion laws, regulations and reporting requirements. National laws, norms, standards, and clinical practice related to abortion should promote and protect women's health and their human rights, voluntary informed consent, and autonomy in decision-making, confidentiality and privacy. National medical associations should advocate that national health policy upholds these principles.
5. Where the law allows medically-indicated abortion to be performed, the procedure should be performed by a competent physician ~~or other health care worker~~ in accordance with evidence-based medicine principles and good medical practice in an approved facility that meets necessary medical standards
6. The convictions of both the doctors and the patient must be respected.
7. Patients with moral convictions must be supported appropriately and provided with necessary medical and psychological treatment.
8. Individual doctors have a right to conscientious objection to providing abortion, but that right does not entitle them to impede or deny access to lawful abortion services because it delays care for women, putting their health and life at risk. ~~In such cases, the physician must refer the woman to a willing and trained health professional in the same, or another easily accessible health care facility, in accordance with national law. Where referral is not possible,~~ The physician may **not refuse to provide medical care, including to provide safe abortion or perform whatever procedure is necessary, only when a delay would result in in posing danger to life or serious** ~~harm to save the woman's life and to prevent serious injury~~ to health¹.

Alternatively, the second sentence of point 8 may be amended as follows:

In such cases, the physician **should inform in due time the patient as well as the physician's employer of the objection to perform abortion,** ~~must refer the woman to a willing and trained health professional in the same, or another easily accessible health-care facility,~~ in accordance with national law.

9. ~~Physicians must work with society to seek to ensure that no woman loses her life because therapeutic abortion services are unavailable, even in extreme circumstances.~~

¹ Safe abortion: technical and policy guidance for health systems. Second Ed. World Health Organization; 2012
