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Mgr Michał Ożóg

Summary of the PhD thesis

*The legal guarantees of freedom of conscience and religion in the medical facilities in Poland*

This PhD thesis concentrates upon the legal guarantees of a patient's and a doctor's freedom of conscience in medical facilities. The topic of the research was to describe, in terms of the provisions governing faith and religion, the status of both the patient and the doctor during their medical activity, and to analyse the organizational and financial model of pastoral care of patients. The hypothesis presented by the author is that the current legal system does not provide effective guarantees of the freedom of conscience, with regards to pastoral care offered in medical units. The right to the pastoral care in Polish healthcare facilities has been subject to both factual and legislative negligence, and the provisions regulating the financial model of pastoral care in medical units are different from those pertaining to other forms of special pastoral care in Poland, which violates the principle of the axiological coherence of a legal system.

The hypothesis presented by the author is then tested through a doctrinal analysis of legal provisions concerning both organisational and financial model of pastoral care in Polish healthcare facilities. The thesis focuses on how the right to freedom of conscience and religion is put into practice by a doctor and a patient during the medical procedures. The individual chapters describe: the evolution of hospitals and their functions in Poland as well as the status of their patients; the meaning of basic terms used in this thesis; the legal guarantees of a patient's freedom of conscience; the legal guarantees of a patient's freedom of religion; the right to pastoral care; the legal guarantees of a doctor's freedom of conscience; and the legal guarantees of a doctor's freedom of religion. The author discusses how the rights guaranteed under Art. 53.2 of the Polish Constitution are put into practice by the Polish medical units. He concludes by emphasising the need of changing the organizational and financial model of pastoral care provided to patients. Since in some areas of medical activity there are no specific provisions regarding the status of a patient and a doctor in terms of their freedom of religion, the general

legal guarantees of freedom of conscience and religion need to be applied in order to settle any legal dispute between the beneficiaries of this freedom.

Michael Bigg