



Federation  
for Women  
and Family Planning  
Annual Report 2015

# Contents

- Advocacy ..... 3
  - International advocacy ..... 3
    - Federation in the national delegation to UN CSW ..... 3
  - Other activities ..... 3
  - National advocacy ..... 3
    - Petition concerning OTC availability of ellaOne emergency contraception ..... 3
    - “Solidarity in Health” Campaign Because All Women Have the Right to Contraception..... 4
    - Rally and open letter against total abortion ban ..... 4
    - Federation at the 7th Polish Congress of Women ..... 4
    - Other events – regional cooperation and activities ..... 4
- Education and conferences ..... 5
  - Conference “Generation 1993” ..... 5
  - Federation at universities..... 5
  - Federation in the Parliament ..... 5
- Research and monitoring ..... 5
  - Second phase of EEA project – monitoring the implementation of the right to abortion..... 5
- Legal work ..... 6
  - National legal work..... 6
    - Conscientious objection ..... 6
    - The right to dispute doctor’s opinion..... 6
    - Cooperation with the Ombudsperson’s Office ..... 6
    - Implementation of the Act on Family Planning..... 6
    - Legal Assistance Team ..... 6
    - Equal Opportunities Coalition ..... 6
  - Legal work in the context of international obligations ..... 7
    - Implementation of ECtHR judgments..... 7
    - Coalition for CEDAW..... 7
    - Universal Periodic Review ..... 7
  - Legal work – legal counselling ..... 7
    - Hotline ..... 7
    - Cases..... 7
  - International legal work ..... 8

UN Human Rights Council .....	8
Activism.....	8
Publications.....	8
Media .....	9
Organizational development.....	9
Summary and plans for 2016 .....	9
Board in 2015 .....	10
Main donors of the Federation in 2015 .....	10

## Advocacy

### International advocacy

#### Federation in the national delegation to UN CSW

59th session of UN Commission on the Status of Women was held in New York on 9-20 March. For the second time representatives of the Federation (which has had ECOSOC status for many years) were part of the official Polish delegation. The delegation was chaired by the Minister for Equal Treatment, professor Małgorzata Fuszara. During Week 1 our organization was represented by its Director Krystyna Kacpura and in Week 2 by its lawyer Karolina Więckiewicz. In addition, ASTRA Network coordinator Marta Szostak took part in the proceedings as representative of NGO sector. The Federation submitted a written statement, pointing to difficulties and barriers in realizing reproductive rights for women and girls in Central and Eastern Europe.

### Other activities

Representatives of the Federation were invited to attend international conferences and workshops. Federation's Director Krystyna Kacpura participated in the conference in Brussels held on the 25<sup>th</sup> anniversary of Belgian abortion law. She spoke about abortion stigma.

On 15 September Anka Grzywacz visited Berlin where she met with activists organizing a pro-choice demonstration against an anti-choice march. She explained the current situation of reproductive rights in Poland and talked about anti-choice opposition.

### National advocacy

#### Petition concerning OTC availability of ellaOne emergency contraception

We've dedicated the whole of January to the fight for increased access to contraception. The recommendation of the European Commission to make emergency contraceptives ellaOne available over-the-counter surprised the Polish government and caused a lively discussion in the media and academia. So far in Poland EC has always been available on prescription and many doctors illegally denied these to women, abusing the conscientious objection clause. At the same time, they suggested

women pay for private consultations where a prescription would be given. This resulted in the popularity of online trade in EC.

The Federation created an Avaaz petition to the Ministry of Health, demanding that it approves OTC status of ellaOne as soon as possible. Only in the first three days we managed to collect 10 000 signatures. The petition was sent to the Ministry with copies to other authorities and the media.

When the government finally approved OTC status the Federation – along with other organizations – engaged in advocacy to make the pill available without age restrictions.

After the fall parliamentary elections and rumours that the Ministry of Health was planning to revoke ellaOne's OTC status or even go as far as ban it altogether, the Federation – as member of the Coalition "I Have the Rights to Emergency Contraception" – encouraged the collection of signatures under a petition to the Minister of Health not to restrict access to the pill.

### **"Solidarity in Health" Campaign. Because All Women Have the Right to Contraception**

In March the Federation launched an awareness raising campaign "Solidarity in Health". A press conference was held with experts discussing myths concerning contraception, especially emergency contraceptives. On 21 November 2015 and 9 January 2016 we organized trainings "Contraception in Women's Lives", addressed at midwives and student midwives. We provided information concerning medical and legal aspects of contraception, accessibility of different methods, prices and conscientious objection. In total we trained over 50 people.

### **Rally and open letter against total abortion ban**

In the Polish Sejm (lower chamber of Parliament) there was another debate and vote on a bill banning abortions completely. The bill was a citizens' proposal filed by an anti-choice group. It was not approved in first reading. Should the bill be adopted, it would not only ban all abortions but also limit access to comprehensive sexuality education and prenatal screening.

The Federation along with many other Polish and foreign organizations sent a letter to Polish MPs, urging them to vote against the bill. On September 9 a demonstration was held to protest the total abortion ban.

### **Federation at the 7th Polish Congress of Women**

The Federation was an active participant and organizer of the 7<sup>th</sup> Polish Congress of Women in Warsaw. On September 11 Programme Coordinator Anka Grzywacz took part in a panel "Before Parenthood" in which she spoke about reproductive rights, in particular prenatal screening, care for pregnant women and women experiencing pregnancy loss. On September 12 she spoke in the plenary panel about the 20<sup>th</sup> anniversary of the Beijing Platform. In addition, the Federation organized its own panel on the right to contraception. We also had a booth where experts provided information and distributed brochures concerning sexuality education and women's health and rights.

### **Other events – regional cooperation and activities**

The Federation was invited and supported many initiatives concerning women's rights, health and education. In April Anka Grzywacz took part in a meeting of DIALOG initiative and signed the letter to the Polish government, demanding the implementation of Breast Units for integrated breast cancer healthcare in Poland. The meeting was organized by organizations fighting for the rights of breast cancer patients. We also promoted a project of "Fundusz Inicjatyw" Foundation concerning work-life balance.

On June 16 the Federation's Director Krystyna Kacpura visited Białystok upon the invitation of Izabela Jaruga-Nowacka Foundation. She delivered a speech at the Political Academy of Women. The discussion concerned the 20<sup>th</sup> anniversary of the Beijing Platform and its implementation in Poland.

## Education and conferences

### Conference “Generation 1993”

On February 26 the Federation organized a discussion “Generation 1993”. The title was a reference to the date of the introduction of restrictive abortion law in Poland. People who are now entering their adulthood have spent their whole lives in a country where issues such as abortion, contraception or sexuality education are taboo.

Instead of experts we invited young people whose professions or activities are not closely linked to the subject of reproductive rights. They included a midwife, secondary school students, students of law and bioethics as well as a woman who experienced early motherhood.

The debate was a big success. All panelists stated that they would like to live in a country where women and girls enjoy their full reproductive rights. We are hoping that this is the beginning of mobilization of young people in Poland to defend the right to abortion, contraception and sexuality education.

### Federation at universities

The Federation is proud of its cooperation with academic and student circles. In January the Federation’s lawyer spoke at two events. On January 15 students of international law and diplomacy of Adam Mickiewicz University in Poznań organized a conference “The Evolution of Strasbourg Judgments. 65 Years of the Convention”. Karolina Więckiewicz delivered a speech about reproductive rights in judgments of the

On January 26 students of bioethics and medical law at the University of Warsaw organized a meeting “Emergency or more? Legal and ethical aspects of emergency contraception”. Więckiewicz discussed different aspects of the introduction of ellaOne pill over-the-counter.

On May 5 a debate "Nasciturus - law, medicine, morality" was organized by ELSA students at the Jagiellonian University in Cracow. Karolina Więckiewicz discussed the directions of legal protection of the foetus in Poland and internationally.

### Federation in the Parliament

On February 18 a debate about emergency contraception was organized in the Polish Sejm by Wincenty Elsner, MP. Karolina Więckiewicz was invited to facilitate the discussion.

## Research and monitoring

### Second phase of EEA project – monitoring the implementation of the right to abortion

The Federation continued the project aimed at monitoring the institutions charged with the task of safeguarding the implementation of women’s right to health. These institutions include: the Ombudsperson organizations for professional responsibility of doctors, nurses, midwives and pharmacists, pharmaceutical supervisory bodies, the National Health Fund and others. The project is implemented by a team of lawyers who are members of Federation’s Legal Assistance Team. The results of this monitoring stage confirmed the earlier results - the above institutions are reluctant to provide information as requested according to the law.

In 2015 we also monitored hospital procedures concerning pregnancy termination. Hospitals were mostly trying to avoid clear answers and made additional and unfounded demands towards patients. Final results of the project are to be presented in 2016.



## Legal work

### National legal work

#### Conscientious objection

Conscientious objection is one of the most important legal issues for the Federation, especially since it is mentioned in judgments of the ECtHR in Polish cases concerning reproductive health. The Federation has continuously monitored the application of the conscientious objection clause by doctors and concluded that the regulation is often abused. In 2015 we worked together with the Polish Society of Anti-Discrimination Law (PTPA) to prepare a legal opinion addressed at the judges of the Constitutional Court. After the Court's decision, stating that doctors applying conscientious objection are not obliged to refer their patients to another doctor, we have appealed to the government to take steps necessary to ensure that women's right to information about the options of obtaining access to a procedure is respected. So far the government has not taken any action.

#### The right to dispute doctor's opinion

In 2015 we monitored the process of amending the regulation concerning patients' right to dispute doctor's opinion. In July 2015 the Ministry of Health published draft amendments to the Act on patient's rights and included many of the Federation's suggestions concerning the right to dispute the opinions of doctors. Unfortunately, parliamentary procedures did not allow for the bill to be discussed in the previous parliamentary term before the fall elections.

#### Cooperation with the Ombudsperson's Office

The Federation has been cooperating with the Ombudsperson's Office and will continue to do so, especially since we have a good working relationship with its staff, for example Deputy Ombudsperson Sylwia Spurek. In 2016 a meeting devoted to reproductive rights is planned.

#### Implementation of the Act on Family Planning

The Federation published its annual commentary to the government report from the implementation of the Act on Family Planning. The 2013 report was submitted to the Sejm only in July 2015, that is one year past the deadline.

The government did not include the Federation's recommendations in the report but mentioned our organization in the section concerning abortion underground. Unfortunately, despite our repeated suggestions, the authorities have not conducted an analysis of this phenomenon and other effects of the current restrictive law.

#### Legal Assistance Team

The Federation launched a project "Nationwide Legal Assistance Team for patients' rights". The project included updating the legal guide (discussed below) and printing additional copies of a short legal guide for patients dealing with difficulties in accessing contraception and abortion.

In addition, the work of the Legal Assistance Team was evaluated and membership updated. New members were recruited. In December 2015 the first training meeting of the new, 25-person team took place.

Lawyers prepared online publications about reproductive rights, patients' rights and doctors' duties, national and international protection mechanisms.

#### Equal Opportunities Coalition

Federation is one of the Coalition's members and engages in its legal work, annual meetings and working groups. In 2015 the Federation's lawyer continued working in the Coalition's Programme Council.

## **Legal work in the context of international obligations**

### **Implementation of ECtHR judgments**

The Federation has monitored the implementation of ECtHR judgments in Polish cases (Tysic, R.R. and P.& S.). These judgments make recommendations concerning access to legal abortion,, prenatal screening, conscientious objection and so-called "chilling effect" of criminal regulations on access to abortion. So far the Committee of Ministers of the Council of Europe has not approved the execution of any of the judgments and we believe that the Polish government has not taken sufficient action to improve women's access to medical procedures. The Federation was again invited to attend a meeting of the Inter-Ministry Team for ECtHR.

Additionally, in cooperation with Center for Reproductive Rights we prepared new reports concerning the implementation of R.R. judgment and submitted them to the Committee of Ministers of the Council of Europe. Currently the analysis of implementation of the P. & S. judgment is being prepared.

### **Coalition for CEDAW**

The Federation prepared a chapter of the shadow report to Poland's reporting of CEDAW implementation. Our lawyer actively participated in meetings of the CEDAW Coalition whose aim is to monitor the implementation of CEDAW Committee's recommendations from 2014. We took part in a roundtable discussion concerning recommendations on women's health. We also attended the roundtable meeting devoted to issues of violence against women.

### **Universal Periodic Review**

The Federation has continued its engagement in the process of Universal Periodic Review for Poland by monitoring the implementation of recommendations regarding reproductive rights.

## **Legal work – legal counselling**

### **Hotline**

Our hotline provides legal counselling twice a week. Most popular problems are:

- civil law – divorce, ownership rights;
- family law – alimony, confirmation of fatherhood, limitations in parenting rights;
- labour law – especially in the context of maternity protection and gender-based discrimination;
- patients' rights and other medical regulations – right to information, respect of dignity, right to health services, issues of medical errors, professional responsibility, conscientious objection, access to contraception;
- criminal law – concerning illegal abortions, sexual violence, stalking;
- domestic violence – where to find help, collection of evidence;
- Act on Family Planning – options for legal abortion, legal consequences for women undergoing illegal procedures or purchasing abortion pills;

### **Cases**

In 2015 the Federation has continued to work on cases from the previous year and took on new ones. The following cases are to be continued in 2016:

1. case of errors in prenatal screening leading to the birth of a seriously ill child,
2. failure to provide prenatal screening resulting in the lack of information that the foetus had Down syndrome,
3. two cases concerning the complete hysterectomy without women's consent,
4. two cases of women denied legal abortions despite the fact that they had had three prior births via caesarean section,
5. case of a woman purposefully misinformed about the condition of her foetus and resulting birth of a child with an incurable disease,
6. case of a woman who had not been informed about the possibility of a legal termination and once she found out that option existed and decided to proceed, access to abortion was very difficult,
7. denial of a legal termination in several hospitals,

## **International legal work**

### **UN Human Rights Council**

The Federation was involved in the work of Sexual Rights Initiative, an informal coalition of NGOs operating in Geneva.

On June 17 the Federation's lawyer Karolina Więckiewicz spoke at an event „Universality of Rights” during the HRC session. She discussed reproductive rights in Europe and threats from fundamentalists. She also took part in the 30<sup>th</sup> session on HRC. On September 28 she delivered a statement on decriminalizing abortion on behalf of ACPD Canada, Sexual Rights Initiative and the Federation. In addition, she spoke at a panel concerning access to legal abortion.

### **Activism**

In March the Federation's team took part in the annual feminist march Manifa and on June 13 we attended the annual Pride Parade in Warsaw. We believe that reproductive and sexual rights concern all women, not only heterosexuals. The parade made i.a. demands for comprehensive sexuality education.

Throughout the year the Federation actively supported awareness campaigns, among others the Day of Action for Safe and Legal Abortion and the World Contraception Day. We also sent a statement to the media concerning access to emergency contraception. The Federation and Ponton got also involved in online campaigning during the 16 Days of Activism Against Gender-Based Violence.

### **Publications**

The Federation published a new brochure concerning emergency contraception. We also updated our legal guide “Health and law”, containing information about patients' rights, the rights of doctors, health insurance contraception, prenatal screening, abortion, maternal health, rights of women in miscarriage, sexual violence and social security benefits.



In the fall Krytyka Polityczna published the Polish translation of Katha Pollitt's "Pro. Reclaiming Abortion Rights". Federation's team members were consulted during the preparation of the chapter on Poland.

## Media

In 2015 the Federation's staff appeared in numerous media as experts. The topic of emergency contraception was widely debated in the public TV and private news channels. In September we commented on the bill banning abortions in radio and TV news programmes. In addition, international media such as Al Jazeera and the BBC asked us for commentary.

## Organizational development

In 2015 the Federation's staff has remained largely unchanged with six employees. At the end of the year we added Natalia Broniarczyk to the team. She will be responsible for internal and external communications and contacts with other NGOs and groups. We launched a new campaign website "Solidarity in Health" which will have periodically changing main themes. The first theme was access to contraception. Work on renovating office space was continued and the library catalogues were updated.

## Summary and plans for 2016

2015 was another active year for the Federation. We were involved internationally, locally, did advocacy, education, legal work and counselling. As a result of our participation in a project concerning the mobilization of supporters we decided to launch a new campaign "Solidarity in Health" whose aim was to renew and establish more relationships with medical personnel and students of medicine and midwifery.

This past year also proved to be difficult due to a rise in anti-choice sentiments and groups as well as government change. Poland has changed on October 25 elections. The politics will be different in the next four or even eight years. The Polish society, or more precisely half of the voters who decided to participate in these elections, gave a clear signal that it is not interested in such values as civic freedoms, human rights, international and European standards, gender equality or tolerance. There will be even more divisions after the victory of a far-right, ultraconservative party and good results of populist, fundamentalists and nationalistic parties. The media have only contributed to this by lacking professionalism in their selection of guests and by pursuing cheap scandals instead of valuable content. What is also worrying is the right turn of young voters who seem to prefer "power of the fist" and believe the promises of populists.

The absence of left-wing and progressive parties in the Sejm is a great cause of concern to us. Will Law and Justice (PiS) - whose electoral programme begins with demands for "protection of life from conception" – begin its rule with an attempt at our already limited reproductive rights? Will it ban abortions completely in order to impress Catholic Church hierarchy? And what about access to modern contraception?

The Federation and other NGOs will closely monitor the government's actions and act whenever our fundamental rights are violated. We will – as always – be on women's side. We need more work to raise awareness of reproductive health and rights as basic human rights and necessary factor of gender equality. We also need more education of adolescents as well as adults, the media and medical personnel. Conservative tendencies are not visible in Poland alone. We have witnessed the same in other countries of the region. Together with our partners from Central and Eastern Europe we will think about a new strategy in the face of such difficult developments.

In 2016 we will celebrate the 25<sup>th</sup> anniversary of our organization. We are planning a series of meetings and events to mark this important date. We will take action against attempts to restrict abortion rights, access to contraception and sexuality education.

## **Board in 2015**

The Board of the Federation for Women and Family Planning was actively involved in our work. Four Board meetings took place to discuss programmes, finances and structure of the organization. In addition, current political events were discussed. The Board expressed its concern about access to women's rights, especially reproductive rights. A new workplan was prepared to meet the current needs. Members of the Board represented the Federation at numerous meetings, conferences and seminars.

## **Main donors of the Federation in 2015**

1. EEA Funds
2. Global Fund for Women
3. Mama Cash
4. Open Society Foundations
5. Civic Initiatives Fund (FIO)
6. Association Sieć obywatelska - Watchdog Polska (from CEE Trust funds)
7. Center for Reproductive Rights



Federation for Women  
and Family Planning

[www.federa.org.pl](http://www.federa.org.pl)

**Federacja na rzecz Kobiet i Planowania Rodziny**

ul. Nowolipie 13/15

00-150 Warszawa, Poland

**phone:** +48 22 635 93 92

**web:** [www.federa.org.pl](http://www.federa.org.pl)

**e-mail:** [federacja@federa.org.pl](mailto:federacja@federa.org.pl)

**Facebook/Twitter:** @federapl