



# Federation for Women and Family Planning

## Annual Report 2014

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In 2014 the Federation for Women and Family Planning continued its activities in three main areas: advocacy, education and counselling. There was a lot going on at the international level – our organization was in Geneva and New York and everywhere where women's, youth and reproductive rights issues were decided. Our director participated in UN sessions as member of the official government delegation, which is a big reward for the organization and our long-time experience in women's rights and health. Nationally we started interesting alliances with other NGOs and strengthened existing ones, such as the Coalition for CEDAW or the Coalition for Equal Opportunities. We had high-level meetings with officials from the Ministry of Health, Labour and Social Policy and Government Representative for Equal Treatment. During these conversations we stressed the neglected issues of free access to methods of family planning for all people regardless of their financial status and life circumstances. Our big achievement was the publication of the report summarizing the last 20 years of the so-called anti-abortion law in Poland. Our panels and conferences attracted the attention of media, decision-makers and the society. We succeeded in obtaining funds for two important monitoring projects. Their outcomes will be useful in putting pressure on the authorities as regards access to legal abortion, contraception or reliable sexuality education.

## **Advocacy**

### **International activities**

The past year has been a time of intense involvement of the Federation and its regional network ASTRA at the UN level.

The organization was involved in the work of Sexual Rights Initiative (SRI) which advocates in the UN Human Rights Council. Federation's staff took part in UN Human Rights Council sessions in Geneva. On 12 June Karolina Więckiewicz spoke at a panel "Criminalization of sexuality and reproduction: Human rights impact, intersections and strategies". Also, the Federation co-wrote and read statements i.a. on the resolution concerning the protection of the family and on violence against women.

2014 was an important year for the UN due to the 20<sup>th</sup> anniversary of the Cairo Conference on Population and Development and the approval of the Plan of Action. Federation and ASTRA were also present at the 47<sup>th</sup> session of the Commission on Population and Development in New York. Karolina Więckiewicz delivered a statement on behalf of the Federation in which she stressed the need to decriminalize abortion and guarantee access to reproductive health for all women. The ASTRA Network also submitted its written statement.

Representatives of the Federation, ASTRA and ASTRA Youth also participated in the 58<sup>th</sup> session of the UN Commission on the Status of Women. The meeting's leading theme was "Challenges and achievements in the implementation of Millennium Development Goals for women and girls". The event was attended by the Federation's Director Krystyna Kacpura (member of the government delegation) and representatives of the ASTRA Network from Georgia and Armenia.

The Federation also monitored the proceedings of the Open Working Group on Sustainable Development Goals and sent a letter with recommendations to Poland's Permanent Representative

at the UN in New York Ryszard Sarkowicz. Understanding of the processes shaping of the global development policy will be indispensable in 2015 during the final stages of the Post-2015 process (development of the new framework of development policy after 2015 when the MDGs expire).

The Federation was also present in the European Parliament in the important election year. In March a hearing was held at the European Parliament in Brussels "Defending sexual and reproductive health and rights. Ensuring access for all women". The meeting was held by a political group GUE/NGL. The discussion focused on global and European challenges and case studies from EU member states. The situation in Poland was presented by the Federation's representative Anka Grzywacz.

On 9 April a conference was held „Citizenship for whom? Engendering citizenship: a key to democracy". The meeting was organized in Brussels by the GUE-NGL group and FEMM committee in cooperation with the European Feminist Initiative. Among the speakers was the Federation's Director Krystyna Kacpura who pointed out that reproductive rights are a key area for gender equality and as such ought to be included in the concept of citizenship. The idea of citizenship should be understood not only as legal status but also as exercising rights and participation in government and civil society.

The Federation was also involved in a solidarity campaign with Lithuanian women who were threatened by the possibility of restricting the nation's abortion law. According to the new law abortion would be prohibited even in cases of severe, even fatal foetal abnormalities and with pregnancies resulting from crimes abortion would only be possible up to 12 weeks provided that the crime had been proven. Women who would undergo illegal abortions could go to prison. The Federation encouraged its supporters to send pictures with slogans supporting a woman's right to decide about her fertility and collect signatures under a petition.

## **National activities**

Results of activities conducted by the Coalition for CEDAW, gathering the Federation and other organizations such as the Polish Association of Anti-Discrimination Law, Feminoteka Foundation and Izabela Jaruga-Nowacka Foundation had been applied in national advocacy. In October the Federation organized a press conference to present the Coalition's statement and recommendations included in the shadow report to the government 2002-2010 report from the implementation of the UN convention on the elimination of all forms of discrimination against women. The Coalition's report and statement attracted the attention of the CEDAW Committee. A meeting was held to discuss the Polish case exclusively, i.a. the influence of the Catholic Church on education and lawmaking, protection from discrimination in other areas than the job market, access to contraception, sexuality education and abortion and disparities in salaries of men and women.

The Federation was working directly with the office of the Government Representative for Equal Treatment, presenting recommendations, asking for interventions and participating in thematic meetings. On 15 September a meeting with NGOs was held to make a list of priority issues concerning a variety of equality-related questions which can be resolved in the short term. The main topic was the ratification of the Istanbul Anti-Violence Convention. Director of the Federation Krystyna Kacpura pointed out the necessity to regulate the application of conscientious objection by doctors in connection with arising issues with access to legal reproductive health services; to ensure

free access to contraception to the poorest women especially those in the welfare system and to introduce to schools reliable, modern sexuality education.

## **Education and conferences**

In January the Federation organized a conference to promote the report “20 Years of Polish Anti-Abortion Law”. The discussion on the impact of the law gathered Member of European Parliament, Joanna Senyszyn; OB-GYN Bożena Jawień; vice-president of Izabela Jaruga-Nowacka Foundation Barbara Nowacka and officials from the Offices of Child Rights’ Representative and Ombudsman.

As in previous years the Federation was an active participant of the Polish Congress of Women and regional congresses. In May during the 6<sup>th</sup> Congress of Women the Federation and Ponton Group of Sex Educators organized thematic panels and a stand with publications. It is worth noting that among ten main demands of the Congress there was a point about “Giving women back the right to control their fertility including the right to sexuality education for all since elementary school”. The Federation’s panel dealt with social impact of insufficient access to contraception. Ponton organized a discussion “Sexuality education is not an enemy of the family”. After the panels there was a debate with the Minister of Education Joanna Kluzik-Rostkowska. Ponton’s coordinator Aleksandra Józefowska took part in the conversation. The Federation’s Director Krystyna Kacpura participated in a debate “10 Years in the European Union in the Eyes of Women. Hopes and Reality”.

In September the Federation’s director Krystyna Kacpura took part in the 2<sup>nd</sup> Congress of Women in Koszalin. She was a panelist in a discussion about sexuality education “I have the right to know. Sexuality education is not sexualisation”. Speakers included teachers of Preparation for Family Life, policewomen and a guardian from a youth educational facility.

## **Research and monitoring**

In 2014 the Federation began implementing its two monitoring projects, financed by the programme Citizens for Democracy from EEA funds: “Control of the implementation of women’s rights in health” and “Control of the implementation of young people’s right to sexuality education”. These will be discussed in the report from legal work (below) and in Ponton’s annual report.

## **Activism**

As in previous years the Federation’s team and educators from Ponton Group marched in the 15<sup>th</sup> Warsaw feminist march Manifa which took place on 9<sup>th</sup> March with a main slogan “Equality in School, at Home, at Work”. Ponton sex educator Alina Synakiewicz delivered a speech and pointed out to the importance of reliable sexuality education in schools as one of the components of equality education.

The Federation was actively engaged in international celebrations of 28 May – the International Day of Action for Women’s Health.

On 13 June a rally “We want medical care, not Vatican care!” was organized by organizations and activists at the Polish Sejm. The gathering was a reaction to the so-called “Declaration of Faith of Medical Professionals and Students” through which ultra-conservative employees of the health system had declared they would not perform any services (abortion, prenatal screening, prescribing contraception) since they put God’s law above human. Representatives of the Federation and Ponton

Group of Sex Educators delivered speeches about the abuse of conscientious objection by gynaecologists and the ideologization of Preparation for Family Life lessons.

On March 28 – the International Day of Action for Safe and Legal Abortion – a coalition established by the Federation with organizations working in human rights and supporting the right to safe and legal abortion and pro-choice activists organized a street event “Women Suffer in Silence” in Warsaw Old Town.

We could hear stories of women who had experienced negative consequences of the restrictive Polish abortion law. Our aim was to show in a symbolic way that women are lonely and anonymous in their experience, they do not share their abortion stories in public, they are ashamed and afraid. Women’s stories were read by singer Maria Sadowska and actress Magdalena Kerel.

In November the Federation joined the 16 Days of Action Against Gender-Based Violence. Staff took part in a march against gender-based violence, organized by the Congress of Women Association.

## **Publications**

In connection with reports of increased use and abuse of the conscientious objection by doctors, Federation for Women and Family Planning prepared a legal guide explaining step-by-step what to do to obtain legally guaranteed medical services (pregnancy termination or prescription for contraceptives). This is the first publication which covers the topic in-depth. It is a response to the needs of women who ask the Federation for guidance or legal support after they had been refused services. Fast and effective enforcement of one’s rights is particularly important when abortion or emergency contraception is needed. Abortions are performed up to a certain stage of pregnancy and emergency contraceptives may be used up to 120 hours after intercourse but effectiveness is highest in the first 24.

An updated version of the guide “What to do when doctor refuses to prescribe contraception or perform abortion” is available online [here](#).

Report “20 Years of Anti-Abortion Law in Poland” in Polish and English. The report was sent to the media and MPs and attracted their attention, for example MP Łukasz Krupa from Twój Ruch party quoted from it during a parliamentary debate about the work of the Representative for Patient Rights.

## **Federation’s legal work in 2014**

### **Legal work on the national level**

The right to objection

Throughout 2014 legal work was continued to change the provision on patient’s right to object a doctor’s opinion or decision. The need for a dialogue between the Federation, other NGOs and the government side became evident during a meeting of an Inter-Ministry Team for the European Court of Human Rights in December 2013. The Federation initiated a discussion and declared willingness to

meet in a group of experts to discuss these matters. The meeting took place on 6 February 2014 at the Ministry of Foreign Affairs. It was attended by officials from the Ministry of Health and the office of Patient's Rights Representative and the MFA (as the meeting's initiator). Also, Amnesty International was invited. There were also officials from the office of Ombudsman which supports the Federation's efforts for a law change and conducted its own analysis of objection cases. As a result of the meeting the Federation was to present its suggestions of amendments in the draft bill. The suggestions were delivered as agreed. In September the draft was revised and many of the Federation's recommendations were added, in particular the requirement to provide a legal basis for the objection, reduction of time for the medical committee to issue a decision, obligatory medical exam, ensuring that the person filing the objection can be present and be represented by a legal representative.

The objection issue was mentioned by the Federation at other meetings as well. Changes in the law were discussed at a meeting of the Inter-Ministry Team for the ECHR, held on 4 December 2014. The Federation noted the key issue – the fact that the bill was not ready a year after the first draft had been submitted. As a result, advocacy pertaining to the bill were planned for implementation in 2015.

### Conscientious objection

Conscientious objection is one of the key legal questions in the Federation's work. It is also one of the elements of the implementation of ECHR judgements in Polish cases concerning reproductive health. Federation has been monitoring the application of conscientious objection by doctors and other related events. These activities have confirmed the Federation's belief that conscientious objection clauses are not applied correctly. In 2013 the Bioethics Committee of the Polish Academy of Sciences issued a statement about the application of conscientious objection. It was a progressive document in line with what the Federation has been advocating for. The Polish Episcopate replied to that statement in 2014. On 20 February a seminar was held and the Federation was invited to discuss the matter. The Federation issued a critical opinion concerning the Episcopate's position, pointing out multiple legal and factual distortions and arguing that the document was a way to convince doctors to break the law with justification of the Church's teaching. These negative actions found their continuation in the "Declaration of Faith" which was another attempt to convince doctors to declare that they were against certain medical procedures which did not go with the Catholic Church teaching. The Federation issued a critical statement on that.

In June a director of a Warsaw hospital refused access to an abortion to a patient, based on his worldview. The Federation undertook a number of actions and expressed its criticism of the case. We also announced our willingness to provide legal assistance to persons who had experienced similar problems and monitored the case. As a response to the case a practical instruction was drafted for women who had been refused access to contraception or abortion. It was first published online and in September 2014 it was printed as a brochure and distributed.

Also, preparations started for an international seminar concerning conscientious objection and conversations with potential partners are to be continued in 2015. An analytical report concerning the application of conscientious objection is planned. It will discuss the law itself, its application and international standards, problems, pathologies and good practices. The aim will be to prepare recommendations of legal amendments.

## Welfare system - counselling

Years of work have led us at the Federation to a conclusion that there is a serious issue with access to reproductive health services for women at risk of exclusion. This is also connected with the way the welfare system is working. Beginning there the Federation prepared a legal analysis of the Act on Welfare and executive regulations pertaining to that act as regards the possibility of including family planning counselling into the welfare system. The analysis revealed that there were no legal obstacles for the Ministry of Labour and Social Policy to take appropriate action. The analysis served as a basis for 2013 advocacy efforts aimed at system changes. These, however, proved unsuccessful. Another attempt was made with the Government Representative for Equal Treatment. On 16 January 2014 a meeting took place with representatives of the Ministry of Labour and Social Policy and the Ministry of Health. Directions for further action were decided – these did not fully reflect the Federation's recommendations. It became even more difficult to continue the work after the person who had been supportive of these changes resigned from the position of the Representative. The Federation still regards access to counselling and contraception as very important matters. In 2014 we worked on related projects and plan to take action in 2015.

## Codification Committee

At the end of 2013 the Criminal Law Codification Committee (advisory body at the Ministry of Justice) presented its draft amendments to the Criminal Code. Provisions of chapter 19<sup>th</sup> of the Code were crucial from the point of view of the Federation's statutory objectives. The Committee proposed to extend the definition of infanticide, introduce liability for other crimes against humans at prenatal stage of development and to change the abortion provisions by altering the wording and adding an unclear term of "excluding doctor's liability". Since the proposed amendments had aimed to change the existing provisions significantly and there had been no common understanding of their wording and what the Commission's status and role in the legislative process was, the Federation monitored all events connected with the draft, issued a letter to the Prime Minister regarding the Commission and took part in the public debate by publishing a statement and giving media comments. On 21 January the Committee organized a conference to which the Federation was invited as an organization engaged in the public debate. The Federation's lawyer participated in the discussion and presented a legal analysis of proposed solutions.

The Federation also prepared a legal opinion concerning the proposed solutions and arguments used at the conference. The opinion was delivered to the Commission.

The Federation has been monitoring the proceedings concerning the draft amendments.

## Implementation of ECHR judgments

The Federation has been regularly monitoring the implementation of the Court's judgments in Polish cases (Tysi c, R.R. and P. & S.). The key recommendations in the judgments concern actual access to legal abortion and prenatal screening (including the means of appeal), conscientious objection and so-called "chilling effect" of criminal provisions on access to legal pregnancy terminations. None of the judgements' implementation has been approved by the Council of Ministers of the Council of Europe.



According to the Federation the Polish government did not take sufficient action to improve women's access to legal abortions.

The Federation again presented its position at the meeting of the Inter-Ministry Team for ECHR (described above).

In addition the Federation, along with the Center for Reproductive Rights, prepared two reports concerning the implementation of P.& S. v. Poland and R.R. v. Poland judgments. The reports were delivered to the Committee of Ministers of the Council of Europe. Work of the Committee is monitored on an ongoing basis.

In 2014 Sejm subcommittee for the implementation of ECHR judgments was appointed. For this reason there was no meeting of the parliamentary Justice and Human Rights Committee during which the Federation usually presented its positions concerning the implementations of judgments in cases pertaining to reproductive health.

In 2014 there were no subcommittee meetings concerning judgments in reproductive rights-related cases. The Federation has been following the agenda of the Subcommittee in order to be present at a meeting discussion problems with implementation of reproductive rights-related cases.

#### Implementation of the Act

The Federation published its annual commentary to the government's report from implementation and about the impact of the Act on Family Planning. The governmental report had been submitted to the Sejm only in 2014. The Federation delivered its comments in writing to relevant institutions and discussed them at a seminar on 31 January.

The government's report did not take into account the Federation's recommendations despite the fact that the Federation was mentioned in a chapter dealing with the abortion underground. So far the authorities have not provided an analysis of the phenomenon and other effects of the Act even though the Federation stressed it on numerous occasions. Moreover, in spite of the Federation's appeal sent in June 2014 the Sejm had not discussed the report in 2014. Just like in 2013 also in the following year the government failed to publish the report from the implementation of the Act in a timely manner. The Federation pointed that out at an Inter-Ministry Team on ECHR meeting.

Additionally, when the Polish government was reporting on the implementation of the CEDAW convention, members of the Committee (see below) were very much interested in the functioning of the Act, in particular the scale of abortion underground in Poland.

#### Project "Monitoring of the observance of women's right to health"

The Federation began the implementation of a new project aimed at the monitoring of institutions defined as defenders of women's right to health. These institutions include: Patient's Rights Representative, institutions making up the system of doctors', nurses', midwives' and pharmacists' professional liability, National Health Funds, Regional Commissions for medical incidents and common courts (civil and criminal where relevant). Project team is composed of lawyers who are members of the Legal Support Team of the Federation. From June to September initial monitoring

was conducted (excluding the courts) and revealed that institutions are reluctant to provide information requested through the public information access procedure. Among those institutions which submitted their replies the majority did not report cases which could be relevant for the project. Where such cases were reported, difficulties were made in accessing documentation. Initial monitoring results were analysed and in December 2014 the second stage began. The project is scheduled to be continued throughout 2015.

### Coalition for Equal Opportunities

Federation is one of the Coalition's members. We are involved in its legal work, participate in annual meetings and working groups. In 2014 the Federation's lawyer became a member of the Coalition's Programme Council. She also took part in a regional meeting of anti-discrimination coalitions from Central and Eastern Europe during which possibilities and scope of cooperation in anti-discrimination activities were discussed.

### Hotline

The hotline provides legal counselling twice a week (Tuesdays and Thursdays). The most popular issues are:

- ✓ *civil law matters* – divorce, separation of finances, division of equity, inheritance;
- ✓ *family law matters* – alimony for children or ex-spouse, determination of fatherhood, restrictions in parental rights;
- ✓ *labour law matters* – in the context of maternity protection in the Labour Code and gender-based discrimination in the workplace, mobbing;
- ✓ *patient's rights and other provisions of the medical and pharmaceutical law matters* – the right to information, documentation, respect for privacy and dignity, the right to benefits, medical errors, the possibility to demand compensation (in courts and at regional commissions for medical incidents), professional (and other) responsibility of doctors, conscientious objection, access to contraception;
- ✓ *criminal law matters* – concerning illegal abortions, sexual violence, abuse, stalking;
- ✓ *domestic violence* – possibility of obtaining help, Blue Card procedures, evidence for a possible criminal lawsuit;
- ✓ *Act on Family Planning* – possibility of having a legal abortion, legal consequences of certain actions of a pregnant woman (undergoing an illegal abortion or buying abortion pills online etc.), doctors' obligations resulting from the Act, legal options for claiming the right to terminate a pregnancy and demanding compensation for related violations;

### Cases

In 2014 the Federation continued cases from the previous year and took on new ones. The cases listed below are to be continued in 2015.

1. errors in foetal diagnostics leading to the birth of a seriously ill child,
2. failure to provide foetal diagnostics as a result of which a woman did not find out the foetus was suffering from Down Syndrome,
3. refusal to provide a legal abortion to a woman whose foetus had spina bifida,
4. loss of IVF embryos in one of the clinics,

5. sexual molestation by a doctor (sexologist),
6. two cases concerning the radical hysterectomy performed without women's consent,
7. two cases where women who have had three C-sections were refused legal abortions,
8. case of a woman who was misinformed as to the condition of her foetus as a result of which she gave birth to a child with an incurable disease.

## **Legal work - international**

### **CEDAW**

The Federation prepared a chapter of the shadow report for Poland's CEDAW Committee reporting. It dealt with reproductive rights in the context of gender-based discrimination. The Federation's lawyer also took part in a session of the CEDAW Committee in Geneva during which the Polish government was presenting its report. Advocacy activities were conducted to draw the Committee's attention to the key problems concerning the discrimination of women. One of the Coalition for CEDAW (group of NGOs monitoring the application of the CEDAW convention) priorities was health.

Members of the Committee expressed great interest in matters of the implementation of the Act on Family Planning. On 7 November the Committee issued recommendations which will be used in the Coalition's and Federation's advocacy.

### **UPR**

The Federation continues its involvement in the Universal Periodic Review process with regard to Poland. The Federation has been monitoring the process of implementing the recommendations of members states of the UN Human Rights Council concerning reproductive rights.

## **Media**

Staff of the Federation and Ponton volunteers spoke on numerous occasion in traditional and online media. Major appearances included an interview with our lawyer Karolina Więckiewicz for "Wysokie Obcasy" magazine of 25 July, interview with the Federation's director Krystyna Kacpura for "Gazeta Wyborcza" daily on 23 October and a discussion between Krystyna Kacpura and actress Renata Dancewicz about the Polish abortion law in Polskie Radio 24 on 5 January. The Federation provided its expert commentary in TV stations, i.a. Polsat News, TVN, Superstacja, in radio stations, i.a. Radio dla Ciebie, Jedyńka and TOK FM.

The Federation's social media profiles attracted significant attention. In the past year over 1200 people liked the Federation's Facebook page and some posts were shared by more than a hundred users. Many discussions took place on 28 May – the International Day of Action for Women's Health.

## **Organizational development**

In 2014 the Federation's office was renovated to improve the working conditions and adapt the office for meeting, workshop and counselling purposes. The library was also updated and catalogued. Press clippings' archive will be available for researchers and media.

The team took part in several trainings to raise their competencies, i.a. trainings in efficient monitoring and attracting supporters. Regular team meetings took place and a strategic meeting was organized.

## **Summary and 2015 plans**

2014 was a successful year for the Federation despite unfavourable political and social climate. Reproductive rights were under attack and attempts were made to criminalize sexuality education. There were also proposals to punish women who underwent abortions or even involuntarily caused a health risk to the foetus. We had successful cooperation with other organizations and groups working more broadly on human rights and anti-discrimination. The objective of the Federation is to maintain these relationships and make new contacts in regions, i.a. by participating in regional women's congresses. In 2015 strategic activities to gain new supporters, i.a. among students of medicine and law, will be continued. Relationships established in 2014 with celebrities – actresses, journalists, singers – will be cultivated and used in social and educational campaigns.

2015 will mark the 20th anniversary of the Fourth World Conference on Women in Beijing and the Federation is planning to participate in the session of the Commission on the Status of Women. In 2015 decisions will be made as to the shape of the international development policy for years to come and we are planning advocacy at national and international level in order to stress the importance of women's and reproductive rights in this framework.

As regards advocacy the Federation aims to cooperate with MEPs and deepen relationship with local governments and monitor and educate candidates for Parliament on the meaning of reproductive and women's rights for social and health policy.

### **Board in 2014**

In the reporting year four meetings of the Federation's Board took place. Board members actively participated in seminars and panels organized by the office. They also engaged in the preparation of statements of the Federation in important matters, i.a. statement on proposed amendments to the Criminal Code by the Codification Committee.

Main donors of the Federation in 2014:

1. EEA Funds
2. Global Fund for Women
3. Open Society Foundation
3. Rosa Luxemburg Foundation
4. Mama Cash
5. Center for Reproductive Rights

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