

NO  
WOMAN  
NO KRAJ

# ANNUAL REPORT 2019



Federation  
for Women  
and Family  
Planning

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## SUMMARY OF 2019

A lot happened in various areas of reproductive health in 2019, even though we did not witness mass protest in the face of antiabortion backlash. It was a busy year for the Federation. We addressed the problem of the lack of access to guaranteed reproductive health services, as well as the abuse of patient's rights and the conscience clause. We supported protests against the sexuality education witch-hunt. To spread know-how and empowerment, we launched a patient's and reproductive rights workshop tour and a monthly podcast in Capital Radio. We celebrated the International Safe Abortion Day by organizing a photography competition and a subsequent exhibition of selected photos. The intersectional report *Institutional Violence in Poland* was our take on summarizing the state of reproductive rights. Our representatives took the floor during the United Nations events – the annual Commission on the Status of Women in New York, and sessions of the Human Rights Council in Geneva, held three times a year. We also took part in the global and regional review of the (un)implemented commitments of the 1995 Beijing Platform of Action. Before we present our activities in detail, let's take a look at the crucial events and changes of 2019.

After the October parliamentary election the motion filed to the Constitutional Court by a group of MPs, who wanted it to consider the **constitutionality of abortion due to fetal pathology**, expired. The day before Christmas Eve, fundamentalists filed a new motion, intending to force women to continue pregnancies despite severe and irreversible fetal defects. All in contradiction to the public opinion, the abortion reality, the Constitution, and international law. The **Stop Abortion draft bill**, as a civic initiative, has not expired, and will be considered in the new parliamentary term. The Federation is closely monitoring attempts to restrict the abortion law and undertakes advocacy and activism.

In 2019 there were attempts to **introduce the conscience clause to pharmacies**. Fundamentalists called for the right to conscientious objection to be included in the Pharmacist Profession Act. As a counteraction to this dangerous and anti-patient's rights proposed amendment the Federation created a petition and collected 15,000 signatures, which were then handed over to the officials in the Ministry of Health. The bill is going to have to be reconsidered and adopted by the Standing Committee of the Council of Ministers.

The Federation also publicized and explained the last year's issue of the **Contraception Atlas** – an annual ranking on accessibility to modern contraception methods in Europe. Based on data for 2018, Poland, with the result of 31.5 percent landed at the very bottom of the list.

In 2019, the authorities, the public media, and the extremely conservative organizations intensified attacks on sexuality education. The aim of the disgraceful **Stop Pedophilia**

**draft bill** was to revoke the youth's right to evidence-based sexuality education, as well as to threaten those who teach sex ed and provide health care to people under 18. The ruling party's support for the bill is undebatable. Law and Justice's MPs called for the proposed prison sentence to be extended from 3 to 5 years. Eventually, the draft bill was referred to the Special Commission on Changes to Codification. The Ponton Group denounced the proposed law in its statement and during protests in front of the Sejm. With a vast majority of votes, the European Parliament adopted a resolution, which criticized the bill and urged the Polish parliament to reject it. MEPs also called for an increase in spending of the EU funds for non-governmental organizations, which provide sexuality education.

### **Warnings for the Polish authorities**

In 2019 many international institutions reacted to the systemic violations of human rights in Poland. After a visit to the country and meetings with civil society representatives, including the Federation, the **United Nations High Commissioner for Human Rights** called on the Polish authorities to, among other things, implement the Istanbul Convention, guarantee access to legal abortion, and fulfill commitments stemming from the rulings of the European Court of Human Rights regarding access to abortion and prenatal testing.

The Federation regularly monitors the implementation of ECHR verdicts and submits communications to the **Committee of Ministers of the Council of Europe**. The Committee issued a decision on the state of implementation of ECHR verdicts regarding access to legal abortion in Poland. The Committee's conclusions on all cases were similar: the Polish authorities have done nothing to ensure better access to the legal service of pregnancy termination in Poland, especially in cases of conscience clause-based refusals.

The Federation also participated in the **Beijing+25 Regional Review Meeting**, during which the state of implementation of the commitments from the 1995 World Conference in Women in Beijing was reviewed. Poland was the only European country, which had not submitted a governmental report, hence the importance of the Federation's input to the international forum and cooperation in creating a regional factsheet on reproductive rights.

In November the **UN World Summit** was held in Nairobi, Kenya. For 25 years it has been widely considered to be the most important event concerning the implementation of resolutions of the International Conference on Population and Development. During the summit, 160 states decided to guarantee sexual and reproductive health and rights within the state health service. Unfortunately, Poland was among the 10 states which opposed the international commitments of the Nairobi World Summit.

As a result of reviewing Poland's implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the **UN Committee Against Torture** stated that "refusal of legal abortion can constitute torture." The final

report was based, among others, on the Federation's report created in cooperation with disability academics and sheds light on many problems, including inaccessibility of legal abortion and forced sterilization.

### **Progress despite backlash**

In 2019, the **grassroots fight against manipulative antiabortion banners, gatherings, and vans** continued. This fight shows the huge potential of local authorities. For example, the mayor of Bielany, one of Warsaw's boroughs, took many steps, including a change in traffic organization, to remove a van covered in gruesome illustrations that parked in front of a local hospital. The authorities of Wrocław also freed the city's residents from visual terror at a Christmas market and dissolved the gathering. What is the conclusion? It is worth to use the help and potential of local decision-makers. The Federation will provide legal assistance with filing complaints, submitting *amicus curiae* opinions, and representation in court.

After the October elections we welcomed **51 left-wing politicians in the new parliament** – 49 MPs in the lower house (Sejm), and 2 in the Senate. Therefore, we are counting for attempts of progressive reforms and actions improving the access to various services – gynecological and perinatal care, accessibility of contraception and prenatal testing, and finally decriminalization and liberalization of abortion. A **Parliamentary Group on Reproductive Rights** was created in the Sejm, and many local authorities established **Councils of Women**. In Warsaw, in addition to the Council (of which our Director is a member,) the Mayor initiated a mandate of the **Plenipotentiary for Women**, as well as announced implementation of the **Warsaw for Women** program. Thus, Warsaw became the next Polish city, after Poznań, to make sure that health care is not dependent on a doctor's worldview. Two hospitals in the capital provide the so-called "**conscience-clause-free doctor's offices**," where you can get medical advice or a prescription without fear of an ideologically-motivated refusal.

We have many reasons for joy, or at least hope for progress in terms of sexual and reproductive health and rights in 2020. We invite you to read a summary of our activities in 2019, divided thematically (law, advocacy, education, counseling, and publishing,) and by the Federation's programs (the Ponton Group, the Great Coalition for Equality and Choice, and ASTRA Network.)

## LEGAL ACTIVITY

### Legal Team



The Legal Team (Network of Lawyers) was established in 2008. Last year, it actively participated in monitoring the legal matters in Poland, issuing numerous statements, appeals, and legal opinions:

- a joint statement and letter of the Great Coalition for Equality and Choice and the Legal Team to the **Minister of Internal Affairs and Administration concerning Ordo Iuris' announcement** of their intention to send instructions to the law enforcement authorities not to initiate proceedings regarding antiabortion banners;
- inquiry to the National Health Fund on proceedings taken against medical facilities, which regularly breach their contracts for guaranteed services;
- inquiries to Regional Consultants on Obstetrics and Gynecology on recommendations regarding the pregnancy termination procedure.

The Legal Team has been cooperating with the Federation on monitoring programs. As part of the wide-scoped #XRayingHospitals program, the Federation's lawyer addressed complaints to the National Health Fund and/or the Patient's Rights Ombudsman on hospitals, which do not comply with the obligation to provide abortion as a guaranteed service. The lack of response to inquiries under the Public Information Act in turn, resulted in several complaints for failure to respond.

During the **annual members' convention**, a training in filing individual complaints to the United Nations committees on women's rights violations, UN decision-making in that regard, and comparison of this complaint procedure to the proceedings of the European Court of Human Rights took place. During the convention, members discussed ideas on strategic litigation, ways to enforce the current law, reactions to antiabortion banners in public spaces, especially in front of schools and hospitals, and ways to promote the Team and its activities.



## ADVOCACY ACTIVITIES

### Around antiabortion regulations

#### **Abortion accessibility monitoring**

The Federation for Women and Family Planning has been monitoring the accessibility of reproductive health services and intervening in cases of unlawful refusals for 25 years. Due to **numerous reports concerning inaccessibility of legal abortions**, the Federation initiated a monitoring program #XRayingHospitals. Using the mechanism of public information inquiries, we ask directors of public hospitals with gynecological and maternity wards about pregnancy termination procedures and statistics. Then, we publish all responses, which can be used during conversations with ward managers or hospital authorities. Lack of possibility to provide abortion services constitutes a breach of contract with the National Health Fund. Thus, the Federation will make use of the received responses to advocate with the Fund, as well as the Patient's Rights Ombudsman, and the Ministry of Health, to bring the top-down, systemic improvement in accessibility of this guaranteed service.

#### **Legal Abortion Guidebook**

Every day, we get inquiries about ways to enforce one's right to abortion. What criteria are there to fulfill? What documents to deliver? What to do in case of a refusal? We answer these and many other questions in our guidebook. We also published a very useful document – recommendations of National Consultants on Obstetrics and Gynecology, who remind hospitals of their obligations and sanctions for violating the rights of patients.

### Around contraception

#### **"How to get emergency contraception" guidebook**

In Poland, obtaining the morning-after pill is often close to a miracle. That is why, we created another defiant guidebook in which we remind that a prescription for an emergency contraceptive can be issued by a doctor of any specialty, not only a gynecologist.

### United Nations

#### **UN Special Rapporteur**

In December, the Federation facilitated a consultation of the UN Special Rapporteur on freedom of religion or belief with Polish human rights defenders, UN experts, and representatives of regional and national human rights institutions. The aim of the meeting was dual: to document the methods of using "religion" in order to subvert gender equality

and rights of LGBT+ people in Poland, and identifying the best practices of civil society and other entities that look into the clash between religious freedom and the right to non-discrimination. The conclusions from that meeting will serve as basis for a report, which the Special Rapporteur will present to the UN Human Rights Council in March 2020. The report will reflect key findings, analyses, and strategies identified during the joint debate.

### Council of Europe

For years, the Federation has been **monitoring the implementation of the European Court of Human Rights rulings** in cases *Tysic v. Poland*, *R.R. v. Poland*, and *P. and S. v. Poland*. All these rulings include recommendations to change the system and practice of law in Poland in terms of respecting women’s rights and effective access to reproductive rights services.

As part of this activity, in cooperation with the Center for Reproductive Rights, in February 2019, the Federation presented a **communication to the Committee of Ministers of the Council of Europe regarding P. and S. v. Poland**. We also cooperated with the Supreme Bar Council and its Human Rights Commission on the issue of these institutions submitting a similar communication to the Committee of Ministers.

## EDUCATIONAL ACTIVITY

### Patient’s and reproductive rights educational tour

Thanks to the support of the Rosa Luxemburg Foundation, the Federation launched a tour of educational meetings on reproductive and patient’s rights, and methods of their systemic protection. In 2019, the Federation’s representatives traveled to 6 different Polish cities and towns, where incorrect use of the conscience clause remains a big obstacle in access to health services. This is where the necessity to raise awareness and mobilize local women is especially urgent. The main message of the meetings was to empower participants, encourage them to fight for their rights, and then share the knowledge with others.

### #TheWholeBody podcast

Over a hundred years ago during the Convention of Polish Women, a young feminist writer Zofia Nakowska called out: “We want the whole life!” Today we can shout the same slogan and add that we also want the whole body. Because our heart can be transplanted and our brains operated on, but when it comes to anything related to our biological sex, our humanity is pushed into the background. All the while, our bodies are us. We will win the right to our bodies. And – the right to our whole lives.

In our monthly audio and video podcasts we talk freely about contraception, abortion, safe sex, giving birth, and sex education.





### **International Safe Abortion Day (28 September)**

Each year, the Federation celebrates this unique international campaign for safe abortion. In 2019, three years after the Black Protest, we announced a photography contest to find works that would let us feel and diagnose the full spectrum of phenomena, paradoxes, and manipulation around abortion in today's Poland. What does termination of pregnancy look like today? See how contemporary Polish women cope with the restrictive law. See the consequences of a law that for three decades now has existed only in writing. See emotions, individual and collective, associated with every possible aspect of Polish abortion: within and outside the law.

- [the exhibition catalog](#)
- [awarded photographs and exhibition opening](#)



### **16 Days of Activism against Gender-Based Violence**

Each year, between 25 November and 10 December, organizations and activists remind the public about the scale, forms, and consequences of gender-based violence.

Institutional violence is one of its poignant forms. It's a state when authorities not only do not fulfill their obligations towards society, but also deprive it of their due rights, restricting freedom in favor of own political or ideological interests. As part of the 16 Days campaign, the Federation prepared a series of illustrations and published a report on institutional violence. Moreover, our lawyer traveled to Koszalin to speak about patient's rights in the field of reproductive rights during the First Nationwide Conference on Counteracting Gender-Based Violence.

## COUNSELING ACTIVITY AND SUPPORT FOR WOMEN

### Federation's Hotline

In 2019 the Federation's hotline celebrated its 28<sup>th</sup> anniversary. Sexuality educators, psychologists, a lawyer, and a gynecologist held over 1,200 conversations. They answered questions and provided counseling on, among others, contraception, pregnancy, psychological problems, legal issues, sex education, and abortion. Men constituted half of all callers.

### Legal Team

The Team provides email and telephone legal counseling and assistance. Last year, inquiries and requests concerned various sexual and reproductive health problems, such as employee rights during pregnancy, enforcing guaranteed services, post-miscarriage benefits, patient's rights, as well as sexual violence.

### ***Institutional violence in Poland. On systemic violations of reproductive rights.***

The purpose of the publication is to present the real picture of sexual and reproductive health services in Poland. The Federation invited expert organizations specializing in various dimensions of SRH to cooperate in creating this comprehensive and intersectional report - the Ponton Group, the "Our Stork" Association for Infertility Treatment and Adoption Support, Birth with Dignity Foundation, and experts on the rights of people with disabilities. In the resulting publication we are critical towards the 2017 Council of Ministers' Report on the implementation of the Act on Family Planning, as well as towards other public institutions' reports on SRH. The **commentary on the current regulations and the actual (non)implementation is a starting point to a series of postulates directed at central and local authorities.**

### **"Abortion. Poland. 21st century"**

American photographer Ansel Adams used to say that "photography, as a powerful medium of expression and communications, offers an infinite variety of perception, interpretation and execution." Photography forces reflection. It lets us tame difficult subjects, which are left unsaid. It breaks taboos. Photography is a medium ideal to deepen

the public debate around abortion. This kind of thinking prompted us to organize a photography contest. The awarded works let us feel and diagnose the full spectrum of phenomena and paradoxes around abortion in Poland today.

→ [the exhibition catalog](#)



Contest entry entitled *Fuck* by Radosław Wojnar, awarded by the jury.

## Social media

The Federation's fan page on Facebook was the most actively used social media channel. Apart from reproductive rights news and updates on the Federation's activities, numerous informational and educational campaigns were published. The number of people reached through the page has been rising steadily, and over the course of the last year it increased by 13 percent (currently over 21,000 likes and follows.) The biggest group of fans are people aged 25-34 (31%) and 35-44 (26%.)

Our other social media channels:

- [Instagram](#)
- [website](#)
- [Twitter](#)
- [Youtube](#)

## "I Have the Right" bulletin

The bulletin, issued by the Federation continuously for 19 years, is sent to almost a thousand people each month. In the 2019 issues touched on the following topics: the state of implementation of reproductive rights in Poland and in the world, the Federation's

activity, medical and legal information, and reproductive rights literature recommendations.

## **GREAT COALITION FOR EQUALITY AND CHOICE**

The Coalition, set up in 2017, is an informal initiative gathering over **a hundred NGOs and groups**, working for the liberalization of the current abortion law, as well increasing the social awareness in this regard. The Coalition's mission is rooted in solidarity. The initiative joins forces of Polish pro-women organizations and movements in order to effectively fight for women's human rights, comprehensive sexuality education, good standards of perinatal care, implementation of reproductive rights, and complete eradication of violence against women.

Selected activities of the Great Coalition in 2019:

- A joint statement and letter of the Great Coalition for Equality and Choice and the Legal Team to the **Minister of Internal Affairs and Administration concerning Ordo Iuris' announcement** of their intention to send instructions to the law enforcement authorities not to initiate proceedings regarding antiabortion banners;
- During the **40th session of the UN Human Rights Council** in Geneva in March, the Federation presented a statement of the Great Coalition of Equality and Choice on the occasion of a report issued by the UN Special Rapporteur on Cultural Rights to mark the 10<sup>th</sup> anniversary of the mandate. In the statement, the Coalition emphasized the fact that exercising one's cultural rights cannot justify violation of other human rights. Following the 2017 Special Rapporteur's report, the Coalition objected to fundamentalism and extremism, as well as condemned ideologies, which discriminate against, or are otherwise harmful to women.
- In March 2019, the Coalition's coordinator met with **Dunja Mijatovic, Council of Europe Commissioner for Human Rights**. The Commissioner concluded her visit to Poland with a [statement](#), in which she referenced the country's issue of counteracting violence and the worrisome state of women's reproductive rights.
- In May 2019, the **second convention of the Great Coalition for Equality and Choice** took place. The meeting, which took the form of a workshop, served also as a debate on the Coalition's and its member organizations' achievements and on the challenges that the Coalition faces. An analysis of the current socio-political situation and its impact on women's rights was also an important part of the workshops, as well as development of effective tools to improve the Coalition's activities and facilitation of networking between members.
- In May, the Coalition's secretariat, together with the European Parliamentary Forum for Sexual and Reproductive Rights, the Polish Parliamentary Group for Hate Speech Counteraction and Human Rights Protection, Joanna Scheuring-Wielgus MP, organized a debate in the Polish Parliament "**Counteracting ultraconservative**

**movements in the European Parliament.”** The speakers talked about organizations aiming to restore the “natural order” – a world ruled according to patriarchal, ultra-Catholic principles, with no respect towards human rights, diversity, and autonomy. Candidates in the EU parliamentary election were asked about their ideas to advance human and women’s rights, the rule of law, and social justice.



- On the occasion of 28 September, which marks the International Safe Abortion Day, the Coalition issued a statement for the 42<sup>nd</sup> session of the United Nations Human Rights Council. Here is an excerpt from the statement: “Right to abortion is an essential part of women’s sexual and reproductive lives and health and is fundamental to women’s right to bodily autonomy. The human right to life and to health can only be achieved for women and girls if they have access to safe abortion when they need it. The realization of this right is the necessary component of the reproductive justice.”
- In reaction to the film *Unplanned* entering cinemas, the Great Coalition launched a Facebook event “Stop propaganda! I boycott *Unplanned*!” The aim was to sensitize the public opinion to the barefaced lies on abortion and warn parents and teachers against overt brainwashing of children and youth.
- The Great Coalition participated in **solidarity actions** with women in countries, where authorities had attempted to restrict their rights (for example in Germany in January 2019)
- The Coalition promoted initiatives of its member organizations, including petitions and open letters (for instance regarding antiabortion banners, or the change of the definition of rape,) as well as numerous events and street actions (e.g. One Billion Rising, Disco Against Hate on 8 March, promotion of the *Secular State* draft bill, or the Feminist Hyde Park organized by the Łódź Gals)

## FEDERATION IN THE MEDIA

It was a very busy year for the Federation. In 2019, we were featured in Polish and foreign media outlets over ninety times, including press, radio, and TV interviews with representatives of the Federation, and articles with mentions of its activities.

(In)accessibility of abortion services was the most popular issue with the media. The topics of other inaccessible medical services, as well as institutional violence, and the conscience clause, were also of interest to journalists who contacted the Federation.

All interviews can be found on our website - ["Federation in the media."](#)

## SPONSORS

- Open Society Foundation (Women's Rights Program)
- International Women's Health Coalition
- Center for Reproductive Rights
- Global Fund for Women
- Sigrid Rausing Trust
- Rosa Luxemburg Foundation – the Poland Office
- Mama Cash
- Stars Foundation
- Urgent Action Fund for Women's Human Rights
- European Society for Contraception and Reproductive Health





ul. Nowolipie 13/15

00-150 Warsaw, Poland

tel. 22 635 93 92

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

[federacja@federa.org.pl](mailto:federacja@federa.org.pl)

Facebook/Twitter/Instagram: @federapl