



CENTRAL AND EASTERN EUROPEAN WOMEN'S NETWORK FOR SEXUAL AND REPRODUCTIVE HEALTH AND RIGHTS

CEE Bulletin on Sexual and Reproductive Rights

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BURNING ISSUE

A Breakthrough in the Federation's Fight for Reproductive Rights in Poland. The Court stated that the human rights resulting from the articles 3 and 8 of the Convention were violated by the Polish State in the case of pregnant woman who could not exercise her right to the prenatal diagnostic tests which might have confirmed or denied a previous diagnosis of a presence of severe genetic abnormality of a foetus. Following the judicature consolidated in the previous judgments the Court stated that the woman's right to respect for private and family life (article 8 of the Convention) was violated because she had been denied reliable information about a condition of her foetus and had been prevented from deciding whether or not continue a pregnancy. Consequently, the Polish State did not provided the woman with a possibility to exercise the patient's fundamental right to information. Furthermore, the Court stated that the Polish State does not provide an effective mechanism for exercising this right. For the first time in its history, the Court specifically found that an abortion-related violation amounted to inhumane and degrading treatment. The Court stated that a medical treatment the woman had experienced exceeded the limits acceptable by the Convention. The woman had suffered for many weeks what according to the Court exceeds a minimum threshold of pain acceptable on a ground of the article 3. It means that a way the doctors looked after the women was an inhuman and degrading treatment. The Court also cited a violation of the woman's private life and ordered the Polish government to compensate her. The Court awarded the woman a record-breaking 45 000 EURO compensation. The Court acknowledged that the woman's torment and suffering caused by a lack of knowledge about her situation together with

a great humiliation she had suffered at the doctors' hands as well as the other circumstances of the case justify the compensation's amount. The R.R. case was conducted by the Federation for Women and Family Planning (Polish member of ASTRA Network) in cooperation with the Warsaw University Law Clinic, supported by the Center for Reproductive Rights. Att. Monika Gąsiorowska and Irmina Kotiuk, who conducted the case at the Court, are members of the Federation's Network of Lawyers. The Court's judgment in the R.R. case is a great success in the Federation's for Women and Family Planning fight for respecting the women's reproductive rights in Poland.

Source: Federation for Women and Family Planning

REGIONAL UPDATES

Poland: Clandestine abortions generate up to \$95 million a year for Polish doctors as women use illegal private sector. New analysis published by the *Reproductive Health Matters* shows that the criminalisation of abortion in Poland has led to the development of a vast illegal private sector with no controls on price, quality of care or accountability. Since abortion became illegal in the late 1980s the number of abortions carried out in hospitals has fallen by 99%. The private trade in abortions is, however, flourishing, with abortion providers advertising openly in newspapers. According to the article, women have been the biggest losers during this push of abortion provision into the clandestine private sector. The least privileged have been hardest hit: in 2009 the cost of a surgical abortion in Poland was greater than the average monthly income of a Polish citizen. Low-income groups are less able to protest against discrimination due to lack of political influence. Better-off women can pay for abortions generating millions in unregistered, tax-free income for doctors. Some women seek safe, legal abortions abroad in countries such as the UK and Germany.

More: Stigmatisation and commercialisation of abortion services in Poland: turning sin into gold Agata Chelstowska in: *Reproductive Health Matters*, May 2011 (Vol. 19, Issue 37, Pages 98-106) at <http://www.rhm-elsevier.com/home>

Armenia - Fertility Problems Worry Officials. The government, concerned by the demographic situation, approves strategies for improving health of mothers and children as well as reproductive health. According to the report produced jointly by the United Nations, the health ministry and other organizations, the infertility treatment is hard to access in Armenia because of the high cost, the low level of awareness among the population, and also its low effectiveness. The highest levels of childless families are in Yerevan itself, and in the Armavir, Ararat, Gegharkunik and Shirak regions. In Yerevan and Gegharkunik, some 12 per cent of men are infertile. The male infertility was often caused by a poor lifestyle: drinking too much, smoking, eating poor-quality and fatty food and lack of exercise. The government, concerned by the demographic situation in the country, has approved strategies for improving mother's and children's health as well as reproductive health. Currently, there are 3.2 million people in Armenia, the population having fallen by around 50,000 since 1991. Last year, 44, 810 children were born in Armenia, which is one percent more than in 2009.

Source: Institute for War & Peace Reporting
<http://iwpr.net/report-news/armenia%E2%80%99s-fertility-problems-worry-officials>

Hungarian Government's Anti-Abortion Campaign. The Hungarian government started an ad campaign against abortion, hoping to reduce the numbers of legal abortions through persuasion rather than a ban. According to the press release of the government, this campaign is financed up to 80% from the European Union's PROGRESS funds. Sophie in 't Veld the Member of European

Parliament tabled a parliamentary question inquiring from the European Commission (EC) whether the EC is aware of the fact that its PROGRESS funds, designed to support the implementation of the European Union social agenda, are being used to finance a biased, anti-abortion campaign. The campaign, showing a picture of a child in a womb with the words, “I understand it if you aren’t ready for me, but rather put me up for adoption, let me live!”, is supposed to run for two months. Although the recently adopted Hungarian constitution protects “life from conception”, the ruling party has repeatedly said that a ban on abortion in Hungary wasn’t an option. Nevertheless, nongovernmental organizations, like the Hungarian Civil Liberties’ Union, said the new constitution opens the way to a future change of the law. Despite rhetoric of politicians that constitutional provision that protects life from conception would have no impact, there are already discussions going on in terms of proposing limits on implementation of current law and on proposing new legal limits restricting access to abortion. The number of abortions has been on the decline since 2009. It dropped to 43,181 in 2009, according to latest available data by Hungary’s central statistics office, from 44,089 in 2008. It was at 65,981 in 1999. The number of teenage abortions has decreased the most. The World Health Organization and Guttmacher Institute said in a February study that overall abortion rates around the world are similar regardless of whether abortion is legal in a given jurisdiction. Countries with strict anti-abortion laws have developed black markets for abortion. The abortion rate — the number of abortions per 100 childbirths — is 29 in Africa, where abortion is illegal in most countries, and 28 in Europe, where abortion is generally permitted on broad grounds. The lowest rates in the world are in western and northern Europe, where abortion is accessible with few restrictions, the study said.

To access the WHO and the GI’s the study go to: http://www.guttmacher.org/pubs/fb_IAW.html

More on Hungarian campaign: <http://patent.org.hu/>

Gender Project for Bulgaria: “Getting to Know!”. **Development Education in Bulgarian Curricula** “Getting to Know!” is a three-year joint initiative of six of the founders of the Bulgarian platform for international development - Centre for Inclusive Education, Global Initiative on Psychiatry - Sofia, Caritas Bulgaria, BlueLink Information Network, Gender Project for Bulgaria and Cooperation for Voluntary Service. “Getting to Know!” is the first truly Bulgarian development education project, funded by the European Commission. It aims to contribute to the development assistance by creating a mechanism for integrating a global development dimension in the curriculum of the education system in Bulgaria. Children and young people will be exploring global links, participating in activities and classes organized in schools and universities.

For more information, please contact Stanimira Hadjimitova at: gender@fastbg.net.

GLOBAL UPDATES

Cross-border Healthcare Directive and Access to Abortion.

Rules for receiving cross-border healthcare and reimbursement of these costs were clarified thanks to the EU Directive on the application of patients’ rights in cross-border healthcare, which was formally adopted by the European Parliament and the Council in 2011, and all Member States have to implement it by November 2013. It provides more clarity about possibilities to seek healthcare in another Member State. The Directive also clarifies who is responsible for quality and safety of care in cross-border settings. Finally, it strengthens cooperation in different areas, such as networks of centres of reference for specialised care. Polish Federation for Women and Family Planning seeks to take advantage of the Directive in order to advance women's access to SRHR services. We expect that the implementation of the Directive will improve the situation of Polish women's access to

abortion. Due to the restrictive law access to abortion is limited, moreover even women who are legally entitled to abortion are often denied access to services in Poland. The Directive will change it, because women will be given the opportunity to seek the services abroad, and the Polish state will be obliged to reimburse the costs of services. It is important to note that, at the same time the Czech Ministry of Health has proposed the new law regulating accessibility of abortion for citizen of the EU. The current Czech law regulating access to abortion was adopted in 1986 and it does not conform with the European regulations. According to the current legislation, abortion on request is available to the 12th week, and abortion for medical reasons is allowed till the 24th week.

The text of the directive is available here:

<http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P7-TA-2011-0007&language=EN>

The Swedish Parliament voted to campaign against a European resolution upholding the right to conscientious objection to abortion. Swedish parliamentarians voted 271 to 20 to instruct the Swedish delegation to the Parliamentary Assembly of the Council of Europe (PACE) to work to change a resolution 1763 (2010) on conscientious clause passed in October. According to the Swedish motion, Sweden should support efforts which makes abortions free, safe and legal for all women. Taking into consideration that Sweden is one of few countries who are central in the international work focusing on sexual and reproductive health and rights, the motion calls the Swedish delegation to PACE to take more action to accomplish a change of the noxious resolution.

Source: Federation for Women and Family Planning

EU officials make Sexual and Reproductive Health linkages to HIV/AIDS at the Global Health Policy Forum. The theme of the recent Global Health Policy Forum at the European Commission was ‘The Future of the EU response to AIDS in View of the UN High Level Meeting on Aids’. The meeting is planned for June 2011. Representatives of the Directorate for Health and Consumer Protection gave detailed outlines of the position which the EU has and will be taken with regard to HIV/AIDS. They referred to the Council Conclusions on the European Union's role in global health and specifically to the four main health challenges including sexual and reproductive health and its important link in the fight against HIV/AIDS. The Commission officials explained that the priorities for the future will rest on prevention, health system strengthening, financing, focusing on key populations, human rights issues and promising new technologies including microbicides. They concluded saying that HIV/AIDS needs to be embedded into a broader health agenda which aims at programmatic linkages and broader health outcomes including with sexual and reproductive health.

The presentations given at the Global Health Policy Forum will be uploaded at: http://ec.europa.eu/health/eu_world/events/ev_20110216_en.htm

16 Countries Commit to Reducing Maternal Mortality. 16 countries developing pledged their commitments to reducing maternal, newborn, and child mortality, as part of the Global Strategy for Women's and Children's Health. The countries, supported by UNAIDS, UNFPA, UNICEF, the World Bank, and WHO, will focus on promoting increased contraceptive use, better access to obstetric care, immunizations, and the prevention of mother to child HIV transmission. Launched in September 2010, the Global Strategy aims to reduce maternal and child death in developing nations. The United Nations Population Fund (UNFPA), the United Nations Children's Fund (UNICEF), and the World Bank released a report in September stating that although maternal mortality rates have decreased by 34 percent since 1990, the decline in the rate of pregnancy-related deaths is not on track to meet the Millennium Development Goal target for 2015. Currently, there are approximately

1,000 maternal deaths per day caused by easily preventable conditions that include severe bleeding after childbirth, infections, hypertensive disorders, and unsafe abortion.

Source: UNFPA at <http://www.unfpa.org/public/home/news/pid/7686>

UPCOMING EVENTS

Technical Meeting on Abortion. This technical meeting on abortion aims to bring together practitioners, advocates, researchers, program managers, technical advisors, students and others to share experiences, strategies and resources for preventing unsafe abortion and promoting access to comprehensive abortion care globally. This meeting will be held in Washington D.C. and coincides with the Postabortion Care Consortium and Global Health Council meetings. The meeting is open and free of charge for those engaged in ensuring access to comprehensive abortion care; pre-registration is required. Monday, June 13, 2011 from 9am-12:30pm EST.

For more information and to pre-register, please email your name, title, organizational affiliation, country where you are based and other contact information to: techmeeting@ipas.org.

PUBLICATIONS

Litigation Briefing on R.R. v. Poland, S & T v. Poland and Z v. Poland. Center for Reproductive Rights' latest litigation toolkit which focuses on three cases pending before the European Court of Human Rights against Poland on reproductive rights issues. It was produced in cooperation with the Polish Federation for Women and Family Planning. The toolkit describes the context in Poland, Polish law, international standards, the facts of the each case, claims we have made, select media coverage and a call to action.

Available here: <http://reproductiverights.org/en/document/rr-v-poland-st-v-poland-and-z-v-poland-polish-language-litigation-briefing-series-pdf>

More: <http://reproductiverights.org/en/press-room/new-resource-highlights-three-cases-against-poland>

ILGA State-Sponsored Homophobia Report. ILGA has launched its State Sponsored Homophobia report. Most material is available in English, Spanish, Portuguese and French. You can download them on this page: www.ilga.org

Sexuality Education Cost-Effective When Mandatory & Integrated – UN Study – Girls. Programmes to impart sexuality education to young people are more cost-effective when integrated and mandatory, according to the findings of a United Nations study. According to UNESCO, fewer than 40 per cent of young men and women across the world are well informed about HIV/AIDS and how the disease is transmitted. This landmark study gives an economic basis to belief in sexuality education as a key platform for HIV prevention amongst children and young people in the years to come. The document outlines the rationale for sexuality education and provides technical advice on the subjects to be covered and the intended goals.

More:

http://www.wunrn.com/news/2010/10_10/10_11_10/101110_sr_files/SR%20Education%20Report-Human%20Right%20to%20Sexual%20Education.pdf

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