



BOOKSHELF

Contemporary Women's Hell: Polish Women's Stories

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From the Preface by

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THE publication "Contemporary Women's Hell - Polish Women's Stories" is unique because its stories have been written by life itself and told by women themselves. The publication consists of stories of 10 women who have experienced the consequences of Poland's restrictive anti-abortion law.

The anti-abortion law was approved by the Polish Parliament on 7 January 1993 after almost four years of public debates and several previous attempts to approve it. It was introduced despite numerous protests and against the will of majority of Polish society. Paradoxically, Polish women lost their right to decide just after Polish society won back its independence and reinstalled democracy in 1989.

The previous liberal law, in effect since 1956, allowed abortion for social reasons, which in practice meant abortion on request. Abortion was provided both in public hospitals and in private clinics.

The current law, in contrast, prohibits abortion for social reasons and is in effect an almost complete ban on abortion. In theory, the law permits abortion to save the health and life of a woman, in cases of irreparable and severe foetal abnormalities, and when pregnancy is a consequence of rape. In practice, however, it takes nearly a miracle for women to access legal abortion. Only 150 legal abortions are performed each year.

Polish women who experience unwanted pregnancy do not have the legal option of abortion. But even with the cost of illegal abortion sometimes reaching US \$1,000, many women still seek the procedure in the so-called "abortion underground," often risking their life and health. Although many pregnancy terminations in the

abortion underground are performed by qualified doctors and hence are reasonably safe, the quality of these services is increasingly criticized. Further, the quality of service is directly proportional to the price charged. We are regularly informed of women dying as a consequence of illegal abortion, although such deaths are not reflected in official statistics.

In seeking to exercise their legal right, even women who meet the legal criteria for abortion usually encounter obstacles that are impossible to overcome. This is mainly because doctors do not want to take responsibility for consenting to a legal abortion. Women are sent from one doctor to another, referred for tests that are not legally required, and misinformed about their health, as well as about the availability of legal pregnancy termination. For doctors mainly concerned with their own careers and peace of mind, such women represent problems that need to be eliminated as quickly as possible.

Women go through hell. They are treated by doctors and sometimes also by law enforcement institutions in a way that injures their dignity and violates their constitutional right to life and health. Furthermore, women who are unlawfully prevented from exercising their right to legal abortion do not have access to any appeal procedures: There is no governmental body they can go to for help in exercising their rights. They can count only on themselves. Consequently, they are forced either to give birth, often risking their health, or to seek abortion in the underground.

The Federation for Women and Family Planning has monitored the consequences of Poland's anti-abortion law throughout the 12 years it has been in force. In this period, we have witnessed numerous tragedies suffered by women as a result

of the law. Some women have decided to seek justice in court. Two cases, including that of Alicja Tysi c, are awaiting a verdict from the European Court of Human Rights. Fighting for justice is extremely difficult and time-consuming in these cases, but it gives women an opportunity to reclaim their dignity, which is why they decide to choose this path despite considerable difficulties and an uncertain outcome.

The stories told here come from two of the Federation's publications, "Women's Hell – Contemporary Stories" (2001) and "Women's Hell Continues..." (2004). Some of the women whose stories are told here spoke publicly about their experience during two tribunals on the right to choose organized by the Federation in 2001 and 2004. These tribunals were similar to tribunals organized during United Nations conferences in the 1990s by the Center for Women's Global Leadership and addressed violations of women's human rights. Speakers included well-known authorities who commented on violations of women's rights from the perspectives of human rights, international standards and gender equality. The tribunals attracted a great deal of interest from Polish media, and the stories told shocked many people. Unfortunately, those who decide about the law in Poland remained unmoved.

Paradoxically, international institutions seem to be more sensitive to the suffering of Polish women than Polish politicians and policy-makers. Some of these institutions have officially addressed the issue on several occasions. For example, in 2004 the U.N. Human Rights Committee presented the Polish government with a statement calling for liberalization of the anti-abortion law. Unfortunately, Polish authorities do not take seriously enough their international commitments related to reproductive rights, including those related to the International Covenant on Civil and Political Rights, which the Polish government ratified and observance of which is monitored by the Human Rights Committee. The failure of the most recent attempt to liberalize Poland's anti-abortion law, in February 2005, clearly evidences the lack of political will in Poland to respond to the Committee's recommendations.

We still believe that the international pressure exercised on Polish authorities may eventually come to fruition. For this to happen, however, it

is necessary for international organizations and institutions to become more familiar with the consequences of the Polish anti-abortion law, including how it functions, its impact on the accessibility of medical services for women, attitudes of health providers, and women's experiences. We believe that this publication will increase the international community's knowledge of Polish women's situation and problems and lead to effective international initiatives aimed at changing this situation. We believe that international pressure will contribute to changing the discriminatory anti-abortion law.

News stories based on this book

- From *Super Express*, 22 March 2005.

In March 2005, 21-year-old Karina Kozik from S dziwojewo (Wielkopolska) underwent an illegal termination of pregnancy in the private apartment of a gynaecologist in Swarzędz. After the procedure, she haemorrhaged and was taken by ambulance to a hospital in Poznań, where she died.

- From Michałowicz T. Caring for the fetus at the expense of the mother's life. Excerpt from *Wyborcza Gazette*, 2 May 2005. 25-year-old pregnant woman became ill. She was crying with pain. Doctors did not examine her, because examination could cause a miscarriage.

Basia* and her fiancé were from Piya. She had completed studies in law, and he in economics. They met at work and planned to get married. When Basia became pregnant, they bought a bigger apartment. That is when the problems started. Basia experienced pains in her abdomen. Doctors in Piya diagnosed ulcerous or chronic infection of the large intestine, with unknown cause.

Basia was taken to a gastroenterology clinic in Poznań. "The doctors were constantly talking about the chances of saving the pregnancy," said Basia's mother. "I could not find out much about my daughter's condition."

The pain was unbearable, and the young woman was screaming and begging for painkillers. She was given only paracetamol "due to the best interest of the baby". After three weeks, Basia was released from the hospital. She was home for only a week when her anus started to hurt. Diagnosis: abscess. It was removed in

*Her real name was Agata L Michałowicz.

Poznań, and after partial healing of the wound, Basia was discharged and returned home. On the second day after her discharge, the pain returned, and she was taken by ambulance to the hospital. "In the hospital in Piya, I heard, 'Your daughter thinks too much about her arse and too little about the pregnancy,'" Basia's mother said. "That is when I changed doctors. I found a bed for Basia at Pirogowa Hospital of the Medical Academy in Łódź." There, Basia was cared for by proctologist Jarosław Cywiński, who found a growing abscess and a fistula – an opening in the body through which pus was seeping. "I was begging him, 'Please save my child, nobody knows what is wrong with her. Please examine her!'" Basia's mother said. The doctor was going to perform an endoscopy, which carries the risk of miscarriage, but in the end he decided against it, saying, "My conscience won't let me do it."

A few days later, Basia's condition deteriorated. She ended up on the operating table with a high fever. The baby was already dead. The abscess was removed, but the infection had already taken over Basia's whole body. Sepsis

had already begun. During the next three weeks, she underwent numerous surgeries but to no avail – Basia died on 29 September 2004.

Professor Grażyna Rydzewska is a national consultant in gastroenterology. "In this case a fundamental error was made," she says. "When abscess and fistula were found, an endoscopy should have been performed. It would have identified the source of the infection, which could have been surgically removed. It is unknown if the pregnancy could have been saved, but this risk should have been taken."

We wanted to ask doctor Cywiński about Basia's death. "There is no chance I am going to talk about this topic. This issue should be left alone," he said and walked away. The Łódź prosecutor's office has started an investigation for involuntary manslaughter. "We are gathering medical documents. Soon we will contract out the comprehensive expertise on medical error," said Krzysztof Kopania, spokesperson for the office.

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Abortion tribunal, Warsaw, 2001