

**Polish Federation for Women and Family Planning**



**Contemporary  
Women's Hell**

**Polish Women's Stories**

**2005**

© Copyright by Polish Federation for Women and Family Planning, Warsaw 2005

**The translation of this publication was possible thanks to financial support from Ipas. Translation of the publication and printing costs were supported by International Women's Health Coalition.**

**We would like to thank Leila Hessini, Senior Policy Advisor, Ipas, for her assistance with editorial work.**

Polish Federation for Women and Family Planning  
ul. Nowolipie 13/15  
00-150 Warszawa, Poland  
Phone/fax: (48-22) 635 93 95, 887 81 40  
federacja@federa.org.pl  
www.federa.org.pl

ISBN 83-88568-16-7

## CONTENTS

### Contemporary Women's Hell – Polish Women's Stories

Preface, <i>Wanda Nowicka</i>	5
Alicja – They Have Their Own Laws	9
Anna – When the Country Is Ruled by Those Who Can Afford Children	13
Barbara Wojnarowska – When the Hospital Does Not Want Problems	17
Barbara Wojnarowska – The Rest of the Story	21
Kasia's Story – To Trust the Doctors	24
Maria's Story – If AIDS Is Not Enough, What Is?	27
Renata – It's Not Enough to Know	30
Agnieszka Szymańska – The Doctor Had Only a Suspicion	34
Anonymous – Right to Life	36
Anonymous – All It Took Was an Anonymous Telephone Call	41
Magda – A Common Story	43

## PREFACE

*Wanda Nowicka*

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 Tysiąc, 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.

### Women's Hell continues...

#### Hot news:

# In March 2005, 21-years-old Karina Kozik from Sędziwojewo (Wielkopolska) underwent 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. (*Super Express*, 22 03 2005)

#### # 25-years-old pregnant woman became ill. She was crying of pain. The doctors did not examine her, because examination could cause a miscarriage.

Basia and her fiancé were from Piła. 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 Piła 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 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 Poznaniu, 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 Piła, 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 – on 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 has 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 expertise on medical error," said Krzysztof Kopania, spokesperson for the office.

(Tomasz Michałowicza, "Caring for the foetus at the expense of the mother's life" in the *Wyborcza Gazette*, 02 05 2005, excerpt)

## THEY HAVE THEIR OWN LAWS

*Alicja Tysiąc*

When I became pregnant for the third time in February 2000, I was in shock. Since childhood, I have suffered from very serious vision impairment and degeneration of the retina. My general health has been also far from perfect: I have been anemic, had very low blood pressure (90/30), suffered from unexplained neurological disorders and had fainting spells. I did not feel I had the strength to give birth to a child, and I did not want to.

This feeling was strengthened by the fact that my four-person family's living conditions were appalling – a one-room flat without central heating, my husband and I both unemployed. When I decided to take advantage of my right to legal abortion for health reasons, both my ophthalmologists refused to provide me with the needed certificate, stating that they could not say with certainty that my pregnancy would lead to blindness. Finally, a general practitioner, who pointed out additional dangers associated with the fact that this would be my third caesarean, was brave enough to provide me with a certificate. When I presented this certificate at the gynaecology and obstetrics clinic, Doctor D. – without examining me or consulting other doctors – placed a few stamps on the back of it and wrote a note saying there were no contraindications for continuing the pregnancy. By doing this, he destroyed my certificate, and I could not use it anymore. Through this, he forced me to give birth to a child.

Since then, my health has deteriorated significantly. I have noticed significant deterioration of vision in my right eye. I have had very limited vision in my left eye for over 10 years now. Approximately two months after the labour, I was taken to the emergency room because of the condition of my eyes. The doctor who saw me yelled at me, "Who allowed you to be pregnant?" Ironically, it was in the same hospital where I was declined my right to abortion. During the examination, the doctor diagnosed resorbing haemorrhaging in the right eye, and, in the left eye, degeneration of the retina.

When wearing glasses, I can see up to a meter and a half away. Before the labour, my condition was classified as a second-degree disability<sup>1</sup>. The documentation justifying this classification stated that my health condition prevented me from working but that I did not need to be cared for by another person. After the labour, I was classified as a person with a first-degree disability. The justification documents state that now I "require constant care and assistance of another person in relation to social roles and everyday existence."

<sup>1</sup> In Poland there are three "levels" of disability, with level one representing the most severe disability.

I am very upset about the behaviour of the doctors: the ophthalmologists who treated so lightly the problem I had with my eyes; the gynaecologist – Doctor D. – who prevented me from accessing my right to abortion, which I was entitled to even in the context of the inhumane Polish anti-abortion law. Since I continued to suffer the consequences of Doctor D.'s decision, in April 2001, I filed a complaint at the prosecutor's office. I accused the doctor of preventing me from undergoing the legal termination of pregnancy, which had an adverse effect on my health in the form of almost total loss of sight. The prosecutor who interviewed me indicated straight away that I had no chance of winning.

In fact, on 31 December 2001, the investigation was discontinued. Earlier, the prosecution had decided to consult experts and sent me for an eye examination at the Medical Academy in Białystok. In their opinion document, the experts stated, "the deterioration of sight ... is related to the character of the condition, which is of progressive nature, and is not related to pregnancy and labour." The document was signed by three experts – an ob/gyn, an ophthalmologist and a forensic medicine expert. At least two of them came to their conclusions without seeing me, as only one doctor, an ophthalmologist, examined me. Furthermore, I am not even sure he was one of the experts, because at the end of seeing me, he said something to the effect of, "I have examined you but what will the experts say..." The examination lasted 10 minutes, and no specialist equipment was used during it. In contrast, the experts dedicated 47 hours to the analysis of my court file and medical documentation; hence the cost associated with the decision came up to 2305 PLN (575 Euro). The experts' final conclusions were: "with so serious a defect, the risk of separation of the retina was present since the beginning of the condition and continues to be present; the pregnancy and labour did not increase this risk." They were additionally sure the haemorrhaging in my eye in the beginning of January "was not caused by the pregnancy or labour." According to the experts, the fact that two previous pregnancies did not result in deterioration of my sight proved this fact. Therefore, they decided that no deterioration took place after the third pregnancy.

The prosecution did not take into consideration testimonies of the witnesses indicating that the tests I underwent after my last pregnancy and labour indicated degeneration related to earlier haemorrhaging. The witnesses did not specify the time of those bleedings, but they also did not rule out that they could take place during pregnancy, or during the labour – before the caesarean or directly after it.

What I have the most difficulty understanding is that the prosecutors did not interview at all the doctor who destroyed my certificate and refused to grant me access to abortion, even though other doctors were called to provide testimonies.

I am very critical of the prosecution's approach. The condition of my file was appalling, and the lead prosecutor behaved toward me in an offensive manner. The reports containing testimonies of the witnesses were handwritten and illegible. When I pointed it out to the prosecutor and asked him to help me to understand the writing, he was outraged and said, "I am not going to read the file to you." This despite his knowing that I have serious vision impairment.

For me – a person on disability benefits and suffering acute vision impairment – a serious barrier to fighting for my rights was the fact that each time I wanted to access my file I had to write an application and pay administrative fees.

After the case was discontinued, the prosecutor said to me, "And who was right?" I had a feeling that he was implying that it is pointless to make complaints against doctors. I wrote a complaint to the regional prosecutor, who also failed to find any fault in the doctor's actions and referred the complaint to district court. The district court, too, found no wrongdoing on the part of the doctor. The drastic deterioration of my health was not taken into consideration. The court's statement noted simply that haemorrhages are a natural element of my health condition.

After reading the verdict, the judge said that she was very sorry and that she understood me. In relation to the prosecutor's file, she said that if I made a complaint she would penalize him, because she herself could not read the file. Of course, this understanding was not reflected in the justification of the verdict. After this court's decision, I had no other avenues for appeal.

During the time when the prosecution was deliberating my case, I filed a complaint with the Regional Medical Chamber and later with National Medical Chamber. I was never informed about the progress of the case. I had to telephone the Chamber to get any information, and I was not allowed to photocopy any of the documents – only to copy them by hand. In the files, only the address of the doctor was covered up; my address was there for everyone to see. Therefore, the doctor could see my address, while I could not see his. I found out that although the doctor was ordered to provide my medical file to the Chamber, he did not because my file did not exist! The women working in the Medical Chamber were very rude to me and seemed very annoyed that I was calling and asking about my case's progress.

After a long period of waiting for any kind of reply, I asked to see the professional conduct ombudsperson. I wanted to know why the doctor addressed me by my first name. The ombudsperson explained that this was probably because he thought I was very young, and additionally in Western countries such behaviour is normal. I pointed out that in my presence a female doctor had whispered something into the doctor's ear, after which the doctor stamped the certificate I presented to him and wrote a negative comment on it. The ombudsperson said she would ask the doctor about it, but that I should not worry because the discussion between the doctors was most likely not related to me. When I was leaving her office, she said, "You know, they should have terminated this pregnancy, but they have their own laws."

I wanted to fight for justice in the Polish courts and prove that the doctors were wrong, that my rights were violated. During the whole time, however, I did not feel like the victim but like the accused. I cannot accept the way the doctors treated me.

In my complaint to the Medical Practitioners Board, I accused the doctor of not fulfilling his obligations to ensure privacy; to treat patients with respect and kindness; to ensure necessary diligence, including dedicating sufficient time to patients; to refer patients to other medical assistance; and to provide patients with

full information. But both the District and National Medical Practitioners Boards found no failures on the part of the doctor. The investigation was closed.

Since I had used all avenues available to me within the Polish legal system, I decided to file a complaint at the European Court of Human Rights in Strasbourg. In February 2005 the Court communicated the case to the Polish government and requested that a number of specific questions be replied. I hope the European Court will find the Polish system unfair.

Currently, I am no longer a person with a second-degree disability, but one with a disability of the first degree, which is a permanent classification. I need assistance from another person to exist. After five years of battling diverse difficulties and health problems, I am now suffering from anxiety neurosis, which manifests in serious breathing problems. I take large quantities of tranquilizers. My general health has deteriorated recently, and now I am seeing a psychiatrist.

As far as my living conditions are concerned, we are in a really difficult situation. We cannot afford the payments for our flat, sometimes we cannot even feed the children. We survive on family and disability benefits. Our flat is 30 square meters. There is not enough room for our youngest daughter's bed.

All we can do is hope that one day life will be better.

(*Women's Hell – Contemporary Stories*, 2001; *Women's Hell Continues...*, 2004)

## WHEN THE COUNTRY IS RULED BY THOSE WHO CAN AFFORD CHILDREN

Anna

It is difficult for me to tell my story. I try not to think about it, because if I start I will again be unable to sleep at night. This is why I will make it as short as I can.

I have already described what I went through to Lidia Ostałowska, a journalist from the *Wyborcza Gazette*. On 9 March 2004, the *Gazette* published an article titled, "Doctors' Fear." I will use it now to tell my story.

I am 28 years old. I wanted to terminate my pregnancy because of health reasons. I was suffering from serious venous insufficiency. Pregnancy would have a negative impact on the condition of my vascular system. Another pregnancy and labour would result in my needing to undergo a leg surgery and then rehabilitation lasting several months.

I am raising three small children on my own.

I already had one surgery. But it didn't stop the development of the illness, which was progressing with each subsequent pregnancy. Now, my left leg is swollen, and it is purple all the way up to the groin; my foot cannot fit in a shoe. In my right leg, there are thickenings under the skin and varicose veins. The leg is very sore. I have difficulty with walking and standing. During pregnancy, you cannot take painkillers.

Because of my illness, I cannot use the IUD or hormonal contraceptives. After my last labour, I asked for my fallopian tubes to be tied, but I was told that this procedure is illegal in Poland. The only option I had for contraception was condoms.

And a condom failed me.

I did not want to give birth. From the alimony fund<sup>2</sup> I had 250 PLN (62 Euro) for each child per month, but I was expecting it to become even less soon since the alimony fund was supposed to be liquidated.

Sometimes I received assistance from welfare, and sometimes not.

I am sick; my boys have asthma; I cannot afford inhalers and medication. In the vascular disorder centre, the doctors scream at me for not wearing anti-varicose veins panty-hose. They cost 200 PLN (50 Euro). After paying all the bills, I do not have much left to live on each month.

I decided to have an abortion mainly because of health reasons. After the surgery on my veins, I was instructed to stay in bed. At that time my husband was helping

<sup>2</sup> Governmental fund established to support children whose fathers fail to pay child support benefits.

me a bit. But when he found out I was pregnant, he disappeared. I don't even know where he is now. When I give birth, my legs will be in a terrible state. Hospital, rehabilitation... And the court will take my children away.

I am not very familiar with legal issues. I thought (just as many other Poles do) that abortion was completely illegal in Poland, and that it was done only in the abortion underground, and that women who are found out go to jail. This is why I did not go to a public clinic, but to a private one. The gynaecologist quoted a price of 2500 PLN (625 Euro). I asked him if I could pay it in instalments, but he would not agree. So I tried to get a loan at a bank, but it was not approved. I managed to get a loan at another bank, but only for 300 PLN.

Time was passing. In January, a friend convinced me to contact the Federation for Women and Family Planning. There, for the first time, I heard that abortion is legal if the pregnancy poses a risk to the health of the woman. They advised me to get a certificate in the clinic where I was getting the treatment for my veins.

The doctor made a diagnosis. "The patient is at high risk for complications related to blood clots. In the event of thrombosis, for which she is at significantly higher risk than other persons, the patient's life may be at direct risk." He also stated that my health had deteriorated with each pregnancy.

He didn't mention that I was pregnant. He didn't know it. I was too scared to admit to him that I was.

I presented the document at the district hospital and requested an abortion. The doctor found my request amusing. He said that I must be joking.

I didn't know what to do. Kill myself? I couldn't do that because of my sons. I myself grew up in an orphanage.

After returning home, I was so determined that I injected window-washing detergent into my abdomen. I fainted and vomited. Because I was afraid of being punished, I did not call an ambulance. Unfortunately, I did not have a miscarriage. Perhaps the detergent was too cheap. I regret that I could not afford *Domestos*. One of its ingredients is chlorine, which is more corrosive.

The Federation was supporting me in my struggle for access to services to which I am entitled. I went to my vein doctor again. This time Ms. Lidia Ostalowska, a journalist from the *Wyborcza Gazette*, accompanied me. But I entered the doctor's consultation room by myself.

I asked the doctor to add one sentence to his diagnosis: "Continuation of the pregnancy poses a risk to patient's health."

I left the room crying. He wouldn't write it. He didn't want to go to jail because of me.

Lidia Ostalowska talked with him a while later. He explained to her that varicose veins in themselves are not a significant health risk and do not put my life at risk. But there may be such a risk in case of complications such as thrombosis. He did not know, however, if thrombosis would occur. In fact, in the hospital's pathological

pregnancy ward, there were numerous women with this condition, he said. Medicine can help them. Finally, he said, "The risk of blood clots in the case of this patient is lower than risks associated with labour. There may be complications during the abortion. Then the court would ask who gave the patient referral for an abortion. And what would happen then?"

The Federation took my case to Prof. Stanisław Radowicki, a national consultant for gynaecology and obstetrics. The professor stated that even thrombosis is not a sufficient reason for abortion. He also said that doctors must make recommendations on a case-by-case basis. The professor was not convinced by the vascular surgeon's opinion because, he said, "surgeons know nothing about pregnancy."

My efforts to obtain approval for legal abortion lasted almost two months, but they achieved nothing.

The Federation arranged for me to visit the gynaecology ward of the hospital where in a few months I was to give birth. The head of the ward suggested that I give the child up for adoption.

Nobody knew that I had already done that once, after which I was taken to a psychiatric hospital. I still cry for that baby girl, although several years have passed since then.

I didn't try any more to terminate the pregnancy myself. I was scared that I would die and make orphans out of my sons. And even if I survived, I would feel guilty because the child had already been inside me for five months.

I agreed to put the child up for adoption but on two conditions: I would give birth through a caesarean section so that I would not see the baby, and I would have my tubes tied afterward, even though it was illegal. I begged the head of the department to do this; he agreed and instructed my doctor to do it.

There were two nurses present during the caesarean. One was calming me down, and the other was trying to convince me not to go through with the adoption. She was saying, "I have three children and I survive. You will manage, too." I felt trapped. I was thinking about my tubes.

I returned home alone. I felt only one thing: I was missing something; something was not there. When I saw mothers with children, it really hit me. I cried, because only a bad mother with no heart doesn't think and doesn't cry.

I wished I did not have to give the child away, but eventually I had to.

I had six weeks to decide. I signed my rights away on time. I finally understood that I could not manage with another child.

My health deteriorated. Now deeper veins are also causing problems. My oldest son saw the pregnancy, and he asks about the baby. I told him that his little brother is at his auntie's.

I feel wronged. I did something against my will. Doctors forced me to do this.

After the caesarean, the doctors did not want to talk to me. They were mad with me so I was too scared to ask if they had tied my fallopian tubes.

Even now, I don't know if they did.

I believed that the Federation would help me to exercise my rights. I believed in the *Wyborcza Gazette*. Finally, I understood that nobody and nothing was able to help me. It is because, in Poland, the rich, who can afford children, rule. They want Poland to grow at the expense of others. Mothers should give birth and raise children, and if they cannot raise them, they should give them away.

They don't think at all what it means.

(*Women's Hell Continues...*, 2004)

## WHEN THE HOSPITAL DOES NOT WANT PROBLEMS

*Barbara Wojnarowska*

In December 1997, at the age of 24, I gave birth to my son, Mateusz. The pregnancy had progressed normally until the 36th week, when the ultrasound revealed a significant difference in the ratio of the length of the thigh bone to the diameter of the foetus' skull. Tests conducted after the birth at the Children's Memorial Health Institute in Warsaw, the Paediatric Institute of the Jagiellonian University in Kraków, and in Poznań showed that my child suffered from hyperchondroplasia, with very serious contractions in his joints, including elbows, knees and ankles.

When, in the beginning of 1999, I realised that I was pregnant again (despite using contraception), I went to a gynaecological clinic. I presented my case to the doctors. I told them about my son's disability and about my health problems, which could increase if I did not terminate the pregnancy. The doctor agreed with me that these were valid reasons for termination. She also told me, however, that she herself could not make such a decision and referred me to Doctor L. P. She also advised me to see him quickly.

I went there right away. After waiting two hours, I briefly presented my case to Doctor L.P. in the corridor (I was not let into his consultation room). He told me that both I and the doctor who referred me were talking nonsense, because abortion does not exist in Poland. I demanded to have a proper consultation with him. After a while he called me into his consultation room and tried to explain to me that I must be mad if I thought that one could have a legal abortion in Poland.

After this conversation, I went to the administrative section of the hospital and obtained from the legal advisor a copy of the abortion law from 4 December 1996<sup>3</sup>. After reading it, I decided to officially apply for an abortion based on several reasons. First, despite my not yet having results from genetic tests, there was a significant chance that my first child's illness was genetic. Significant contractions in his joints, which are not observed in non-genetic forms of hyperchondroplasia, could be evidence of this.

Second, my husband was born and grew up in Płock, where currently even more disabled children are born than in Silesia. The reason for this may be the negative impact of environmental pollution on the genetic code of people who grew up in such places.

<sup>3</sup> In 1996 the anti-abortion law introduced in 1993 was liberalized, but the liberalized law was in force for only one year.

In a written application, I also referred to the possibility of termination because of my own health. My son was born through caesarean section because of problems with my hip joints and the risk of the rupture of my uterus. I had four surgeries on my hips, and the fact that I am overweight (when I became pregnant I weighed 120 kg also impedes the normal functioning of my hips. Every additional kilogram I would put on during the pregnancy could lead to permanent damage to one or both of my hips. It was because of my weight that after the first labour doctors told me not to get pregnant again: It takes much longer for a wound surrounded by so much fat to heal. Another pregnancy would also lead to excessive stretching of the uterus, which could cause it to rupture.

A diabetes specialist in Bydgoszcz also warned me that my weight combined with another pregnancy could lead to quicker development of chronic diabetes, which would make my life much more difficult. I am a teacher, and if I were diabetic, I would not be able to work in my profession because of the necessity of very regular meals and injections. And when you have a disabled child, any money – even the smallest amount – is very much needed and immediately spent. In my application I also made reference to financial difficulties. At that time I was unaware that in 1997 the Sejm (Lower house of the Polish National Assembly) had eliminated a woman's difficult financial situation as grounds for legal abortion.

I went again to the hospital to see Doctor L.P., this time with the application. I also showed him a copy of the act regulating termination of pregnancy. The doctor – who was head of the gynaecology and obstetric ward in Łomża – was very surprised that such an act existed and took a copy for himself.

He performed an ultrasound and a standard gynaecological examination. He stated that I was in the early stages of pregnancy and that there was no basis for an abortion because I did not have the results from the genetic tests. He did not seem to listen to my explanations but told me that I was neurotic, that my son was healthy and that I just fabricated his illness in order to “get rid” of another pregnancy. He also told me that he, not I, was a doctor and that it was up to him to conclude if my child was healthy or not. He did not even read my application and did not look at any of the medical certificates attached. I told him that my husband's brother also has disabled daughter (at that stage I did not know that her disability was not related to my son's illness), but he replied that that did not matter at all. I knew that in a situation such as mine, the doctor should ask about illnesses and disabilities among closest family members, and sometimes even among more distant family. I also told him that my husband is from Płock. The doctor's reply was, “Did I tell you to get pregnant?”

Once it was clear that none of my arguments was helping, I requested a referral for prenatal tests. But his answer was, “Your first child is healthy, and the second one will be healthy too. Therefore, I see no reason to refer you for such tests.” I knew that prenatal tests are recommended when the woman is over 35 years of age, and also for younger women who have given birth to a child with a condition that might be genetic. Therefore, I went to the hospital's vice-director to clarify my entitlement to

prenatal tests. When I told her that the doctor refused to provide me with a referral, she said that she could not force the doctor to make a specific decision. She added that even if the tests showed impairment of the foetus, nobody would perform an abortion anyway. Therefore, she said, there was no point in performing such expensive tests. She also gave the example of a woman whose prenatal tests showed foetal defects and who consequently received permission for an abortion. As a result, the hospital had a problem because it was obligated to find a doctor who would do the abortion. After a tedious search, one was finally located in Białystok. Hence, such a referral, in her opinion could only lead to the hospital having problems again.

I left the doctor's office and waited nervously for the pregnancy to develop.

In September, I got a referral from the gynaecological clinic to the hospital. During an ultrasound, an abnormal disproportion between the length of the foetus' thigh bone and the diameter of its head was evident. I became hysterical, because I just realized that I would be the mother of *two disabled children*. *If it were not for the incompetence of Doctor L.P., I would have only one*. Immediately, my husband and I went to the vice-director's office. When I informed her about the results of the ultrasound, she told me that it did not indicate any defects or abnormality and that my child would be healthy. She gave the example of a woman from her family whose ultrasound showed foetal abnormalities, but whose child was born healthy. This was said by a female doctor – in an advanced stage of pregnancy herself – to parents who had already gone through the trauma of the birth of one disabled child. We also hoped then that the ultrasound was mistaken. But how can you deceive yourself for the second time, when the development of the thigh bone stopped exactly in the 24<sup>th</sup> week of pregnancy, just as it had during the first one? How could this woman look into our eyes? Was she suitable for such a responsible position as vice-director?

When I left the hospital, I received a referral to Białystok. There I had another ultrasound, which showed seven weeks' difference in the development of the thigh bone and the diameter of the foetus' head. The doctor added, however, that there was one percent chance of an error. Both my husband and I were devastated by this message: *We would have two disabled children*.

On 27 October 1999, I gave birth through a caesarean section to my second child, a daughter. She was diagnosed with the same condition as my son.

My children's illness is a strain of achondroplasia, but a very severe case. Their long bones are deformed and are not growing. But they also suffer from other conditions, including deformation of the joints, causing constant pain which is worst during the night; deformation of the chest; and spinal curvature. Their frequent respiratory infections are connected to decreased lung capacity, which causes insufficient intake of oxygen. These are only some of the problems associated with their health condition. Seventy percent of affected patients also have learning difficulties and are hyperactive.

For us – the parents – our two children's serious, incurable illness is an extreme burden, both financial and emotional. I cannot work because the children require constant care and rehabilitation. My husband is a teacher. His wages are low and cannot cover basic medical expenses. Disability benefits are so low that they are not of much help at all. When we wanted to approach the State Fund For the Rehabilitation Of People With Disabilities for financial assistance to buy a car, which we need, we found out that only parents of disabled children of school age have any chance of getting such aid. But we have to drive our two sick children to the doctor and as often as possible to the swimming pool and to physical therapy.

Since September 2001, our son has been eligible for the kindergarten for disabled children, but he does not attend because the kindergarten is on the other side of town. His going there by bus is out of question, because I have to stay with the other child, and it would be impossible for my husband to take him to kindergarten and get to work at the opposite side of the city on time.

Our children's condition is very rare. They should go to doctors in Cracow, Warsaw and Poznan. Because we do not have a car, however, we have had to give up check-up visits in Cracow altogether and limit those in the other cities to once a year.

Lodging is another problem. We will probably never own an apartment. A family such as ours cannot save money since we spend every penny on the children. Currently, we are living in an apartment provided to us by a good person, but we do not know when and where we will have to move. Our current dwelling is approximately 32 square meters so we cannot even think about physical therapy or adapting it to the needs of our sick children. It should be equipped with special furniture (low, with moving table tops, special chairs with low legs and high backs) and adapted bathroom facilities (low sink, low toilet bowl, special entrance to the bath tap, which cannot be replaced with a shower because it is needed for exercises in water).

We are not able to take our children on vacations, even though a change of climate is recommended in cases of chronic respiratory illnesses. Last year we had to forgo rehabilitation at the Children's Memorial Health Institute in Warsaw for our son Mateusz, because we could not afford it. How can we talk about equal access to health? We face problems with the public health fund when we try to go to doctors' appointments in Warsaw. Even though we are insured and pay our health insurance premiums every month, we have to beg for that to which we are rightfully entitled!

It would be easier for us to provide decent conditions for one disabled child. We are not able to save money enough for both of our children after our deaths. So the conclusion is simple: After our deaths, they will not be able to support themselves, and consequently their lives and dignity will be endangered.

My husband and I are raising two small, disabled children. Maybe this would not be the case if Doctor L.P. had referred me for prenatal tests which could have qualified me for an abortion. How can a doctor who did not fulfil his professional duties continue to be the head of the ward and even receive professional awards in

recognition of his work? How can the position of the vice-director responsible for medical issues be held by a woman who protects only her own employees and tells patients that it is for doctors to make all the decisions?

Who in this case of evident medical negligence will face the consequences of not fulfilling their professional duties? Is it only us and our children who should be sentenced to financial and health consequences, as well as sneering and abuse from the intolerant Polish society? If our children are to finish school normally, significant funds are necessary. But even then they will not be able to work in the professions of their choice, as persons who are only 110 cm tall the height of a healthy 4- or 5-year-old. The significant constriction of their joints will make it impossible for them to work as a teacher or a doctor. Will the doctor who makes the decision in the hospital employ my disabled daughter as a surgeon?

If, during a school excursion, a child of the hospital's vice-director or of the head of the ward had an accident, the teachers would be responsible. So who is responsible in our case? We, the parents, or the doctor or the director who co-operates with him and justifies his illegal behaviour?

*(Women's Hell – Contemporary Stories, 2001)*

## THE REST OF THE STORY

This is my second presentation before the Tribunal. In the first one, I told about the consequences of a hospital doctor's refusal to provide me with a referral for prenatal tests during my second pregnancy. This was despite the fact that my first child was born with a disability, and, hence, according to the law I was entitled to prenatal tests with every subsequent pregnancy. My second child was born with the same condition as the first one – a strain of achondroplasia.

Since then, neither the financial situation nor the living conditions of our family have changed significantly. A lot has changed, however, as far as our children's medical treatment, legal proceedings, and the status of our case at the National Medical Board are concerned.

Thanks to the assistance of the Federation for Women and Family Planning and the previous Tribunal, I met people who wanted to help us. This included journalists, and Jolanta Koral in particular. Ms Koral has found a law firm which, free of charge, offered to help us obtain a disability pension for our daughter.

After two-year-long court proceedings, in May 2004, the District Court in Lomża reached a verdict, and we were awarded approximately 67,000 PLN (16,750 Euro) for the suffering I experienced after labour associated with postpartum depression and partial loss of income. Unfortunately, the court did not award a pension to the child, which would have covered the costs of treatment and rehabilitation, and which was most important for us. Both parties, however – us and the defendants – appealed the verdict.

What really hurt me during the court proceedings was that the defendants did everything possible to make the case into one about abortion and not about access to prenatal tests. I was hurt by many other things, too – for example, charges that we were asking for money for “holiday escapades” when we were actually asking for the costs of lodging at a the sanatorium; that the children did not have to have special shoes costing 150 PLN (37,5 Euro) since I could “just go to a market and buy children’s shoes for 20 PLN,” that we wanted to make money on our children, and many other similar accusations.

The ombudsperson for professional conduct of the National Medical Board many times discontinued our case. We appealed twice to the Medical Court. Recently, we were informed that the Medical Court had dismissed the latest discontinuation, on the basis of the incompetence of the person leading it. To make a long story short, the person responsible for the case did not appoint experts and for several months did nothing to gather additional evidence. Instead the case was discontinued again and again on the basis of the same premise which had already been rejected by the court.

Our son underwent two knee surgeries at the Children’s Hospital of Jagiellonian University in Cracow. The first surgery was in May, after which he spent six weeks in the hospital. After that, we went with the children to a sanatorium. In August, he had another operation on the other knee. As I am writing this text, it is the 9<sup>th</sup> of September, 2004. For one week now, my son has been undergoing rehabilitation in Kraków. I am going through emotional hell because we were forced to leave our 7-year-old child alone in the hospital, because of financial constraints, and we cannot even visit him on Sundays. And here comes the issue of so-called “holiday escapades”: My son can go to a sanatorium free of charge, but his caregiver has to pay for the full accommodation, which comes to 1500 PLN (375 Euro) or more. My son cannot go by himself, because he has been in a wheelchair since May and cannot move alone.

Our daughter still has respiratory infections so often that we cannot afford all the medication needed. Now we have to postpone her rehabilitation, because she has bronchitis.

For a while the children were receiving a pension from TVN Foundation “Nie jesteś sam” (“You Are Not Alone”). They are no longer receiving it, however, since – as it was explained in the letter we received – too many individuals are asking for help and the Foundation has decided to provide assistance directly to hospitals,

rehabilitation centres and other institutions instead. When we were receiving this pension, we could afford the medication, food, bills and the children’s travel to the doctors. Now, our debts are so high that our landlord is threatening to take us to court. Our telephone has been cut off because of unpaid bills, but how can we function without it? We may need to call an ambulance at any time.

Also, despite the media interest in our story, we still have not resolved our lodging problem. Our apartment is so small that my son cannot even move around. Apparently, the Polish government is committed to ensuring equal opportunities for healthy and disabled children, but as far as we are concerned, this is obviously not the case. Numerous times, I have appealed to the mayor of our city and to members of the city council asking for assistance in finding accommodation, but there has been no response. I only heard that sick children are my problem. I have to buy or rent an apartment myself and should not bother authorities with it.

For two years, now we have had a car, thanks to a loan from State Fund for Rehabilitation of People with Disabilities, which we will repay over a period of three years. Having a car enables us to go more often to doctors and sanatoriums, which is of great benefit to our children. Payments for petrol are a problem, however. In families such as ours, there is never enough for everything. My husband is working full-time, but I work only part-time because of our children’s health. Our daughter attends kindergarten; she is in a group for 5-year-olds. I have to hire a babysitter to care for my son at home, because he cannot be left alone even for the three or four hours when I am at work. All this means expenses, expenses which families without such problems do not have. When we subtract our expenses from our income, it becomes evident that we have only 500 PLN (125 Euro) left for a family of four to live on (for food, clothes, cleaning products, etc.).

The situation at work can also be an issue. Recently, I was told that I have to make a choice between professional promotion as a teacher and my children’s health. The principal, who has known about my problems for years, presented this “choice” to me. All I had asked for was consideration of my situation during the development of the teaching roster.

But there are also people always willing to help. Last year, thanks to the help of a company called Terrazyt, we were able to replace the windows in our apartment at a minimal cost. The old windows were so damaged that during the winter we had to hammer a blanket to the window frame, which would then freeze to the glass. Now it is warmer. Last year at Christmas, we received a letter and a huge package from a lady in the United States. This year, thanks to her assistance, we were able to send Mateusz to the hospital for a surgery and both children to the sanatorium. I know that it was not easy for her to send money earned through hard work to complete strangers, and we will be grateful to her for the rest of our lives. We can even say that, thanks to her assistance, our son, after long rehabilitation, will be able to walk.

*(Women’s Hell Continues..., 2004)*

## TO TRUST THE DOCTORS

### *Kasia's Story*

*Compiled by Monika Tajak on the basis of media reports and conversation with Kasia's parents*

Kasia was full of life, 20 years old. She was a young wife and the mother of an 11-month-old daughter. She was planning to complete her high school education, and she had plans for the future. But not anymore...

Kasia had a strong will for life. As a child, she survived a very serious car accident. She went through several operations to repair damage to her internal organs and broken pelvis. As a consequence, she was left with scars on her thighs and belly and screws in her pelvis. Even then, doctors warned her mother that Kasia must never have children.

But love conquered those obstacles. And the fruit of this love was a healthy baby girl born by caesarean section in April 2000. The labour was difficult, and Kasia underwent long rehabilitation afterwards. The doctors cautioned the young mother that because of her condition, she and her husband would have to wait for quite a few years before having another baby.

#### **Another pregnancy**

Kasia took care of her health and regularly visited the same gynaecologist. Her daughter was breast-fed. During the first few months after labour, Kasia had her period once, but the doctor assured her that she did not have to worry about becoming pregnant. She trusted her doctor and hence was not concerned.

In December, the gynaecologist diagnosed cervical erosion and treated it with laser. She scheduled another visit for a month later and planned to fit Kasia then with an IUD. Kasia's mother believes that the doctor did not make a sufficient effort to protect her daughter from another pregnancy. In January, the doctor observed changes in Kasia's abdomen, suspected ectopic pregnancy and referred her for an ultrasound.

On Monday, 26 February 2001, an ultrasound clearly showed a four-month-old pregnancy (15-16 weeks). This meant that the doctor, whom Kasia fully trusted, had failed to recognize the pregnancy. Additionally, she had treated Kasia's cervical erosion with laser in December, which was already the second month of pregnancy. Since she did not examine Kasia before the procedure, she evidently had been fully convinced that pregnancy could not occur during breastfeeding.

Kasia did not return to this doctor. She was concerned about the impact of the laser treatment on the pregnancy, and she remembered the warnings doctors had given her after the birth of her daughter. Kasia began looking for another doctor

through advertisements. She did not tell her parents about the ultrasound results, as she did not want to worry them. She also did not tell them that she decided to find a private clinic where she could undergo an abortion.

Kasia had always wanted to take care of her problems herself, and had always had her own opinions. This time was no different. She decided against seeking a legal abortion, probably out of concern for protecting her privacy. She searched for a gynaecologist who would terminate her pregnancy. She saw it as normal medical procedure. She trusted doctors as professionals.

#### **Abortion**

The doctors Kasia found, who were advertising illegal abortion services in newspapers using code language<sup>4</sup>, did not want to perform abortion because of the late stage of the pregnancy (16-17 weeks). Finally, Kasia found a doctor for whom neither the late stage of the pregnancy nor Kasia's health were obstacles.

An appointment was fixed for Saturday night, March 3rd. Kasia went to the office at the doctor's house with her husband and her little daughter. (For this reason her husband was later charged with assisting Kasia in getting an abortion, a crime for which he may be sentenced to up to three years in jail. He can, however, hope for lighter sentence because of his willingness to co-operate with the police.) They kept the appointment secret from the rest of the family. Kasia took her entire medical file, including the ultrasound results, with her. They paid 4500 PLN (1,125 Euro) in advance.

Two hours after Kasia entered the office, the doctor – who performed the procedure without an anaesthesiologist – informed her husband that there were some complications and that she was taking Kasia to a hospital. She did not give him any details. Kasia's husband did not have an opportunity to talk to his wife, and he was not told that Kasia was in critical condition. He did not know that there was an emergency room 500 meters from the doctor's house and, therefore, was not surprised that the doctor wanted to take his wife to the hospital 20 km away. He was also not aware of what was later reported by witnesses – that his wife, bleeding to death and wrapped in a blanket, was taken to the hospital in tiny, old car.

Kasia's husband took their daughter to his parents-in-law and told them only that Kasia had fainted and been taken to hospital. He returned to the hospital himself, and the parents learned their daughter's condition by phoning the hospital. Unfortunately, no one who answered the phone could give them any reliable information.

Around midnight, they received a phone call from the hospital, saying only their daughter was in critical condition. After 1 a.m., Kasia's parents reached the hospital. They did not know that their daughter was already dead. No hospital

<sup>4</sup> For example, "gynaecological services - full range, menstrual regulation"

personnel would give them any information. Finally the anaesthesiologist told Kasia's mother that nothing more could be done for her daughter. Attempts to resuscitate her had not been successful. She had died at 12:45 a.m.

Despite being in shock, Kasia's parents wanted to find out what had happened. Nobody wanted to talk to them. Their son-in-law was not at the hospital. A while later, police officers who had been notified by the hospital arrived. It was discovered that the clothing in which Kasia had been brought to the hospital, and which could be used as evidence against the doctor, had been packed and given to Kasia's husband.

The post-mortem revealed perforation of the uterus, damage to the small intestine, and haemorrhaging. During conversation with the doctor who performed the abortion, Kasia's mother questioned how a doctor – who should approach every patient in a professional manner and find out about their health conditions before undertaking any medical intervention – could have allowed such a thing to happen. Speaking to Kasia's mother only a few hours after her daughter had died, the doctor said that the girl had come to her “messed up” and that she was only trying to help her. This help, of course, was not free of charge (4500 PLN).

It is not known how the court case would have ended if it had not been for the police officer, who advised the parents to take their daughter's case to the media. The story was covered by the television station and reported in detail in *Super Express* daily and *Przyjaciółka* (a weekly magazine for women). The parents took the doctor to court. They are not interested in monetary compensation but in simple, humane justice.

On the request of the prosecution, the gynaecologist is in custody. After three months, the prosecution extended her custody for another six months.

The doctor may be sentenced to up to 10 years of imprisonment for performing abortion and contributing to the death of the patient [Art. 154, §1KK].

(*Women's Hell – Contemporary Stories*, 2001)

## IF AIDS IS NOT ENOUGH, WHAT IS?

### *Maria's Story*

*Related by Wanda Nowicka and Monika Tajak*

Maria contacted the Federation for Women and Family Planning on 6 February 2000. She was seven weeks pregnant and had a referral for an abortion for health reasons. Maria is HIV-positive and receives treatment in a specialist clinic. On the referral the doctor stated that continuation of the pregnancy presented a health risk for the patient. When he was giving Maria the referral, he informed her that, on the basis of it, she could terminate the pregnancy in any hospital.

Maria, however, anticipated difficulties, and that is why she contacted the Federation and asked for help identifying a hospital when she could terminate her pregnancy. She had already made up her mind about having an abortion but was very concerned about fulfilling all necessary requirements in order to find a hospital which would not decline her request for an abortion.

After some research, it became apparent that the seemingly easy task of accessing a legal medical procedure on the basis of the referral provided by a specialist would not in fact be so easy. Maria was becoming increasingly frustrated, not by her decision to undergo abortion but by the bureaucracy she encountered and the ideological nature of our health services.

The Federation, in its attempt to help, sent letters to 12 hospitals providing gynaecology and obstetrics services in Warsaw and the surrounding area, asking them to accept Maria as a patient and terminate her pregnancy.

The next day, we received a fax from the regional consultant for gynaecology and obstetrics, signed by him and stating that Maria's condition does not automatically grant a right to abortion. In his letter, the consultant reassured us that in Poland and other countries around the world, many women with HIV give birth. The next day we received another fax from the same consultant, along with a position statement from an HIV/AIDS expert addressing abortion and HIV-positive women. The position statement said that HIV should not be seen as automatic reason for abortion in all cases. In advanced stages of HIV with significant deterioration of the immune system, pregnancy can have an adverse effect on the health of the patient and accelerate development of AIDS. It is worth noting that the statement did not take into account the overall health of the HIV-positive patient, including her mental health. For example, the statement did not consider the issue of what it means for a woman with an incurable illness to give birth to a child potentially also infected with the virus (a greater-than 20 percent risk). Such a woman's awareness that the child could soon become an orphan was also not addressed.

Luckily, Maria's referral was provided by the same doctor who had prepared this position statement. Therefore, the Federation once again asked the hospital to provide Maria with the needed medical service, explaining who had provided her with the referral. The reply came immediately, this time signed by a different hospital official. This time, the denial was explained by the lack of septic ward, and hence the hospital's inability to accept a patient requiring special treatment.

At the same time, other responses were coming in. The director of one of the hospitals wrote that it was impossible to have an abortion in his hospital is impossible because the hospital did not perform this sort of procedure. The Federation checked this information with the public health insurance body and discovered that the hospital's funding agreement actually does include a commitment to provide abortion. Another hospital declined to provide the patient with an abortion because of a lack of beds in the septic gynaecology ward. The director of another hospital did not clearly decline the request but asked for additional documentation from specialists; he refused to accept that his request violated the law. He admitted that he was concerned about possible problems he could have if abortion was provided in his hospital. Additionally, he said that, in any case, he would have to perform the abortion himself, because he could not order any other doctor to do it. In a phone conversation, another director said that he was concerned about pressure from anti-choice circles, which he had experienced in the past. Both directors tried to refer us to other hospitals, explaining that those hospitals should take care of Maria.

Almost two weeks after the Federation sent the letter, a national consultant in gynaecology and obstetrics replied on behalf of his hospital. In a quite obscure and difficult-to-understand letter, he referred us to the regional consultant, whose responsibilities apparently include solving problems in the area of gynaecology and obstetrics in Mazovian Voivodship. He did not explain the responsibilities of the national consultant.

Five hospitals – that is, almost half of those contacted – ignored the Federation's letter altogether.

Finally, we managed to find a hospital, which, although reluctantly, terminated Maria's pregnancy.

Maria's case clearly illustrates that legal abortion is practically inaccessible in Poland. Furthermore, hers is not the only case of refusal to provide abortion to a woman who is legally entitled to it. Nevertheless, in a letter to the Federation, the Ministry of Health stated that such cases do not take place, since it has received no such complaints. It is worth noting that, in 2000, the Federation approached Minister of Health requesting that the national consultant for gynaecology and obstetrics be dismissed, since he had admitted in the media that he breaks the law in his hospital by not providing abortion to women who are legally entitled to it., including when pregnancy poses a health risk to the woman or is the result of rape. After numerous interventions, the Federation finally received a reply on this matter

from the Ministry, but it was, of course, negative. So it should not be surprising that nobody files complaint with the Ministry.

In practice, there is no health condition that guarantees access to abortion. Women are routinely refused, and hence it is not surprising that in 1999, only 94 legal terminations of pregnancy took place for health reasons. In the previous year, twice as many legal terminations took place, and there were four times as many in 1997. These data by no means indicate improvement in women's health. Rather, they attest to the existence of the barriers in access to legal abortion described above.

The lack of a clear definition of cases qualifying for abortion for medical reasons exacerbates existing difficulties. In its response to an inquiry on this matter by members of parliament, the Ministry of Health has stated that development of definite standards is very difficult because of to the controversy related to the issue of abortion. It explains that each case has to be approached individually. This means that access to abortion on medical grounds is totally arbitrary.

Maria underwent an abortion; she was treated kindly and professionally.

She said that all anxiety and tension associated with the issue left her after the procedure.

*(Women's Hell – Contemporary Stories, 2001)*

## IT'S NOT ENOUGH TO KNOW

### Renata

When I became sexually active, as a teenager, I was very well informed about pregnancy and ways to protect myself from it. Even now, I think that my knowledge at that time was extensive. I had gained it by reading everything related to the issue that I could get my hands on – mainly magazines. At school, sex education was not offered until the end of high school. For the girls, it included an excursion to a gynaecological clinic, where we could see equipment, find out about the ultrasound and talk to the doctor about sexual activity and contraception. By then, I had already had one termination of pregnancy and more than 10 ultrasounds.

Although I gained knowledge about sex relatively early, I remained curious, so when I met a boy who wanted to “take our relationship further,” I did not hesitate for too long. We used condoms, but they were quite inconvenient and costly. Once the condom even broke, so I went to the gynaecologist for “the morning after pill”. It was my second visit to a gynaecologist. My mum had taken me to the first one because of pains in my lower abdomen, which I experienced since my first period. At that time, we went to a special clinic for girls. The visit had been quite pleasant, so I was not afraid to visit the gynaecologist on my own in relation to contraception. Unfortunately, that particular clinic had closed, and this time I had to go to my local medical centre.

Sure of myself, I entered the consultation room and explained the purpose of my visit. I soon was sorry that I had come there at all, as the female doctor abused me. She told me I was a strumpet, an immoral little shit, and that if I wanted contraception, I would have to come with my mother. I cried and ran away, promising myself that I would never go to a gynaecologist again.

It was impossible for me to return with one of my parents. My mother is a Catholic and a person with very traditional views as far as sex and contraception are concerned. She had never tried to talk to me about these issues, although she knew I was going out on dates and my problematic character and emotional instability suggested that I would lose my virginity quite quickly. To my questions regarding the sanitary pads advertised on television, I got a muffled answer about their being for the blood coming out from the same place “at the bottom of the belly” where the child comes out when it is born. No, I couldn't ask my mum to go with me to get the pill! It would just result in my being grounded. I was also too afraid to ask my dad about it, because I was afraid that he would slap my face.

I kept my unfortunate visit at the gynaecologist secret and continued to use condoms. At that time, I was having my periods regularly, and I learned how to

recognise when I was ovulating. Sometimes I was even prepared to use withdrawal, when I knew that it was safe, and this method never failed me. It was a broken condom that got me in trouble.

I knew exactly when it happened. And when it happened, I didn't doubt for a moment that I would get pregnant. My entire self *knew* that it was happening then. But I knew that I still had time to prevent it.

I had heard about emergency contraception. The next day I was sitting again in the same waiting room I had been in a few years earlier. I don't know why I didn't go to another clinic; I think I thought I had to go to my local one. Besides, I hoped that it would be easy to get the morning-after pill and could not imagine being refused in my situation. I was older; it would be difficult to call me a little shit. I promised myself to control my emotions and to endure any abuse. I knew that emergency contraception is available in the pharmacy – my objective was to get it.

In the consultation room, there was the same hag I had seen the last time. She became furious when she heard my request. When I heard, “I do not prescribe abortive medication,” I knew I had lost my battle. If I knew then that I had 72 – not 24 – hours to take the pill, maybe I would have tried somewhere else, but this was four years ago and I had only heard that the window of opportunity was one day, not three.

I began to wait for my period. I was counting days to the date when it was meant to come. The date passed. I told my boyfriend that I was sure about the pregnancy, and he said that it was not his. Before that, he had never questioned my faithfulness!

Time was passing, and I was becoming more terrified. I could not think about anything except what was going on in my belly and how I could free myself from it. I cried because of trivial things; I didn't know what was going on at school. Every day, my condition was getting worse: I was unable to function normally, I was full of anxiety, I couldn't eat, I was losing weight.

One day I had an anxiety attack at school. I lost consciousness and could not breathe. Lying on the bed in the school nurse's room, I was crying and could not stop. I did not tell anyone what was wrong with me because I was scared they would kick me out of school. I was sent to the doctor, accompanied by my school friend. I managed to calm myself in the waiting room to the extent that, when I entered the consultation room, I could describe the episode without mentioning the pregnancy. I was examined and had an electrocardiogram. The doctor said that this was due to my emotional state and then asked me in a lower tone, sounding very concerned, if I was pregnant. I remember the relief that I felt realising that somebody was really concerned. I felt that I could finally get it off my chest. I burst out crying and told her that I was pregnant. She asked me if I had seen a gynaecologist. I told her that I had not and that I did not want to. I explained why. She gave me the business card of another doctor and told me that he is friendly to his patients. I went to see him. He confirmed my pregnancy. I cried again. I knew that I had to get rid of it.

I did everything that I knew of that could cause a miscarriage. I would lock myself in the bathroom, pour hot water into the bath and sit in it for hours. I did sit-ups, I was filling buckets with water and lifting them as many times as I could. I was hitting my abdomen. I looked through all the medications that we had at home and took the ones which were not to be taken during pregnancy.

I was thinking about the foetus with hate, about the fact that it was sitting safely inside me, enclosed securely in my uterus, any access to it firmly blocked. I was furious that I could not reach it, throw it out of there, that my body was protecting it so well. I was feeling my belly, trying to guess where it was located and wondering if I could reach it with a knitting needle. I could prick it just once to damage it and then it would have to get out by itself. I was thinking about injecting myself with something but I was too scared. I hated everything and most of all I hated myself.

Later on, the vomiting started. After returning from school, I would collapse on the bed. I kept the bucket next to me, with my mother looking at me in disgust and abusing me mentally. She refused to allow me to have an abortion.

"You two created a new life, so now it's your duty to give birth," she told me.

She asked me if I knew how painful it is for a woman to lose a child. She was referring to the miscarriage that she had had and did not want to understand that my feelings were different. She told me that I would carry the guilt with me for the rest of my life and that the child would come to me in my dreams.

"You will give birth to it and give it up for adoption," she ordered.

("My God," I thought, "what I will give birth to after all these things I have taken to get rid of it?")

"If I am going to give birth to it, I am going to keep it. It will either be mine or will not be at all. How could I give it to someone?" But I would probably not give birth to it anyway. I would sooner kill myself. Especially since the thought of suicide started to haunt me.

During one of the check-ups, a problem was discovered, and I was referred to a hospital. I found out that, most likely, I had an ectopic pregnancy. They would abort it!!! My joy could not be described. I anxiously waited for the ultrasound that was to be performed on the next day.

In the morning, I saw a new patient checking-in. The woman had had a miscarriage and was having a curettage done. The head of the ward dashed into our room and yelled at the woman, accusing her of being cunning and wanting to have it done for free. Obviously, he thought that she had tried to induce a miscarriage herself and came to hospital just for the final procedure. Maybe that was the case. But, for me, it was obvious that the fact she would have it done for free is what upset the doctor most.

Finally, I had my ultrasound done. The doctor examining me was looking at the screen and mumbling something under his breath, but he did not want to tell me.

anything. Only when my mom arrived were the results of the test disclosed. I had a huge cyst on my ovary, but the foetus was in my uterus. I left the hospital at my own request.

At that point, my dad returned from abroad. He promised to help me. My mother left the decision to him. We went together to the doctor – his acquaintance – who agreed to do the abortion at a low price. Three days earlier I had had an ultrasound, which showed that it was a 7-8 week pregnancy, with a diameter of 2.2 cm. Quite an insignificant size, even funny if you think about all the fuss over "unborn life". The doctor asked me if I was sure that I wanted to terminate the pregnancy and if I knew that, as a consequence, I could become infertile. I was indifferent to that as long as I could get rid of it.

The next day, I arrived at the clinic. I got a local anaesthetic, despite which I still felt pain, but it was a pain bringing me closer to being liberated. After the procedure, I was allowed to rest for a moment, but soon I had to go. Happy, although in pain, I thanked the doctor for saving me, telling me that he had given me my life back. He instructed me to come back again in two weeks for a follow-up visit and to get some "decent contraception," but my new gynaecologist had already taken care of that

*(Women's Hell Continues..., 2004)*

## THE DOCTOR HAD ONLY A SUSPICION

*Agnieszka Szymańska*

I am 28 years old and have two wonderful daughters, 8-year-old Weronika and Rozalka. Rozalka was born on 8 January 2004 without arms and legs, due to a condition called phocomelia. Until her birth, our living conditions were not too bad, but everything changed when Rozalka – an innocent little darling – was born. Before I became pregnant, I searched for work for a long time before I finally found it. When both my husband and I were working, our financial situation was good. But this lasted for only two months, because unfortunately I became pregnant again. The pregnancy was not planned, but all three of us were very happy about it. Weronika was the happiest, since she had been asking for siblings for a long time.

During my pregnancy, I was under the care of a gynaecologist-obstetrician from a private health center. During the first visit, I had an ultrasound done. The doctor did not notice anything unusual. After the next ultrasound, three months later, the doctor still thought the child was developing normally. During the last ultrasound, I wanted to find out the sex of the baby, but the doctor said that the foetus's back was turned to us in such a way that he could not determine the sex. Looking at the monitor, he added, "It's not going to be gigantic, either." This last ultrasound took much longer than the previous ones, so I asked if everything was OK with the baby. The doctor confirmed that the child was developing properly. Frequent visits to the doctor made me feel that I was under good supervision. I trusted my doctor. I had been his patient for several years and never had any reason to be dissatisfied. This was the case until my labour. The labour itself went well, until Rozalka was born.

When she was born, the room became deadly silent. I looked at my child. I wanted to see if it was a girl or a boy since the doctor had not yet told me its sex. I saw an underdeveloped hand. My heart stopped. I thought that this was the end of the surprises and that I already knew everything, but soon afterward the doctors told me that my baby did not have arms or legs. Please believe me, I aged a few years during those few seconds. But I had to be strong, for her and for her sister.

Rozalka was born without legs, with a stump of a left hand and a partly developed right hand (now I know that this underdeveloped hand is her biggest treasure).

The doctor supervising my pregnancy had not noticed, or did not want to notice, that the foetus was not developing properly. I wondered what, then, was the point of the ultrasounds he had done? I could not understand why the doctor, whom I fully trusted, ignored me and the health of my baby. Why didn't he tell me?

When, the day after the birth, my husband went to the doctor and asked him to read my file, the doctor continued to say that everything was all right. But when my

husband presented him with the fact, he said that he had suspected phocomelia.

We believe that as parents we had the right to know about his suspicions. He had no right to hide such important information about our daughter. After all, we had a right to prepare for the arrival of such an eagerly awaited, yet very different child. We were not the only ones who were unprepared – so were the doctors in the hospital. They didn't know about everything either; how could they? I do not understand why my doctor did nothing to verify his suspicions. After all, he had at his disposal good equipment and the option of consulting with other specialists. But he did nothing to clarify his suspicions. He did not inform us, the parents, treating us as people least entitled to know the condition with which our child was going to be born. He obviously decided that we would find out anyway, but then he would not have to be the one giving us the bad news.

By not informing us, the doctor denied us the right to make decisions regarding the pregnancy. I think that if we had known the truth earlier, we would have prepared ourselves better. We would have found out in advance about the many problems that our newborn would have. I would know, for example, that Rozalka would have to wear thinner clothes because the blood circulates faster in her armless and legless little body. No one at our hospital could explain anything to us or provide us with any advice. In fact, everybody tried to avoid talking to us. All they could offer us were tranquilizers, which I didn't take because I believed and still believe that this problem had to be approached with a clear mind.

There were a lot of people who supported us during these difficult times. There were also those who brought us down, but we just ignored them.

All the information we needed, we found ourselves or with the help of friendly people.

My husband's workplace, Horstmann, gave us financial support. Places we approached for help, such as the Centre for Family Assistance and local authorities, covered the cost of installing the air conditioning which was necessary for Rozalka. They need to be sincerely thanked for that.

And we love our little Rozalka for who she is, and not what she is like.

*(Women's Hell Continues..., 2004)*

## RIGHT TO LIFE

*The name of the author is confidential*

### Beginning of the story

End of June 1999. Both my husband and I sigh with relief the three-months-long renovation of our apartment, after an electrical fire, has just finished. Finally alone, without workmen, drilling, noise nothing, just silence. It is true that we are left with a bank loan to repay, and not a small one considering our financial means, but we are both working, so we will manage somehow.

A few peaceful days pass, and all of a sudden I realize that I should have had my period over two weeks ago. They were always regular – every 28 days – and now nothing. Well, maybe it is because of the stress of the renovation, the long time we have gone without hot meals. I run to the pharmacy and buy a pregnancy test. IT IS POSITIVE. But I am 39-years-old and have an 18-year-old daughter!

My husband and I had tried to have another child a few years earlier, but it had resulted in an ectopic pregnancy. What should we do now? What will happen if we lose our jobs, and at that time there had already been some signs that we would. Later I think maybe there was something wrong with the pregnancy test. A visit to the gynaecologist confirms my pregnancy. Discussion with my husband; a few minutes of hesitation and then joy. Maybe it has to be this way. The Holy Father's visit to Poland, moments of saying farewell at the airport with a small child stuck into my husband's memory? Cheering each other up, decision and joy. We will have a second child, maybe the boy that my husband wants so much.

Just to be sure, another visit to the gynaecologist and discussion of prenatal tests. As far as I know, in Western countries, every pregnant woman over 35 years of age undergoes such tests. My doctor interviews me and my husband: No, there is nobody with Down syndrome in either my or my husband's family. My mother gave birth to a healthy child at 38 years of age. My husband was born when his father was 40. The doctor decides there is no need to perform prenatal tests. I should not worry about it, unless I want to undergo them at my own expense. I want to have the test, I myself don't know why. What made me do it? I just felt I had to do it.

Having such tests done is not easy in our country. I was a member of the public health insurance fund associated with the industry I worked in, and that is where I got the telephone number for the genetics clinic in a city 250 km away. During a conversation with the doctor, I find out that if I want the public health fund to cover the cost of the test, I have to get them to agree first. Around the same time, I have another routine gynaecology visit, at which the doctor ensures me that everything is progressing properly, the foetus is developing well. Telephone calls and visit to the

health fund accomplish nothing. Well, the contract with the health fund does not include services such as prenatal tests. If I want the test, I have to pay 1200 NPL (300 Euro), which means another bank loan. I call the genetics clinic again, I make an appointment and find out that I can do it only in the 12<sup>th</sup> week of pregnancy. I have five more weeks to go. These are our last weeks of peace.

### The test

My appointment is at 8 a.m.. On the day of the tests, we get up at 4 a.m.. We are there exactly at a quarter to eight. We wait for the doctor until 2 p.m. At 3 p.m., I find out that I will have to come back in two weeks because I have a problem with my uterus (retroflexion of the uterus) and amniotic fluid cannot be taken from me. To be honest, I have had quite enough of it and almost decide against another visit. Especially since the doctor tells me so nicely that, at the age of 39, I have a 99% chance of giving birth to a healthy baby. Even my husband tries to convince me not to try to have the tests done again.

I have to ask my manager for another day off, and, believe me, this is not so simple. The second attempt is successful; the fluid is extracted, I can see the ultrasound of my child on the screen. I see the head, hands, legs. I leave happy: I saw it, I loved it and feel very positive about the whole thing. All that is left now is to wait for two weeks. I do not have any bad feelings. I hope everything will be OK.

Two weeks pass. I dial the number and hear that I have to see the doctor at the genetics clinic as soon as possible. My heart is racing. I beg the woman on the phone to tell me the truth, and I hear the verdict: Down syndrome. I call my husband. Maybe it is a mistake, maybe they should repeat the tests. But the tests have already been done twice because this is the routine, and the result is 100% accurate.

I am 16 weeks pregnant then. Tears, powerlessness, fear. What should we do? I call another gynaecologist; he says he cannot help me.

We look for help everywhere, including on the Internet. This is how we find the Federation for Women and Family Planning.

After numerous emails and explanations, I see the doctor at the hospital. I explain my case to the doctor: 16 weeks, Down syndrome, I want to abort this pregnancy. The question she asks is, "Do you feel that those children do not have the right to life?" This question still haunts me. If I could, I would answer this lady now: those children have a right to life, but a 39-year-old woman also has a right to life, a woman who lives in this wonderful pro-family country and finds out in the 16th week that she is carrying a foetus with Down syndrome. How is she meant to cope emotionally with the entire period of pregnancy? Who will advise and support her? Additionally, who – I understand it well now after losing work – will provide her child with financial support, a child who has a right to life, but who will be 20 when we are 60. Do I have a right to burden my daughter with a disabled brother? (I found out it would be a boy.)

Neither I nor my husband will live forever. What does our country offer to such children? In my town and surrounding towns – nothing. The decision to give birth should belong to me, not to parliamentarians in the Senate or Sejm. In my neighbourhood, a family with four children, including one with cerebral palsy, live in poverty. Charity organizations respond to their desperate letters regretfully informing them that their budget for hygiene products (disposable diapers) is too small to provide them with assistance, that their application will be considered the following year, and similar nonsense. How many women, dear learned Ms. Doctor, would consciously decide (because this is the point) to give birth to a disabled child?

Please believe me, that I made the decision – this specific decision and not any other one -- together with my husband, after great consideration, and that we will feel the consequences of this decision for the rest of our life. How many tears, sleepless nights and how much remorse there was. I know that nothing justifies what we did, but everyone should make such decisions personally. What is the point of prenatal tests if you don't have any options afterwards?

I travel 500 km to a capital of a Voivodship to terminate the pregnancy. I take the results of the tests with me.

### **Abortion**

We call numerous hospitals in an attempt to have a legal abortion but encounter extreme difficulties. Usually we hear that the law is on our side but... We finally receive, in complete secrecy, the telephone number of a private clinic. Time is putting pressure on us; soon I would start feeling the movement of the foetus, and I would not be able to cope with this. I was afraid of it then and wouldn't be able to handle it now either. We make a call. The man who talks to us does not care why we have decided to have an abortion. He gives us a price and, well... in a few days, we sell the car, which we will never be able to buy again. What could we buy it with? Because of the abortion, we lost all our material possessions.

We go to one of Poland's biggest cities. As instructed, we call again after we arrive. Complete secrecy still has to be observed, just like in a spy movie. We have an appointment in the morning. We are given an address. We go there full of tension, both because of the moral dilemma and because I was already not feeling very well. On our way there, we pass dirty streets and suspicious places, and we have with us quite a substantial amount of money. Nobody knows that we are here, not even our closest family members. Adingy corridor on the second floor, no signs on the door – nothing that could give any lead what is there. An elderly man passes us on the staircase, going upstairs. A moment later he walks down again, looking us over very carefully. As he goes back upstairs, he asks us if we came to this address "in relation to the phone call." When we tell him yes, he opens the door to the premises, in which there are a few chairs and a desk with three mobile phones. From this short conversation, we understand that he is not a doctor but a middleman. I try to find out something from him about Down syndrome. I want to finally talk to somebody with professional knowledge. I don't know, maybe I am looking for justification for myself, for our decision.

The man makes a short telephone call: We are going. Then he takes us to a courtyard on the other side of the street. We get into an old, worn-out car, with a license plate attached with a bit of wire. I see that my husband is constantly observing everything and trying to judge the situation. I cannot; I just cry.

We drive for a long time in the city. The man explains to us that there are a lot of detours because of road work in the city. We arrive at the gynaecological clinic (judging by the equipment in the room), which is located in a residential building, somewhere on the outskirts of the city. There is no sign with any information such as opening hours, only a piece of paper with a sign saying "Clinic" pinned to the door. I am examined. The doctor is nice; he looks at the test results and states that, in this situation, my decision is the right one. He asks my husband to give the entire amount of money to the man who had driven us there. He says the amount is so large because the entire ward, from the doctor to the ward attendant, has to be paid. He says they understand that, in this situation, the procedure should be performed for free, but, unfortunately, he could not help me due to certain legal regulations. He also says that the results of the test are clear, and if it was otherwise, he would ask them to be repeated. He is surprised that in the city where I had my test done, nobody would help me. He also asks why I had the test done so late, because in their city they do it much earlier.

He gives me a pill which I was to swallow on Sunday at 5:00 a.m. The man who had driven us there takes my husband and me back to where we are staying. We both are restless and consoling each other. If not for my husband, who is the most fantastic in the world, I don't know how I would have survived this nightmare.

On Sunday morning, I take the pill as instructed. At 9:00 a.m., the middleman arrives, and I find myself in the doctor's office again – another examination and another pill. The doctor and I – without my husband, the doctor won't agree to let him accompany me – go to one of the biggest hospitals in the city, where the doctor works. This is the first formal medical facility I saw that day. He had changed his shift especially for me. The doctor drops me off at the admitting room and asks me to wait for him. He says that he has to change and will come to get me. I am alone for the first time, and I panic: What if they are just cons and nobody comes to get me? These concerns are unnecessary, however; the doctor arrives 15 minutes later.

We go in the lift to the obstetrics ward. I am given a hospital gown, and the nurse takes me to a room in which several other patients are present. She is very kind and brings me some tea. The doctor presents me with his plan: It should all be over before 9:00 p.m., when the nursing shift changes. The nurses currently on shift have been informed about it and paid for caring for me. I shouldn't eat anything, because during the procedure, I will be under anaesthetic and in such cases it is better to have an empty stomach. For two days, I hadn't been able to eat, and I don't know why, but then I feel like eating something. I am hungry, lonely and desperate. I cry. For two hours, I lie like that, waiting for my body to react to the medication, but nothing happens. The doctor comes, examines me, inserts a medication into my vagina and gives instructions to attach me to an IV drip. The hours pass without any result.

At 6:15 in the evening, the doctor examines me and states that we will certainly not make it by 7:00. He rings his colleague. He arrives and takes me to another, smaller hospital, where he is on duty. Only he and I know what is going on. He instructs me to say in the admission room that I am from another town and that I am bleeding. I arrive at the ward. Another examination, and the doctor administers some American medication into my vagina. It's 10:00 in the evening. He tells me that by the morning it will be over. I am emotionally exhausted and hungry.

About 5:00 in the morning, I am awakened by pains in my abdomen and contractions. I get up and go to the toilet. When I return, I can feel that my waters have broken. I am frightened and lie down. I feel pressure, and then it's over. I call the nurse. She comes, and in a moment the doctor arrives. He wraps the foetus in wood wool and takes it away. After that, the surgery room and anaesthetic. When I wake up, my husband is next to me.

Two days later, we return home. It's not easy for us, especially since everybody knew about the pregnancy, since until the results of the genetic tests, I did not hide my joy. I cry very often and keep wondering why God chose me to be this 1 percent. When I see a child with Down syndrome, my heart beats faster.

### End of the story

Several months later, a television program called "Eighth Day" was broadcast. Anyone who saw it would understand that it brought me peace and reassured me that I had made the right decision.

Finally, I would like to say that I never was and never will be in favour of abortion. At the same time, however, I believe that this decision should be left to the woman, her conscience and the conscience of the doctor who performs the procedure. I am definitely against black bags and rubbish bins<sup>5</sup>.

I am very grateful to the doctors who helped me, even if it was not free of charge. I am still not certain that the law was on our side, as some people suggested to us. Why can't this be discussed openly? Where is the support from psychologists, family doctors and doctors who issue results of genetic tests.

*(Women's Hell – Contemporary Stories, 2001)*

<sup>5</sup> Infanticide is one of the results of anti-abortion law. Media reports about newborns found in a black bag or rubbish bin are not rare.

## ALL IT TOOK WAS AN ANONYMOUS TELEPHONE CALL

*Related by Małgorzata Rutkiewicz*

We know the story of Ms E. K. only through media reports and statements made by her gynaecologist. She herself does not want to come out of the shadows.

Ms E.K. is 33 years old, lives in a rural area and has four children. She found out that she was pregnant again soon after becoming employed. It had taken her a long time to find this job, and hence it was very important for her not to lose it. Until then, only her husband had been earning an income, which was not substantial. As a result, their family was in a very difficult financial situation.

An anonymous phone call led to the police raiding the premises of a gynaecologist in Lubliniec and finding Ms E.K. in the waiting room, having just left the doctor's operating room. According to the doctor, she had undergone the surgical removal of a dead foetus. Would the police have entered the operating room if the patient had still been there? This is difficult to establish afterwards...

Ms E. K. had already undergone the medical procedure, but she was still under the influence of the anaesthetic. The police took her from the waiting room directly to two different hospitals, where she was subjected to medical examinations. No physical force was used against her, but we do not know how the police treated her. Did they inform her of her right not to agree to an examination? We will never find out.

What we know, however, is that after the Federation for Women and Family Planning intervened to the Commissioner for Civil Rights Protection, the prosecutor supervisions by competent bodies were launched in order to check whether the rights of Ms E.K. had been observed. During that process, reports of reasons Ms E. K. was interviewed and underwent medical examination changed substantially. Early reports indicated that she was treated as a victim of a crime (abortion is a crime but since women are not penalized, they are not suspects). Later it was reported that she was a witness to a crime. Since the status of "a witness" and "a victim" differ significantly, this ambiguity created doubts as to if Ms E.K. was treated with full respect, and whether her rights to privacy and protection of health were respected.

After sending another letter to the Commissioner for Civil Rights, the Federation received from him additional confirmation of the rights of a person in Ms E.K.'s situation: "The Ministry [of Justice] provided a clear answer that a woman cannot be forced to undergo a gynaecological examination without her consent or against medical advice..., as art. 192 § 4 of Criminal Code states that such consent is required. Therefore, forcing a person who refuses such medical examination is out of question."

In the light of what we know about Ms E.K.'s case, the following questions come to mind: During the raid at the gynaecologist's office, did the police suggest to her that she was a victim of the crime and – as such – was obliged to undergo medical examination? Was she specifically told that the medical examination could not be performed without her consent? Was she informed that the police did not have the right to use force if she refused to undergo examination? Being under anaesthetic, was she in position to assess her situation or her health? Was she in position to make a conscious decision?

Is the fact that Ms E. K. did not object to the medical examinations evidence that she consciously agreed, or does it, rather, indicate that she was in shock, under stress or scared and hence did not object?

The fact remains that during a 24-hour period, Ms E. K. underwent invasive gynaecological tests twice first immediately after surgery and then in another hospital, where a more detailed examination was performed in front of two witnesses. All this took place immediately after surgery, which is very concerning because of the risk of infection.

And all this because evidence was needed...

*(Women's Hell – Contemporary Stories, 2001)*

## A COMMON STORY

### Magda

I am a 34-year-old mother of two sons. When the older one was seven and the younger three, I became pregnant again. I didn't want to give birth to another child, especially since my husband and I were in the process of discussing divorce. We made the decision about the abortion together. We talked about it honestly – openly considering all pros and cons. My husband was not avoiding responsibility for conceiving a third child.

I immediately got in touch with friends who were in contact with doctors performing abortions. I got hold of the telephone number the next day. I rang. After that, everything happened just as quickly. I had an appointment a few days later. The doctor examined me, determined the stage of the pregnancy and asked the reason for my visit. I told him then that I was interested in an abortion. The doctor took out a sheet of paper and wrote on it "3000 PLN" ( 750 Euro). I nodded my head. We made an appointment in another few days.

I went with my husband. The doctor was waiting with a nurse and an anaesthesiologist. They were very nice to me and extremely professional. I was put under the anaesthetic and lost consciousness, as I found out later, for more than 10 minutes. I received instructions about what I should do and how to take care of my hygiene after the procedure. We went home.

Before the procedure, I was very worried about being pregnant. I constantly had the feeling that a cancerous growth had developed inside me and that it was spreading, consuming me. After the termination, I felt great relief. In fact, I was euphoric. This slowly turned into a feeling of calm and satisfaction that I had made the right decision. As far as the infamous so-called post-abortion trauma is concerned, I can assure you, that I had bigger trauma after having my tooth extracted.

*(Women's Hell Continues..., 2004)*