



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

### CEE Bulletin on Sexual and Reproductive Rights

No 11 (102) 2011

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#### BURNING ISSUE

**UN: Special Rapporteur Anand Grover's report on abortion.** The Special Rapporteur of the Human Rights Council, Anand Grover, has released a groundbreaking report on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. The report makes one of the clearest statements to date within the international human rights system condemning the negative impacts that criminal laws and other legal restrictions relating to sexual and reproductive health have over women's freedom, decision-making process, and autonomy. Moreover, until now, most of the arguments for women's reproductive and sexual control were formulated, within the UN system, on the basis of risks to the women's health. With this report there is a historic shift in these arguments away from health-based ones to one that is clearly about respecting women's agency, bodily autonomy and reproductive and sexual rights. In his report Grover calls on both States and non-state actors to urgently respect women's decision-making process within the realm of reproductive health and rights. The Rapporteur makes it clear that the use of criminal laws to regulate women's behaviour during pregnancy is inappropriate, ineffective and disproportionate. According to Grover, the use of force over a woman through the legal system directly affects her human dignity and her ability and freedom to make personal decisions about her sexuality and reproduction. Criminalization of abortion is the ultimate expression of that interference; it discriminates against, disempowers and stigmatizes women.

Furthermore, the report makes an urgent call to all governments to completely decriminalize abortion. It emphasizes that criminal laws penalizing abortion and imposing a specific conduct on pregnant women “must be immediately reconsidered”. Notably, the argument is not made solely on the basis of the risk that unsafe abortion may have on women’s health, but on the fact that the use of laws to force pregnancy onto women is an unjustifiable form of coercion.

This report was presented at the General Assembly on October 24th.  
[http://www.un.org/ga/search/view\\_doc.asp?symbol=A/66/254](http://www.un.org/ga/search/view_doc.asp?symbol=A/66/254)

## REGIONAL UPDATES

**New Parliament elected in Poland.** Polish ruling party center-right Civic Platform (PO) won Polish parliamentary election with a convincing lead (over 37 percent of the vote) over his conservative opponent, Kaczynski's Law and Justice Party which got just under 31 percent. The Peasants' Party (PSL) won around 8 percent, while the center-left Democratic Left Alliance (SLD) also got around 8 percent, a surprisingly poor result. Donald Tusk, who has made history by becoming the first Polish prime minister to win reelection since the fall of communism, will now try to renew Civic Platform's coalition with the PSL, with which he has governed Poland for the last four years. The real winner of Sunday's election was new Palikot's Movement party that won a surprising 10 percent of the vote. Palikot's Movement is a new populist movement led by the flamboyant Janusz Palikot, and it is a virtual antithesis to Catholic conservatism. Its programme mixes economic liberalism with anti-clericalism and progressive social views, and platform issues include the legalization of marijuana, liberalized abortion laws and civil unions for same-sex couples. Its representatives include Anna Grodzka, a transsexual woman whose public battle with the Polish legal system after sex reassignment surgery made her something of a celebrity, and Poland's best-known gay activist, Robert Biedron. Turnout was just under 48 percent, according to the polling institute TNS OBOP, which means that more than half of Poles who were eligible to vote stayed home on Sunday. Last but not least, the elections' outcome is hopeful for pro-choice community as Federation for Women and Family Planning leader, Wanda Nowicka got a parliamentary mandate. Congratulations!

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

**P. and S. against Poland ase communicated.** Lawyers of the Federation for Women and Family Planning has logged yet another case against Poland. It has been just communicated by the Court for Human Rights. The case concerns the teenager girl who was denied lawful abortion after she was raped. The ground for legal abortion was fact that the pregnancy had resulted from unlawful sexual intercourse with a minor under 15 years of age. Although the girl had right to obtain referral for legal abortion, doctors that she had contacted to complete the termination multiplied obstacles to obstruct her right to abortion: they were postponing the date of the procedure, forcing her to consult a Catholic priest, and finally refusing her the procedure. The applicants (the girl and her mother) complain under Article 3 of the Convention that they were subjected to physical and mental suffering, amounting to inhuman and degrading treatment, by medical and law enforcement authorities. Furthermore, the absence of a comprehensive legal framework governing the practice of conscientious objection and ensuring access to lawful termination of pregnancy in medical facilities allowed doctors to deny to the applicant her right to terminate her pregnancy in a respectful, dignified and timely manner. The applicants were given contradictory and inaccurate information about the legal conditions that had to be met to obtain a lawful abortion (the waiting time, the necessary documents, formal requirements which such documents had to meet, about the necessity of parental consent given by both parents). They were hindered in taking a free decision on the matter of an abortion.

More: [http://federa.org.pl/dokumenty\\_pdf/aborcja/P&SVPoland.pdf](http://federa.org.pl/dokumenty_pdf/aborcja/P&SVPoland.pdf)

**Poland: 20 th anniversary of Federation for Women and Family Planning.** Polish member of ASTRA Network, Federation for Women and Family Planning celebrates its 20th anniversary this month. The Federation has not yet reached its main goal, legalization of abortion law in Poland, but the past 20 years translate to long list of interventions, advocacy efforts on international, regional and national level.

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

**EuroNGOs Conference “Future Perspectives on Development Cooperation - Putting SRHR on the Right Track”.** On the 14th October, the Annual General Meeting of the platform was held in Warsaw, back to back to the EuroNGOs Conference. It elected two new members of the EuroNGOs Steering Committee. The new members are Thilde Knudsen (Head of Europe Office, Marie Stopes International) and Ivonne Boogarts (Advocacy Manager, Rutgers/WPF, Netherlands). They are replacing Daniela Colombo (Executive Director, AIDOS, Italy) and Iveta Kelle (Executive Director, Latvian Family Planning Association "Papardes Zieds", Latvia) who both ended their second mandate. Participants of the conference expressed their support for new Polish civic initiative TAK DLA Kobiet (Yes for Women) that is currently collecting 100, 000 signatures to support the draft law on liberalization of abortion law.

More: <http://www.eurongos.org/>

**Moldova: Broaden Anti-Discrimination Bill.** Gender identity was recognized as among the prohibited grounds of discrimination; for example, persons who are transgender, transsexual or intersex often face serious human rights violations, such as harassment in schools or in the workplace by the UN Committee on Economic, Social and Cultural Rights. On March 31, 2010, the Committee of Ministers of the Council of Europe unanimously adopted a set of recommendations to Moldova on measures to combat discrimination on the grounds of sexual orientation or gender identity. The new anti-discrimination law that has been recently proposed by the Moldovan government provides a range of important protections, but it does not include protection on the basis of sexual orientation. Therefore the draft to be discussed in parliament shortly leaves a vulnerable group like transgender people out. If the new law does not include gender identity as a specific protected ground, it would be virtually impossible for Moldova to monitor and redress any direct or indirect discrimination on the basis of gender identity.

Source: <http://www.hrw.org/news/2011/10/21/moldova-broaden-anti-discrimination-bill>

**Russian parliament adopts law restricting abortions.** Russia's parliament adopted a law limiting abortions but rejected even tougher restrictions backed by the country's conservative Orthodox Church. Health officials say Russia's abortion rates are among the world's highest, contributing to a fertility rate of 1.4 children per woman, while the fertility of 2.1 would be needed to maintain the existing population. According to the Health Ministry, more than a million pregnancies are terminated in Russia annually, although abortion critics say the statistics don't include private clinics and the real number amounts to six million a year. The law limits abortions to 12 weeks of pregnancy, except for women who say they can't afford a child, who may have an abortion up to 22 weeks. The law also stipulates a mandatory waiting period of two to seven days before the procedure to allow a woman to reconsider her decision. The law does not include restrictions proposed by the Russian Orthodox Church, such as a requiring a husband's consent for married women, parents' consent for teenage girls or for a doctor's right to refuse an abortion.

Source:

<http://www.google.com/hostednews/ap/article/ALeqM5hnLGP0vwatgg9NMG0gIefSbxDxWg?docId=b9d73a61e2404f1ba85a08f53113e00e>

**Abortion vote in Liechtenstein.** The Parliament of the Principality of Liechtenstein (25 members) voted 13: 12 against a motion to introduce legislation on the lines of the Swiss abortion law (abortion on request up to 12 weeks gestation, health reasons thereafter). Liechtenstein is one of few European countries where abortion is strictly limited to severe health grounds. A month ago, an initiative for abortion on request has been defeated in a referendum with only 52.3% No votes. A representative poll showed that one of the main reasons for rejection had been the inclusion of a "fetal indication" in the text. In the highly emotional referendum campaign this had been the most important argument of opponents against the proposal. They insinuated that it was discriminatory against the disabled to explicitly allow abortion for fetal malformation ("up to birth"). Moreover, some voters (who would have voted yes) stayed away from the urns because the Prince had declared he would oppose his veto anyway in case the initiative was adopted (which he is allowed to do according to the constitution of Liechtenstein). The parliamentary motion has been presented by 2 deputies of the progressive "Free List"-party. They argued that a majority of people were in favour of abortion on request, if the fetal indication was not included and therefore government should elaborate new legislation notwithstanding the opinion of the Prince. At least, an other, more conservative proposal was adopted, which would decriminalize women who go to other countries to have an abortion. It is estimated that about 50 women from Liechtenstein (with a population of 35'000) have abortions every year in Switzerland, Austria or Germany. Under applicable law, these women are punishable in Liechtenstein. In this strictly catholic country it seems to be the lowest common denominator to legalize "abortion tourism".

Source:

[www.svss-uspda.ch](http://www.svss-uspda.ch)

**Initiative to legalise abortion in Morocco.** Morocco's government wants to change the law to allow abortion in cases of rape and incest. Currently abortion is illegal, except in cases where the mother's health is in jeopardy. It is said that up to 1,000 illegal terminations are said to take place in Morocco daily. Despite abortion being illegal in the country of 32 million inhabitants, the procedure is tolerated and performed by most gynecologists. According to the rights groups, between 600 and 800 abortions are performed each day in Morocco by medical professionals, while an additional 200 are carried out without proper medical precautions taken, according to rights groups.

Source:

<http://www.ippf.org/en/News/Intl+news/Morocco+Abortion+in+extreme+cases%E2%80%99+should+be+legal.htm>

**Austria: Important Court Decision Regarding Anti-Choice Bullying.** 4 members of HLI, Human Life International were convicted for harassment of a doctor who is performing abortions. The head of HLI Austria was sentenced to 6.200 Euro and 3 of his colleagues to fines of several hundred Euro each. This was the verdict of the court of appeal, which means this is final. No further appeal is possible. Women accessing an abortion clinic and providers have been victims of harassment since more than 10 years. But it is the first time in Austria that harassment in relation to abortion was declared illegal by a court.

More:

<http://diestandard.at/1319181249949/Auch-in-zweiter-Instanz-AbtreibungsgegnerInnen-verurteilt>

**Historic vote extends EU asylum standards to transgender people.** The European Parliament formally adopted a new set of asylum rules for the European Union. The binding rules now include

gender identity as a ground of persecution, which EU Member States must take into account. Governments have already agreed to the changes, which are final. Until now, EU asylum law foresaw that “gender related aspects might be considered” by national asylum authorities when examining the potential persecution of specific social groups in their country of origin. The new resolution has replaced this text, and now specifies that “gender related aspects, including gender identity, shall be given due consideration”. The text now refers to gender identity specifically, and obliges Member States to consider gender-related aspects. Before, EU countries could still choose not to consider aspects linked to the applicant’s gender in asylum claims. The text applies to all EU Member States except the United Kingdom, which opted out of EU asylum policies. The resolution was successfully drafted and negotiated by Jean Lambert, a British Member of the European Parliament in the Greens/EFA group. This is the first time a binding EU Directive includes gender identity.

More: <http://www.lgbt-ep.eu/press-releases/historic-vote-extends-eu-asylum-standards-to-transgender-people/>

## GLOBAL UPDATES

**The European Court of Justice bans stem cell patents.** The European Court of Justice banned patents on stem cells extracted from human embryos that are then discarded, a ruling with wide-reaching implications for medical research in Europe. In accordance with EU law, patents have to be excluded from any areas "where respect for human dignity could be affected," the court said in its verdict. The use of human embryo cells can only be for "therapeutic or diagnostic purposes" applied to the embryo itself, but "not for scientific purposes." "A process which involves removal of a stem cell from a human embryo ... entailing the destruction of that embryo, cannot be patented," - the ruling reads. The case was brought by German scientist Oliver Bruestle, who in 1997 patented a method of using stem cells from human embryos to treat patients with Parkinson's disease. His patent was challenged by Greenpeace in German courts, which in turn asked for legal advice from the EU's top court.

More: <http://www.scientificamerican.com/article.cfm?id=european-court-bans-patents-embryonic-stem-cells>

**Anti-Abortion "Global Elites" Launched Their Manifesto at UN.** An international group of 29 anti-choice parliamentarians, lawyers, academics, and NGOs, represented by Professor Robert P. George of Princeton University and former U.S. Ambassador Grover Joseph Rees, launched the San Jose Articles<sup>1</sup> at the UN’s Dag Hammarskjold Auditorium. The group presented the nine-point declaration as the guiding framework for an international anti-abortion initiative. This effort is intended to be a viable counterpoint to international work supporting women’s access to safe legal abortion as part of their human rights. The San Juan Articles are a non-binding set of principles that mimic UN language and could be used to confuse negotiations and public discourse on human rights, especially at the UN and in other international and national forums. The UN briefing was the kick-off event for a five-week global campaign. This includes launching the San Jose Articles in 11 cities in such esteemed locations as the British House of Lords, the European Parliament, the Spanish Parliament, the Italian Parliament, and venues in Santiago, Buenos Aires, Manila, Washington, DC, and the World Pro-Life Congress taking place in San José, Costa Rica.

**World Population Hitting 7 Billion.** The United Nations Population Fund (UNFPA) has launched this year's edition of the State of the World's Population Report to guide policy makers and researchers to institute measures to prevent conflicts and enhance development. The report on the theme: "People and Possibilities in a World of 7 billion" focuses on the world population which is expected to reach 7 billion on the 31st of October, 2011. It also looks at the trends that are defining our world of 7 billion and shows what people in different countries and circumstances are doing in

their own communities to make the most of our world in 7 billion. Our rate of increase continues to slow from the high point of over 2 percent in 1968. Still, this year's 1.1 percent increase means some 78 million people will be added to the global population in 2011. The human population did not reach 1 billion until the early nineteenth century, and it took more than 100 years to reach 2 billion. After that, the intervals between billions grew even shorter: we added the third billion in 33 years, the fourth in 14 years, the fifth in 13 years, and the sixth and seventh in 12 years each. Anyone alive today who was born by 1940 has seen our numbers triple. The most widely cited United Nations projection shows world population hitting 8 billion in 2025 and 10 billion before the end of this century. With populations stabilizing in much of the industrial world, almost all population growth in the near future is expected to occur in developing countries. Evidence suggests that many women in poor, fast-growing countries would have fewer children if they had the resources and freedom to plan the number and timing of their births. An estimated 215 million women in the developing world do not have access to the family planning resources they need. Worldwide, approximately 40 percent of pregnancies are unintended.

More: UNFPA

**Tenofovir gel found to cut women's herpes risk.** A vaginal gel that sharply reduces a woman's risk of infection with HIV is even more effective against genital herpes, a much more common risk for young women in the United States, a new study has found. The study suggests that the microbicide gel, which was originally developed to fight AIDS in Africa, could lower the incidence of herpes in many women. Genital herpes is far more common than AIDS. The World Health Organization estimates that 20 percent of all sexually active adults have genital herpes. While not fatal, the infection can be very painful, ruining sexual pleasure. The blisters it causes, which resemble the cold sores caused on the lips by a related virus, can also be an entryway for more dangerous pathogens, including HIV and syphilis.

More: <http://health.newsplurk.com/2011/10/tenofovir-gel-reduces-risk-of-genital.html>

**Medical abortion by women themselves at home is safe.** A new scientific publication about the online abortion service of Women on Web ([www.womenonweb.org](http://www.womenonweb.org)) in ACTA (Obstetricia et Gynecologica Scandinavica) shows that overall most women are capable to do a medical abortion safely and effectively themselves at home. There is however a large difference in specific regions around the world concerning the curettage rate after the medical abortion. It is likely that these differences reflect different clinical practice and local guidelines on (incomplete) abortion rather than complications that genuinely needed surgical intervention. Expectant care or the use of misoprostol are acceptable alternatives to curettage, which are increasingly used in Western Europe and the USA. Therefore it is very important that doctors especially in for example in Eastern Europe, Latin America and Asia increase their knowledge on medical or expectant treatment of incomplete miscarriage. Curettage significantly influenced women's' views on the acceptability of the medical abortion.

Source: [www.womenonweb.org](http://www.womenonweb.org)

## UPCOMING EVENTS

**Young People and Sexual Health in Europe: Promoting Education, Awareness and Access to Services.** Brussels, 8<sup>th</sup> November 2011.

More: <http://publicpolicyexchange.co.uk/international.php>

## PUBLICATIONS

**The CRR's *The World's Abortion Laws*.** Since 1998, the Center for Reproductive Rights has produced *The World's Abortion Laws* to visually compare the legal status of induced abortion in different countries - and to advocate for greater progress in ensuring access to safe and legal abortion services for women worldwide. This year, *The World's Abortion Laws* is available as a poster and in a new interactive format at [www.worldabortionlaws.com](http://www.worldabortionlaws.com).

***Euromapping 2011- European Population Assistance Decreasing as World Population Passes 7 Billion.*** DSW (Deutsche Stiftung Weltbevoelkerung) and the European Parliamentary Forum on Population and Development (EPF) announce the publication of *Euromapping 2011*. This year's edition of *Euromapping* reveals that European population assistance disbursements decreased by 7% between 2008 and 2009. Although remaining the largest global donor of development assistance, Europe now provides only 39% of total population assistance. The United States on the other hand—providing more than 50% of population assistance disbursements—remains the global leader as further funding cuts are seen across Europe. Of the total population assistance given by all donors in 2009, funding to both family planning and reproductive health increased over the previous year; but regrettably, funding for HIV/AIDS decreased in the same period.

The entire publication can be downloaded for free at the following website:  
[www.euroresources.org/euromapping](http://www.euroresources.org/euromapping)

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Supported by: the Sigrid Rausing Trust Foundation and the International Women's Health Coalition

ASTRA Network Bulletin on Sexual and Reproductive Health and Rights 11/ 2011

