



CEE Bulletin on Sexual and Reproductive Health and Rights

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Table of contents:

- Burning Issue
- Regional Updates
- From ASTRA members
- Resources

BURNING ISSUE

“Every woman has right to abortion if health threatened,” says Polish government after latest death

Poland’s health minister, Adam Niedzielski, has announced the creation of a special team to help ensure that pregnant women receive appropriate medical care, including abortions if their health is endangered.

His decision follows the latest death of a pregnant woman in hospital. As in some previous cases, the woman’s family and activists have blamed Poland’s near-total abortion ban for the tragedy. But officials say it was a case of [medical malpractice](#).

The woman in question, named only as Dorota, was admitted to a hospital in the town of Nowy Targ on 21 May when her waters broke in the fifth month of pregnancy. According to family members who spoke with the media, Dorota was told that her pregnancy could be saved.

She was instructed to hold her legs up above her head in order to bring the waters back, and was meant to remain in that position for days. However, Dorota started to develop symptoms including headaches and vomiting, while tests indicated an inflammation was developing in her body, reported the *Gazeta Wyborcza* daily.

On the morning of 24 May, doctors confirmed the death of her foetus. Two hours later, Dorota's own state became critical and shortly after that she died due to a septic shock. Dorota's husband blamed the doctors for a lack of transparency in treating his wife.

"No one told us that the death of the foetus was only a matter of time and that the breaking of the waters was dangerous for Dorota," he told the newspaper. "No one gave us a chance to save Dorota as no one told us that her life is in danger."

Likewise, a lawyer representing the family stated that Dorota was deprived of the right to choose if she wanted to risk her life or terminate the pregnancy.

"She wasn't informed that the probability of keeping the pregnancy is minimal and that in her case every hour brings enormous risk for her health and life," Jolanta Budzowska told broadcaster TVN24.

Under a [2020 constitutional court ruling](#), abortions in cases where the foetus has been diagnosed with a birth defect were outlawed. That left just two legal justifications for abortion: if the pregnancy threatens the mother's life or health, or if it results from a criminal act such as rape.

"Every woman whose life or health is threatened at any moment of her pregnancy has the right to terminate it," said Niedzielski yesterday, announcing the creation of a specialist team to work on "how to avoid mistakes during care of pregnant women".

Speaking alongside him, the government's commissioner for patients' rights, Bartłomiej Chmielowiec, said that an investigation of the case found that a number of "infringements" had taken place in Dorota's treatment and that her death "is an example of medical malpractice".

He said that the woman has not received care "in accordance with current medical knowledge" and that her "right to obtain reliable, clear information" about her state of health and treatment was violated. The hospital would be given "detailed instructions" to prevent such situations from occurring again.

After the death of another woman in hospital in 2021, the health ministry [issued new guidelines to hospitals](#) on treating complications in pregnancies, with Niedzielski reminding doctors that "the mother's life and health are most important".

However, women's rights groups and some opposition politicians have argued that the primary blame is not with the hospital and medical staff, but with a legal and political environment that makes healthcare providers [reluctant to provide abortions for fear of prosecution](#). (...)

By: Agnieszka Wądołowska

Full version originally published in: notesfrompoland.com

REGIONAL UPDATES

Domestic and Sexual Violence Sentences 'Often Lenient' in South-East Europe

The US State Department's global human rights report for 2022 said that in the majority of south-east European countries, perpetrators of domestic violence and rape often receive lenient sentences.

In some countries, the authorities also fail to properly investigate spousal rape cases, according to the [State Department report](#).

Bulgaria is one of the countries where spousal rape is not a crime, although "authorities could prosecute spousal rape under the general rape statute, but rarely did so", the report said.

Bulgaria's law on gender-based violence was enforced effectively, but according to NGOs the law does not provide sufficient protection for the victims.

"The law restricts the persons who can report domestic violence to the survivor or the survivor's direct relatives and excludes friends and other unrelated persons," the report said.

"According to NGOs and the ombudsman, the law does not provide sufficient protection to survivors of domestic violence as it does not provide for prosecution of offenders for inflicting a medium injury (eg. a broken tooth) or a more serious injury, such as deliberately infecting a person with a sexually transmitted disease," it added.

Albania also had issues with prosecutions for spousal rape, the report said: "The concept of spousal rape was not well understood, and authorities often did not consider it a crime" despite it being illegal.

Gender-based violence was reportedly a serious problem in Albania. "As of September, police reported 4,136 cases of alleged gender-based violence, including other domestic crimes," the report said.

"NGOs reported high levels of gender-based violence, including domestic violence. As of September, seven women had been killed by their partners or family members," it added.

Police in **Bosnia and Herzegovina** failed to treat spousal rape as a serious offence, which “inhibited the effective enforcement of the law”, according to the report.

“Women survivors of rape did not have regular access to free social support or assistance as mandated by the law and continued to confront prejudice, stigma, and discrimination in their communities and from representatives of public institutions,” it noted.

On top of this, the authorities rarely removed domestic abusers from households despite laws enabling this in both the country’s entities.

Domestic violence was widespread in the country, however, according to the report: “The Gender Equality Agency reported that one of every two girls and women over age 15 experienced some type of domestic violence,” it said.

In **Greece**, the report said that the authorities “generally enforced the law effectively when the crimes were reported”, but some NGOs said that “law enforcement authorities did not respond appropriately to survivors reporting domestic violence”.

In **Hungary** meanwhile, women’s rights groups alleged that “prevention, survivor protection, and prosecution efforts by the state in domestic violence cases were not sufficient”, the report said.

In **Kosovo**, rape is punishable by two to 15 years in prison, but the sentences are not being enforced effectively, according to the report.

The EU rule-of-law mission in Kosovo, EULEX told the State Department that “courts often applied penalties lighter than the legal minimum in rape cases and that law enforcement bodies rarely took steps to protect survivors and witnesses”.

“In addition, sentences were often further decreased by the appellate court. Instances of gender-based violence, including sexual violence and rape, were rarely reported by survivors, frequently due to social stigma or lack of trust in authorities,” the report added.

In **Romania**, the law envisages five to 10 years’ imprisonment for rape and two to seven years’ imprisonment for sexual assault. “If there are no aggravating circumstances and the attack did not lead to death, police and prosecutors may not pursue a case on their own, but they require a survivor’s complaint, even if there is independent physical evidence,” the report said.

It added that that human rights activists reported that “some police officers tried to dissuade survivors of rape or domestic violence from pressing charges against their aggressors and, in some cases, refused to register criminal complaints submitted by victims”.

Romanian police have occasionally delayed taking action against sexual abusers or even tried to reconcile the victim with the aggressor, according to the report.

An electronic monitoring system for restraining orders was established by a law that was enforced in 2021, but the government postponed the implementation of the system until October 2022, and it will take until 2025 for it to fully be implemented throughout Romania.

“According to an investigation by independent investigative journalist website Dela0.ro, of the 26,500 restraining orders issued between 2019 and 2021, 7,200 were violated, while only 500 such cases were sent to court,” the report said.

In **Moldova**, the report said that rape, including spousal rape, can be punished with sentences ranging from three years to life in prison, although the victims must “prove they were subjected to violence”.

However, the report added that “domestic violence resulting in ‘nonsignificant bodily harm’ falls under the contraventions code, rather than the criminal code, and may be punished by a fine or community service”.

The report also said that in Moldova, “marital rape was rarely reported, as 50 per cent of women considered that sexual intercourse during marriage was a marital obligation”.

Meanwhile, “survivors of violence were often re-traumatised by the system and subjected to social stigmas”, it added.

In **Montenegro**, the report said that sentences were generally lenient, three years on average.

“Judges often used questionable methods, including forcing confrontations between survivors and alleged perpetrators, to assess the credibility of survivors,” the report said.

It added that “domestic violence is generally punishable by a fine or a one-year prison sentence”.

Montenegrin police also try to reconcile victims, mainly women, with their attackers, “counselling women to ‘forgive’ their attackers or to ‘not harm their (the attackers’) job prospects”.

Women of Roma or Egyptian ethnic backgrounds “often faced increased barriers to escaping domestic violence, including potential condemnation and abandonment by their broader family and loss of access to their children”, the report noted.

The report said that in **North Macedonia**, the ombudsperson concluded that sentences were “overly lenient” and “did not contribute to a reduction and elimination of severe forms of domestic violence nor provide sufficient protection to survivors”.

“From January to June, the Ministry of Labour registered 662 survivors of domestic violence, of which 463 were women, and 83 children. In June the ministry launched an awareness campaign on gender-based violence,” the report noted.

In **Serbia**, victims of domestic and sexual abuse often do not trust the authorities enough to report the crimes, according to the report.

“While the law provides women the right to obtain a restraining order against abusers, the government did not enforce the law effectively. The head of the Coordination Body for Gender Equality announced that through mid-December, 26 women had been killed in family/partnership violence,” it said.

“As of September there were 238,174 reported instances of domestic violence since the law was introduced in 2017. According to the National Statistical Bureau’s research on gender-based violence, one in five women suffered psychological abuse from a partner, one in ten suffered physical or sexual violence, and one in five was sexually harassed in their workplace,” the report added.

In **Turkey**, women’s rights groups reported that survivors of domestic and sexual abuse were not being protected, as “gender-based violence, including domestic and intimate partner violence, remained a serious and widespread problem both in rural and urban areas”, the report said.

It noted that in 2021, President Recep Tayyip Erdogan withdrew the country from the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, also known as the Istanbul Convention, claiming that it normalises homosexuality.

The report said that sometimes government-employed counsellors and police officers “encouraged women to remain in abusive marriages at their own personal risk rather than break up families”, and that police do not implement court restraining orders effectively.

By: Fjori Sinoruka and Xhorxhina Bami

Originally published in: balkaninsight.com

FROM ASTRA MEMBERS

Workplace sexual harassment is prohibited in Armenia due to the Women’s Resource Center

In 2021, Women’s Resource Center conducted a legal analysis of [Gender-sensitive regulations in the Armenian Labour code](#) which identified discrepancies in Armenian labor legislation. The study was

based on international standards on women's labor rights, including ILO C190 Convention on Violence and Harassment. The study has revealed significant gaps in the legislation, including the complete absence of regulations regarding sexual harassment in the workplace, the lack of an established mechanism for reporting incidents of gender-based discrimination and sexual harassment in the workplace as well as the limited mandate of the state body, the Labor and Health Inspectorate on gender issues.

On the basis of the research in 2022, WRC was actively engaged in advocacy for the adoption of sexual harassment regulations in the Labor Code. The organization made an [online survey](#), conducted [research](#), and prepared [policy briefs](#) on the issue. The advocacy team of the organization participated in the meetings with decision-makers and NGOs working in the field to keep the issue at the center of their attention. As a result of our research and advocacy work the respective regulations were adopted by the Parliament in May, 2023.

Source: [Women's Resource Center](#)

First-ever report on sexual and reproductive health and rights of Georgian women living with HIV

A groundbreaking report on the state of SRHR for Georgian women living with HIV was recently published. The document is authored by ASTRA's long-time member Medea Khmelidze from Real People, Real Vision.

From the reports introduction:

Improving women's sexual and reproductive health and rights, prevention, diagnoses and treatment of HIV are important factors in contributing social justice, reducing poverty and promoting the social and economic development of communities and countries. (...) Gender plays an important role in determining a woman's vulnerability to HIV and violence and her ability to access treatment, care and support. The current scope of HIV interventions and policies needs to be expanded to make gender equity a central component in the HIV response. (...) In Georgia 2022 October data show a total of 9651 HIV/AIDS cases were registered in the Infectious Diseases, AIDS & Clinical Immunology Research Center (National AIDS Center), including 7206 men and 2445 women. The majority of patients are within the age group of 29-40. Currently the main mode of HIV transmission is through sexual contact (51.4%) with injection drug use being the second most common mode of transmission - 33.7%. Late diagnosis still remains a challenge and the main reason for HIV mortality, more severely affecting women. Traditionally, for almost a decade, HIV prevention programs were focused on people who inject drugs,

men having sex with men and people engaging in sex work. Majority of HIV target groups have been males.

However, during the last years the prevalence of HIV infection is increasing among women and therefore, attempts to implement services adapted to their needs including focus on SRHR, requires prioritization in regional and national agendas.

Read the full report [online](#).

Source: Medea Khmelidze/[Real People, Real Vision](#)

FEDERA addresses the Polish Minister of Health after the death of Dorota from Nowy Targ

FEDERA requested to be part of a ministerial expert team that is to develop new guidelines that will prevent deaths similar to Dorota's from Nowy Targ. FEDERA sent the [letter](#) to the Minister with the recommendations on what these guidelines should include.

Following the Ministry's press conference of 12 June organised after the death of Dorota in the hospital of Nowy Targ, the Minister of Health formed an expert team to develop guidelines for hospitals on providing abortion care.

OUR MAIN ASKS ARE:

1. Prioritization of the well-being of pregnant women;
2. Mandatory training in the latest WHO abortion guidelines;
3. Introduction of mifepristone in the Polish market;
4. Introduction of compulsory courses in patient-based approach during medical studies;
5. Abolition of the conscience clause.

The work of the expert team will not have the desired effect without taking into account the recommendations of NGOs and grassroots movements experienced in helping pregnant women in different life and health related circumstances. We are the ones who assist women in access reproductive health services and advice on a daily basis and we are in direct contact with them. We are well aware of the policy and legal realities they face when seeking abortion care, including in the Polish hospitals and how it impacts their health and wellbeing.

While our proposal to include NGOs in the expert team was scandalously dubbed “a happening” by Minister Niedzielski, we still expect the Ministry of Health to take our recommendations into account. Nothing about us without us.

Source: [FEDERA Foundation for Women and Family Planning](#)

Lessons learned from the Outreach Work with Youth and for Youth throughout Georgia

"When I started my menstrual cycle for the first time, I didn't know what to do, no one ever talked to me about it" - said a 14-year-old girl from Gori.

The outreach component helps us to identify the needs of teenagers and young people so that activities focused on their needs can be planned and effective tools can be put in place to solve essential problems. Outreach work of Association HERA XXI targets the most underserved districts, IDP settlements to raise the awareness of adults and young people about healthy lifestyles and behavior.

One of the fundamental values of Association HERA XXI is a youth-oriented approach, which in turn serves the purpose of identifying the needs and interests of the coming generation. A 2021 survey of young people conducted by Association HERA XXI found that despite some progress, information on reproductive health and gender-based violence is scarce and there is a need to plan and implement awareness-raising activities.

Discussions held during outreach meetings reveal that teenagers and young people often face bullying cases, both in physical and Internet space in the form of cyberbullying; Several participants reported receiving inappropriate sexual messages on social networks and it is difficult to talk to parents and teachers about sexual topics because they do not expect empathy and understanding from them.

Representatives of Armenian and Azerbaijani ethnic minorities also take an active part in outreach visits. Amaze videos translated into Armenian and Azerbaijani help provide them with competent information on sexual and reproductive health and rights. Representatives of ethnic minorities note that the most urgent problems in their community are: gender, violence, lack of safe space, and forced marriage.

The outreach work is one of the most successful approaches when working with teenagers and young people. With such an approach, their needs are well identified to take further effective steps, and the Association "HERA XXI" has many years of experience in this. Adults and young people say that they feel free, they talk to us about personal topics without any problems, and this is due to the stigma-

free, open and reliable environment that we create for them. They trust us and see in us the people with whom they feel safe.

Source: [HERA XXI](#)

Family planning and climate change – BOCS Foundation at COP26

Dozens of leading NGOs are calling on the President and Delegates of the COP26 in this [open letter](#) to take an urgent and clear public position recommending just and sustainable family planning as the most effective solution to address the climate crisis, and rising global inequality, including gender inequity.

The global community has failed to inform and support a universal effort towards just and sustainable family planning, which:

- Is human-rights centered
- Ensures sustainable and equitable resources for greater investment in each child
- Enables communities and governments to protect children and future generations while upholding reproductive rights

On the contrary, pressures to increase births, or to obstruct family planning programs, are driving our biggest crises and putting the health, safety, and welfare of current and future generations in peril. Unsustainable population growth, a documented threat multiplier, is contributing to catastrophic climate change, unprecedented flooding, pandemics, ecosystem destruction, groundwater depletion, mass extinctions, and environmental degradation. Worsening inequality, in large part driven by our growing population, is also a grave threat to democracy and political stability across the globe.

“Avoiding unwanted pregnancies means avoiding significant CO2 emissions. The emissions avoided can be measured e.g. by the Quality Family Planning Standard (QFPS). This standard is based on data from UNFPA, IPPF, MSI and the Guttmacher Institute. Today, almost half of all pregnancies are accidents that couples did not want. The United Nations declared contraception a human right already in 1968. The ICPD Cairo Programme of Action (1994), MDG5b (2005), SDG 3.7 and 5.6 (2015) all call for contraceptive access for all. Nevertheless still hundreds of millions of women are without access to contraception. This is a grave violation of the right of future generations to conceive through the responsible choice of a prepared couple. Severe consequences include psychological trauma, lack of education and health care, high maternal and infant mortality, poverty and vulnerability to all kinds of

violence, and especially climate disaster, water shortages and heat.” – says Gyula Simonyi from BOCS Foundation.

Read an open letter about the significance of family planning in fight with climate crisis co-signed by BOCS Foundation [here](#).

Source: [BOCS Foundation](#)

RESOURCES

The International Anti-Gender Movement Understanding the Rise of Anti-Gender Discourses in the Context of Development, Human Rights and Social Protection – a report by H. McEwen and L. Narayanaswamy

From the abstract:

(...) Support and funding for extensive and growing anti-gender movements is a transnational endeavour, with movements of both people and finance within and between the global North and global South. While organizations and activists who oppose abortion, LGBTIQ+ rights, and comprehensive sexuality education have long cited moral and religious justifications for their intolerance, these so-called “pro-family” actors are increasingly deploying economic and social arguments that enable them to frame their views as essential to the realization of broader development goals. These movements convene at the global level, including through UN institutions, and in so doing, anti-gender groups have devised strategies for centring the “family” as a key site of contestation in ways that invoke notions of rights and sustainability at national, regional and international policy levels. We also explore the increasing professionalization that underpins anti-gender advocacy. There is a growing network of self-styled think tanks funded by anti-gender movements that use mainstream knowledge validation tools, including peer-review articles, policy briefs and webinars, to disseminate anti-gender messages in a range of global development spaces, including the UN system. These efforts are shrouded in the twin cloaks of “neutrality” and “rigour”, rendering anti-gender messaging harder to refute.

Read the publication [online](#).

ASTRA Network Members: Albania - Albanian Center for Population Development; Armenia - Society Without Violence; Armenia - Women's Resource Center; Armenia - Women's Rights Center; Azerbaijan - Center "Women and Modern World"; Belarus - Women's Independent Democratic Movement of Belarus; Bulgaria - Bulgarian Family Planning and Sexual Health Association; Bulgaria - Bulgarian Gender Research Foundation; Bulgaria - Gender Education, Research and Technologies; Bulgaria - Demetra Association; Bulgaria - Gender Alternatives Foundation; Bosnia and Herzegovina – Sarajevo Open Center; Croatia - B.a.b.e.; Croatia – CESI; Croatia – PaRiter; Croatia - Women's Room; Georgia – HERA XXI; Georgia – Real People, Real Vision; Georgia - Women's Center; Hungary – PATENT; BOCS Foundation; Kazakhstan - The Legal Center for Women's Initiatives "Sana Sezim"; Latvia - Association for Family Planning And Sexual Health "Papardes Zieds"; Lithuania - Family Planning and Sexual Health Association; Moldova – Family Planning Association; Moldova - Reproductive Health Training Center; North Macedonia - Association for emancipation, solidarity and equality of women; North Macedonia – H.E.R.A.; North Macedonia – Shelter Center; Poland - Federation for Women and Family Planning; Ponton Group of Sex Educators; Romania - A.L.E.G.; Romania – AnA – Society for Feminist Analyses; Romania - Euroregional Center for Public Initiatives; Romania - The East European Institute of Reproductive Health; Romania – SEXUL vs BARZA/SEX vs THE STORK; Russia - Novogorod Gender Center; Russia – Russian Association for Population and Development; Slovakia – Možnost Volby; Tajikistan – Gender and Development; Ukraine - Women Health and Family Planning; Ukraine - SALUS Charitable Foundation; Uzbekistan - Future Generation

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