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ABORTION IN POLAND: A QUESTION OF INDIVIDUAL RESPONSIBILITY AND ETHICS

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INTRODUCTION

Is abortion a fundamental right? While some argue that it is other argue that it is not. From Article 3 “Everyone has the right to life, liberty and security of person.” (UN General Assembly 1948) by the UN Universal Declaration of Human Rights, it is given the freedom of choice therefore women themselves should be able to make this decision. Today in around 1/3 of all the countries in the world abortion is legal and upon request, 2/3 is legal if it is based on socioeconomic grounds or to preserve health, and 1/3 it is only legal when the women’s life is in danger or prohibited altogether.

In Eastern Europe the only country that has not have legalized abortion based upon request is Poland. Today in Poland abortion is only legal if there is fetal impairment, incest or rape. This year in October the ruling right-wing party PiS (Law and Justice) proposed ban of abortion under any circumstances this resulted to massive protests across Poland where hundreds of thousands of women dressed in black took over the streets expressing their anger for this bill.

The protests were a success. Just a couple of days after the bill was proposed, PiS members themselves threw out the legislation, and after couple more days the Parliament threw out the legislation fully. Although the proposition was by a group of citizens, PiS was the one who carried out the proposal. To understand better the whole issue of abortion, we have to take a look back to 1989 when socialism fell.

THE FALL OF SOCIALISM AND ITS AFFECT ON WOMEN RIGHTS

With the fall of socialism in 1989, a big crisis occurred in the health care division especially towards women. Poland adopted the agenda of the Catholic Church, its health policies, reproduction and sexuality were guided based upon moral via the Conscience Clause law (Sumenia 2009, 161-183), which allows health providers to refuse health

assistance citing this law, which shortly followed by the ban of abortion which was passed without a referendum. This withholds the freedom and option of Planned Parenthood. This raised rage in citizens that started protests. After this the state balanced this legislation allowing abortion to be proceed under some circumstances such as: fetal impairment, incest or rape. This did not only raise concerns of the place and the future of the rights of women in post socialism, but also the limits of liberal democracy.

Before the fall of socialism, women's reproduction and sexuality were autonomous. In 1956 abortion was legalized for pregnancies up to 14 weeks and was free of charge in public hospitals, 97 percent of all abortions between the periods of 1956 and 1989 were based upon social grounds. (Niemec 1997, 167). At the same time the Polish state was restraining the involvement of the Catholic Church. Later to keep peace between the state and the church a *modus vivendi* (working agreement) was signed. There was an evident disagreement between the state and the church on the reproduction policies. With the fall of socialism the church took this opportunity to undergo the act of banning abortion, and made significant changes in the reproduction policies.

CONSCIENCE CLAUSE LAW

Written in 1991 by the Medical Code of Ethics saying that "a physician can withhold healthcare services which are not in agreement with his conscience" (Polish Code of Ethics 1991, 205) This "conscience clause" is a big concern. Medical personnel on the other hand must send the patient elsewhere where there are "realistic possibilities of obtaining such health-care" (Nesterowicz 2001, 340). Local women's groups have reported that such referrals are very often not made.

From recent time the "conscience clause" has been gaining ground, in May 2014 around 3000 people, whom mainly were medical officials, signed a "Declaration of Faith". This declaration states that "the human body is sacred and is inviolable from conception to natural death and begins with the words: "I believe in one God, the Lord of the Universe, who created males and females in his own image (...) If such man chooses to violate the basic beliefs of the 10 commandments by committing acts such as abortion, artificial inception, euthanasia or using contraception, then they reject the Creator himself". (Deklaracija Wiary 2014, 1). This act was very low accepted by the mass public.

More than 52 percent of Poles believe that a doctor cannot, calling upon his/her conscience refuse to perform an abortion in a situation where it is legally allowed, while 62 percent responded that a doctor cannot even refuse to issue a referral for abortion when a women according to the law qualifies for such service. 55 percent of the correspondents that doctors should not refuse to prescribe contraceptives if there is no medical danger.

THE CATHOLIC CHURCH INTERFERENCE WITH PLANNED PARENTHOOD

In Poland there is a significant lack of sexual education to women and young adults in global. The reason for it might be the interference of the Catholic Church in the State's policies. The Church sees it as sins, they are strongly against using contraception, sex for non-reproductive purpose is also considered as sinful. In an interview with a doctor working at the Malopolska Pro-Family Health Clinic, she strongly opposes any use of

contraceptive pills or injections especially the hormonal ones. Many gynecologists have refused to prescribe contraceptives to patients because it is not in their beliefs. It is clear how much the Polish Church has power over certain institutions in the state.

Through power the church is trying in a barbarian way to influence the most private freedom. Having to force a women to carry out the pregnancy, even if that pregnancy is a result of rape. This is a serious problem that Poland has, mixing the church and the state which has resulted to problems such as this. Having doctors make decision instead of the patients themselves. Denying the right of freedom and making decisions on their own, doctors have the power of forming and shaping the patient life and future which should not be the case.

ECONOMICAL AND POLITICAL IMPACT ON PLANNED PARENTHOOD

To understand better the reason for restricted Planned Parenthood in Poland, we have to understand the economics of Poland as a post socialism country. In the late 1940's and 1950's Central and Eastern Europe went through a rapid industrialization. Women in Poland encountered a decrease in financial resources which were a result of the neoliberal transformations, because of the harsh reductions in maternity and social service provisions since 1989. (Domanski 2002, 477). This was not just the case in Poland it was all over Eastern Europe, but Poland suffered the greatest. Women had to enter the labor market, not just because of ideology but also because of wages, the income of one person in the household was not enough to support the whole family. By entering the labor market there was evident gender inequality. Although in theory men and women were equal in the socialist society, but in practice there was a male dominance and high level of inequality. As there was shortage of men to work in that period, women had to take jobs typically reserved for men (which were better paid) although women were paid much less than men. When there were enough men to fill the jobs women were let go of the previous jobs, and were expected to go back to their previous jobs as housewives.

Politically the state shared the propaganda of the perfect socialist women, which contained hard working and a devoted mother, wife and employee. The state gave a very short maternity leave, they were expecting mothers to leave their children in state institutions where their children will be taken care of. Women found it very hard to balance both work and family.

In the early 1960's and 1970's the Polish state advocated couples to form smaller families. When the fertility rate started decreasing the state started offering longer maternity leave, higher family allowances in hope to raise the fertility rate.

ABORTION UNDERGROUND

With the ban of abortion and the conscience clause many doctors who preformed abortion in public hospitals started performing abortion illegally in private offices. Scheduling an appointment to get an abortion is quite easy, since they often advertise themselves in newspapers. Although they are widely publicized, until recent times authorities almost never investigate cases such as these. Although they are advertised in local and national newspapers both doctors and patients are not willing to give out any information, unless something goes wrong, which happens rarely. In 2008 the minister of

health Ewa Kopacz proposed legislative action to monitor pregnancies in Poland, to ensure that the pregnancies are brought to term, this was said to be done to control the underground abortion. There is a significant increase of doctors who are performing illegal abortion in Poland. Women who are refused to be given abortion have to seek this kind of help. This is one more negative side of banning abortion, by doing so women are forced to do it illegally or even travel in other countries. But it is still a problem to many who cannot afford to pay to get an abortion. There is also a difference in prices, for example doctors in smaller cities charge less than those in bigger.

Women with this are put through great danger having to travel to other cities and perform abortion illegally. Living with the fear of getting caught by the government officials, or something to go wrong during the procedure. They are often sold fake pills for high prices that do not give the wanted results.

CONCLUSION

After the fall of socialism in 1989, one of the first issues raised by the Catholic Church was the case of abortion and contraception. By today there was twice an attempt to ban abortion fully. First in 2007 by the request of the Catholic League of Polish Families party which notion was rejected by the Parliament and in 2016 when the ruling party PiS set the notion to ban abortion that was later rejected by most of the party members and the Parliament as well. Although significance was the mass protests that were sparked with the latest decision when tens of thousands of women dressed in black went on the streets to protests against the ban of abortion.

Nonetheless, since the fall of the regime the church interfered with state policies-acting as a *de facto* para-state. Showing clearly the ways in which post socialist state and religious form of institutional power had influenced women rights, putting under questioning the Polish democratization. The politics of reproduction in Poland are significant because not only do they have an impact on women's health and body autonomy but also the women's position in society.

From this research it is evident that the Church has big influence over the policies of the State, the Conscience Clause is used as a toll to expand centralized power by implementing subtle forms of regulations which makes the power seem less visible and is spread widely across the country. Even though the politics in Poland according to the West is categorized as a "successful democracy" there are cases where the flaws and problems can be seen, particularly in the field of reproduction and Planned Parenthood. Mixing state and church as one body leads to many problems, contradictions and prevailing. Therefore, the Polish state must start distinguishing the church from the state. 

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Teona Mango is born in Bitola, Macedonia in 1998. Currently is a student at Queen Mary University of London, studying in the School of Politics and International Relations, class of 2019. During the period of high school which she spent in SOU Josip Broz Tito - Bitola (2012-2016) was Student Ombudsman, participant of “Youth in Action” projects in Sion and Arry in France in 2014, president of the Leo Alpha Club Bitola (Lions Club International) 2014-15, member of the debate club in her high school and team leader at “Pioneer 6” Macedonian Volunteers 2013.

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Founder of Teona’s Wanderlust blog, chosen among the 50 most influential blog in Europe by The Basetrip. Cofounder of Teens for World Unity Blog. Has many past internships, work and volunteering experience and has received many awards and certificates in the field of photography, snowboarding and horse riding. Which are all hobbies in her spare time.