



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

CEE Bulletin on Sexual and Reproductive Rights

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Table of contents:

- Burning Issue
- Regional Updates
- Global Updates
- Publications
- Upcoming Events
- Take Action!

BURNING ISSUE

2009 – 2010 New Challenges, New Opportunities. The year 2009 marked the 15th anniversary of the ICPD Programme of Action. In 2010 we will celebrate the 10th anniversary of the adoption of the Millennium Declaration. While the two sets of commitments are mutually reinforcing, this double anniversary forces us acknowledge gaps and challenges, to consolidate lessons learned over the last years, and to come up with practical recommendations for accelerating progress. The unprecedented financial crisis which manifested itself at the end of 2008 and which is compounded by the food-fuel crises and climate change will most probably worsen the situation in the near future. A further slow or negative growth is likely to cut into government revenue and expenditures on social services, including maternal health and SRH. Increasing prices of drugs and supplies may lead to an increase in cost of care and insurances, and a shortage in drugs and supplies in RH facilities. At the household level, less money available combined with high and/or rising food and fuel prices may further cut expenditures on women's health in general and SRH in particular. Additionally, the financial crisis is likely to further jeopardize the funding streams aimed at implementing programs and changes necessary to reach the objectives of the (health-related) MDGs. Let's hope that the double anniversary will contribute to creating a climate for finally crafting fair, ambitious and binding strategy for advancing the ICPD's and MDGs' agendas!

REGIONAL UPDATES

The Treaty of Lisbon comes into force in EU countries. The overall aim of the Treaty of Lisbon is to make the decision making process within the EU more democratic, efficient as well as to give the EU greater profile on international arena. The Treaty of Lisbon gives more powers to the European Parliament, the only democratically elected by EU citizens EU institutions. The European Parliament gains equal footing with other EU institutions in decision-making process in more areas. The Treaty of Lisbon strengthens EU Member States and institutions' obligation to tackling discrimination and mainstreaming equality. A new Article 10 of the Treaty makes it clear that the EU must take into consideration combating discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation in all its policies and actions. The other important development brought by the Treaty of Lisbon is that the EU is becoming a signatory to the European Convention on Human Rights. All EU Members States are signatories to the Convention, but now human rights as provided by the Convention and national constitutions will constitute general principles of the European Union. Furthermore, the EU Charter of Fundamental Rights which constitutes an integral part of the Treaty of Lisbon is the first EU consolidated document containing the values and fundamental economic, social, civil and political rights to which EU citizens should be entitled to. The Charter does not establish new rights but rather codifies existing rights that were previously scattered over a range of documents. Regrettably, three countries, the UK, Poland and Czech Republic, opted out from the EU Charter of Fundamental Rights. Especially alarming are Poland's reasons for not signing the Charter, as the Polish leaders believe the Charter might compromise their sovereignty in the 'sphere of public morality, family law'.

More: http://europa.eu/lisbon_treaty/index_en.htm

New EU Commissioner for Fundamental Rights. Commissioner Viviane Reding has been chosen as Commissioner for Justice, Fundamental Rights, and Citizenship in the new European Commission that is set to take office in early 2010 (assuming approval by the European Parliament). Commission President Barroso appointed a separate commissioner for fundamental rights as part of a commitment he made to the European Parliament to give greater profile to such issues. Commissioner Reding will share a Directorate-General with Commissioner Cecilia Malmström, who is in charge of Home Affairs (i.e., law enforcement). It remains to be seen how appointing a separate commissioner in charge of fundamental rights (rather than having a single commissioner in charge of both law enforcement and fundamental rights, as is the case in the current DG Justice, Liberty and Security) will affect the SRHR advocacy.

More: <http://europa.eu>

Lithuanian Parliament adopts the Law on the Protection of Minors against the Detrimental Effects of Public Information. Lithuanian lawmakers revised a controversial law that banned the promotion of homosexuality. The new bill bans information that could be seen as promoting sexual relations from reaching the country's youth, but gay rights campaigners warned the move did nothing to assuage their concerns. The original law, that sparked criticism from rights groups in Lithuania and abroad when it was passed in July, barred the "public dissemination" of information favorable to homosexuality, claiming it could harm the mental health and physical, intellectual and moral development of minors. The legislation -- which also covered bisexuality, polygamy, images of heterosexual intercourse, death and severe injury, the paranormal, foul language and bad eating habits -- did not specifically define public dissemination nor set down a punishment. The new bill bans information "encouraging the sexual abuse of minors, sexual relations between minors and

other sexual relations." Furthermore, the amended law qualifies as damaging the promotion of "any concept of the family other than that set down in the constitution," which stipulates that marriage is between a man and a woman.

Source: ILGA Europe

Organic Law on Sexual and Reproductive Health and the Voluntary Interruption of Pregnancy adopted in Spain. Spanish Parliament adopted amendments to abortion law. Abortion reform was the last major pending issue in a bold reform agenda undertaken by Socialist Prime Minister Jose Luis Rodriguez Zapatero, who took power in 2004. Under him Spain has also legalized gay marriage and made it easier for Spaniards to divorce in a drive. Amendments to abortion law include the right to individual conscientious objection, mandatory sexuality education in schools, subsidies for modern contraceptives and the obligation for adolescents aged 16 and 17 to have parental approval for an abortion, unless this consent would entail domestic violence. The socialist government emphasizes that the objective of the law is to prevent unwanted pregnancies and consequently reduce the number of abortions, to grant women the right to decide about becoming a mother, and to delete abortion as an item in the penal code. Under the current law, which dates back to 1985, Spanish women could in theory go to jail for getting an abortion outside certain strict limits — up to week 12 in case of rape and week 22 if the fetus is malformed. The measure now goes to the Senate, where passage is expected some time early next year.

Source: El Pais

To read the full article in El Pais go to: http://www.elpais.com/articulo/sociedad/Congreso/aprueba/reforma/ley/aborto/elpepusoc/20091217/elpepusoc_6/Tes

RU 486's availability restricted in Italy. Italy's Health Minister Maurizio Sacconi has announced that once the birth-control drug Mifegyne (mifepristone), is available in Italy, its use will be restricted to inpatient facilities and to patients staying overnight in such facilities. Sacconi emphasized that day hospitals were not an appropriate environment for the administration of Mifegyne, otherwise known as RU486, due to the complexity of the procedure and the threats to women's health. This follows the recent outcome of the senate inquiry into the drug's marketing in Italy, which called for a suspension to the approval for commercialization of the drug, issued by the Italian pharmaceuticals agency, AIFA, in July. The Italian government has clearly demonstrated the limitations of AIFA's independence, considering the fact that AIFA had approved the drug at the end of July, and although it added some restrictions and safeguards shortly afterwards, the agency has at no point reversed from its original approval decision. The events surrounding the approval and marketing of Mifegyne in Italy are now being driven by political concerns, as the right-wing government seeks to minimize any harm that could be inflicted to its image among the predominantly Catholic population--many of whom are opposed to abortion--if it is seen to support the marketing of the drug. First introduced in France two decades ago, the RU-486 pill is known chemically as mifepristone and causes an embryo to detach from the uterine wall. A second pill, misoprostol, is used afterward to cause contractions and push the embryo out of the uterus. RU-486 is available throughout much of Europe, but the Vatican — which opposes abortion and contraception — has voiced its opposition to the pill's legalization in Italy. The Vatican has warned of possible excommunication for doctors prescribing the pill, as well for women who use it.

More: <http://www.foxnews.com/story/0,2933,579913,00.html>

Austrian Parliament passes Partnership Law for same-sex couples. The Austrian Parliament voted in favor of a law establishing registered partnerships for same-sex couples. With this

decision, a new legal provision is created, ensuring equality between marriage and registered partnership in the fields of social, fiscal and inheritance legislation, as well as legal provisions for foreign nationals, among other vital points. However, a first analysis brings to light at least 45 differences between registered and married couples. Registered partners cannot choose a joint family name; artificial insemination will be explicitly outlawed for same-sex couples; and stepparent adoption will be prohibited. The same sex marriages have been recently legalized in Mexico and Argentina.

Source: ILGA

Longer parental leave and incentives for fathers agreed by EU ministers. The revised Directive on Parental Leave will give each working parent the right to at least four months leave after the birth or adoption of a child (up from three months now). At least one of the four months cannot be transferred to the other parent – meaning it will be lost if not taken – offering incentives to fathers to take the leave. The new Directive also provides for better protection against discrimination and a smoother return to work. It puts into effect an agreement between European employers and trade union organizations. All matters regarding the income of workers during parental leave are left for Member States and/or national social partners to determine. The new Directive will be formally adopted in the coming months. Member States will then have two years to transpose the new rights into national law.

More:

http://ec.europa.eu/commission_barroso/spidla/index.cfm?pid=whats_new&sub=news&langId=en&id=650

Public Hearing on Domestic Violence. The Polish organisation Women's Rights Centre (Centrum Praw Kobiet) organised a Public hearing in Brussels on the topic "Toward an EU Directive on Violence against Women". It will take place on 10 December in the European Parliament in Brussels. Speakers included Urszula Nowakowska, Director of the Women's Rights Centre in Poland and Rosa Logan, Director of Domestic Violence Intervention Programme, Austria. The speakers discussed the legal background of the future directive addressing domestic violence. The event concluded with a play "The Ballad of Sweet Daphne" about the suffering of women who have experienced sexual violence.

Further information is available at: <http://www.cpk.org.pl/pl.php5/on/home>

Ireland's abortion law challenged in the European Court. The Irish Republic's strict abortion law is being challenged in the European Court of Human Rights in Strasbourg. The legal action has been brought by three Irish women who have traveled to Britain to have abortions saying that the effective ban on abortion in Ireland violates the European Convention on Human Rights. The European Court of Human Rights heard a challenge to Ireland's restrictive laws on abortion. The three applicants have waited over five years to have their voices heard at this important forum for the protection of human rights and are looking forward to having their human rights vindicated. The experiences of the women, known as A, B and C, are illustrative of the reality faced by thousands of women in Ireland. Since 1980, at least 138,000 women have been forced to travel abroad to access safe abortion services, enduring unnecessary and unjustifiable physical, emotional and financial hardship. Ireland has one of the most restrictive abortion laws in the world. Abortion is prohibited in nearly every case, except when there is real risk to the life of a woman. Due to these restrictions, each year thousands of women travel abroad to access abortion services. It is estimated that between 1980 and 2008, over 135,000 women traveled from Ireland to Britain for the procedure. While the Irish government, with the full support of the Catholic hierarchy, continues to prohibit abortion, this

does not reflect the will of the Irish people. A 2007 *Irish Times* Behavior and Attitudes Poll found that 54 percent of women believe the abortion laws in Ireland should be liberalized. The case lodged by three women was heard by the European Court of Human Rights, that judges human rights issues among the 47 member states of the Council of Europe. The ruling is expected next year.

More:

<http://cmiskp.echr.coe.int/tkp197/view.asp?action=html&documentId=859446&portal=hbkm&source=externalbydocnumber&table=F69A27FD8FB86142BF01C1166DEA398649>

More:<http://www.ifpa.ie/eng/Media-Info-Centre/News-Events/2009-News-Events/Ireland%27s-restrictive-abortion-laws-put-under-the-spotlight-at-human-rights-court>

Azerbaijan - Minimum Marriage Age May Be Raised to 18. Officials in Azerbaijan are so concerned by the increasing number of women getting married under-age that parliament is discussing raising the minimum age for marriage to 18. The current law states that a marriage is not legal below 17. Although Islamic law does not give a precise date when a girl can get married. Kitab al-Nikah (the book of marriage) gives marriageable age as when a girl reaches sexual maturity. This age can vary from nine to 14. Mullahs are not allowed to perform a religious ceremony if the couple cannot prove they are fit to be legally married. Women's rights activists say corrupt religious officials are prepared to conduct Islamic ceremonies for couples when the woman is too young for a state service, leaving her unprotected if her husband leaves her, uneducated and vulnerable to medical complications. If legal amendments suggested by Hadi Rajabli, chairman of the commission for social policy, are adopted then the minimum age for marriage will be raised to 18 from 17.

Source: http://www.iwpr.net/?p=crs&s=f&o=357288&apc_state=henpcrs

GLOBAL UPDATES

Denmark Announced New Funds for Population Program. Danish Government decided to fund family planning programs as part of strategies to address the impacts of climate change. The Danish government announced a commitment of \$30 million DKK, approximately \$5.9 million USD, to fund the UNFPA. Danish government decision draws attention to the critical connections between population growth, women's health and well-being, and the effects of climate change.

More: http://www.populationaction.org/Press_Room/Press_Releases/2009/121609_denmark.shtml

EU Council adopts conclusions on Beijing + 15 Platform of Action. The Employment and Social Affairs Council (EPSCO) adopted conclusions on implementation by Member States and the EU institutions of the Beijing Platform of Action. In its conclusions, the Council especially invites member states to develop indicators on "women and environment" and "women and the media", which are among the critical areas of concern identified in the Beijing Platform for Action that have yet to be addressed, and to review the sets of indicators already developed, in accordance with the mid-term plan to be developed by the European Commission. Further, the Member States are invited to support the European Commission in its preparation of the future strategy for gender equality following the current roadmap for equality between women and men 2006-2010, and to reaffirm the European Pact for Gender Equality adopted by the European Council in March 2006. In March 2010, the United Nations commission on the status of women will undertake the 15-year review of the implementation of the Beijing platform.

Source: http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/lsa/111468.pdf

Launch of the conference report of Global Partners in Action. The final report of the NGO Forum on Sexual and Reproductive Health and Development that was held in September in recognition of the 15 yr. anniversary of the International Conference on Population and Development (ICPD) is now available.

Please visit www.globalngoforum.de to download the report.

PUBLICATIONS

"What Does Sex Education REALLY Look Like in Poland". Ponton, a group of volunteer peer educators affiliated with the Federation for Women and Family Planning prepared report on the state of sexuality education in Polish schools. The report was prepared on the basis of over 600 e-mails from young people.

Report is available here: http://www.ponton.org.pl/viewpage.php?page_id=13

Equality Between Women and Men in European Union in 2009. The annual report evaluating the situation of gender equality in the EU. The report pays special attention to the impact of the financial, economic and social crisis on women, their working conditions and their place in society. It raises the issues of changed employment climate, pay gap, gender segregation at the workplace, the reconciliation of work and professional life, as well as the under-representation of women in decision-making. The report also draws attention to other problematic areas of gender equality, such as the persisting phenomenon of violence against women.

Report on Equality between Women and Men in 2009 is accessible here:

http://bookshop.europa.eu/eubookshop/download.action?fileName=KEAU09001ENC_002.pdf&eu_bphfUId=10192125&catalogNbr=KE-AU-09-001-EN-C

UN Human Rights Council Resolution on Maternal Mortality fact sheet launched. This fact sheet summarizes the key components of the 2009 HRC resolution on maternal mortality which recognized that maternal mortality is a human rights issue, and outlines key steps that advocate, governments, and donors can take to encourage its implementation.

The fact sheet available at:

<http://righttomaternalhealth.org/resource/hrc-fact-sheet>.

UPCOMING EVENTS

Conference on the Health MDGs on the 2nd March, 2010. Preceded by a Parliamentarians conference on the 1st March 2010, in Brussels, this conference is organized by Action for Global Health. The Conference will see the launch of a detailed roadmap of actions the EU needs to undertake in order to ensure the three health Millennium Development Goals are reached and the global right to health secured.

More: <http://www.actionforglobalhealth.eu/>

TAKE ACTION!

The Observatory for the Protection of Human Rights Defenders, a joint programme of the World Organisation Against Torture (OMCT) and the International Federation for Human Rights (FIDH), requests your urgent intervention in the following situation in Uzbekistan. Ms. Umida Ahmedova, a women human rights defender, photographer and filmmaker from Uzbekistan is under judicial

harassment. The activist was charged with “slander” and “insult” (respectively Articles 139 and 140 of the Uzbek Criminal Code) of the Uzbek people. According to the Observatory the proceedings faced by Ms. Umida Ahmedova, are merely aimed at sanctioning her human rights activities.

More: <http://www.fidh.org/Judicial-harassment-against-Ms-Umida-Ahmedova-UZB>

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