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“A VINDICATION OF THE RIGHTS OF WOMAN” – ACTIVITY OF WATCHDOG ORGANISATIONS IN THE AREA OF REPRODUCTIVE RIGHTS IN POLAND

Abstract. The article discusses watchdog activities in the area of reproductive rights undertaken by non-governmental organisations (NGOs) in Poland. This analysis covered the activity of two organisations: Childbirth with Dignity Foundation and Federation for Women, and Family Planning, which were selected for the study due to both of the history and scope of their activity. The different types of watchdog actions undertaken by both NGOs were identified and examples of observation and monitoring, whistleblowing, interventions, legal and political actions and activity in field of education and social activation are presented. Both watchdog organisations are active on the macrostructural level influencing the politics, legal regulations and social awareness as well as the mezzo- and microstructural level by controlling public institutions in the local communities and supporting and empowering individuals. They not only *vindicate women's rights*, but also encourage and prepare women to react to violations of their reproductive rights.

Key words: reproductive rights, watchdog organisation, monitoring, whistleblowing

Introduction

The title of this article refers to the title of the Mary Wollstonecraft's book from 1792 *A Vindication of the Rights of Woman* because it raises the issue of the fight for women's rights, which still needs to be continued. This paper discusses the phenomenon of bottom-up initiatives for better reproductive health and rights standards and practices for women. The object of analysis was civic control over the activities of public authorities and institutions in the area of reproductive health and rights in Poland. Study of the control function of two non-governmental organisations: Childbirth with Dignity Foundation, and Federation for Women and Family Planning allowed to show the typology of watchdog activities which

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are undertaken for the implementation of the right of individuals to health care and the right to decide whether or not to have offspring, and thus about their own health, body and life.

1. Reproductive rights

Reproductive rights appeared in the catalogue of human rights formulated in international documents at the end of the 1960s. The Proclamation of Tehran, Final Act of the International Conference on Human Rights in Tehran in 1968 stated for the first time in history that “parents have the fundamental human right to decide freely and responsibly about the number of children and the intervals between births, and the right to adequate education and information on these issues” (Różyńska 2016: 806). In 1975 the Declaration of Mexico on the Equality of Women and Their Contribution to Development and Peace, adopted by the participants of the World Conference of the International Women’s Year, noted that this right applies not only to couples but also to every individual and that it includes the right to information, education and access to resources for family planning. The preamble to this document indicates that “the role of women in child-bearing should not be the cause of inequality and discrimination” (Declaration of Mexico 1975).

The importance of women’s ability to control their own fertility for gender equality was indicated in the UN Convention for the Elimination of All Forms of Discrimination against Women (CEDAW) in 1979, which was signed or ratified so far by 199 countries including Poland (in 1980) (Różyńska 2016: 807). It obliges the states to “take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning” (CEDAW 1979, Article 12). In 1993, the UN World Conference on Human Rights for the first time recognized women’s and girl’s rights as an inalienable, integral and indivisible part of universal human rights and “reaffirmed their right to accessible and adequate health care and the widest range of family planning services” (VDPA 1993, Article 41).

The concept of reproductive health, which is the basis for the formulation of reproductive rights, appeared for the first time in the document concluding the International Conference on Population and Development held in Cairo in 1994. Referring to the World Health Organization’s definition of health, it is defined as “a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity, in all matters relating to the reproductive system and to its functions and processes” (ICPD Programme of Action 1994: 58). According to this document reproductive health means that people lead a satisfying and safe sexual life and have the ability to reproduce as well as the freedom to decide

whether or not to have children. Reproductive rights are defined as fundamental human rights based

on recognition of the basic right of all couples and individuals to decide freely and responsibly the number, spacing and timing of their children and to have the information and means to do so, and the right to attain the highest standard of sexual and reproductive health. It also includes their right to make decisions concerning reproduction free of discrimination, coercion and violence (ICPD Programme of Action 1994: 59).

Reproductive health care described in detail includes family planning counselling, education and services for prenatal, safe delivery and post-natal care in particular breastfeeding and infant and mother’s health care, prevention and appropriate treatment of infertility, treatment of reproductive tract infections and sexually transmitted diseases (ICPD Programme of Action 1994: 61). With regard to abortion, it was proposed to prevent abortion, organize quality services for the management of complications arising from abortion and as well as post-abortion counselling (ICPD Programme of Action 1994: 61). Attention has been drawn to the health impact of unsafe abortion (carried out by ineligible persons or in unsuitable conditions) as a major public health concern.

The provisions on health and reproductive rights were reaffirmed at the Fourth UN World Conference on Women in Beijing in 1995, where representatives of 189 countries adopted the Beijing Declaration and Platform for Action as a programme of action for the empowerment of women (Beijing Declaration and Platform for Action 1995). The Beijing Declaration stated that “the explicit recognition and reaffirmation of the right of all women to control all aspects of their health, in particular their own fertility, is basic to their empowerment” (Beijing Declaration and Platform for Action 1995: 3). The signatories undertook to “ensure equal access to and equal treatment of women and men in education and health care and enhance women’s sexual and reproductive health as well as education” (Beijing Declaration and Platform for Action 1995: 4). The Platform for Action stressed the importance of reproductive rights for the social situation and life of women. It was stated: “in most countries, the neglect of women’s reproductive rights severely limits their opportunities in public and private life, including opportunities for education and economic and political empowerment. The ability of women to control their own fertility forms an important basis for the enjoyment of other rights” (Beijing Declaration and Platform for Action 1995: 36–37). It pointed to unsafe abortions as a serious public health problem and called for improved access to appropriate healthcare services, including safe and effective methods of family planning and primary perinatal care (Beijing Declaration and Platform for Action 1995: 36–37).

As the review of international documents relating to reproductive rights points out, when analyzing them one should see their connection with other human rights. The ability to control one’s own fertility and make informed

decisions about whether or not to have children, and have access to reproductive health care is closely linked to rights such as the right to life, the right to self-determination, the right to health, the right to freedom from discrimination and violence, the right to freedom from torture, inhuman or degrading treatment, the right to respect for private and family life, the right to decide about one's own body, the right to benefit from scientific achievements. As Michelle Goldberg, the author of the book *The means of reproduction. Sex, power, and the future of the world* states "reproductive rights do not constitute the entirety of women's rights, but are their fundamental condition. They allow women to survive and to achieve more than survival" (Goldberg 2011: 28). Secondly, as is also emphasized in the above-mentioned documents, guaranteeing these rights is crucial for the position of women in society and the achievement of gender equality.

Although reproductive rights concern both sexes, restrictions on self-determination about one's own fertility and negligence in perinatal care affect women first of all. Women can experience humiliation and objectification in obstetrics and gynecology clinics and face an unwanted pregnancy. They are the ones at risk of losing their lives or health as a result of the complications related to pregnancy and childbirth and unsafe abortions. Moreover, reproductive rights are inextricably linked to women's economic freedom (Goldberg 2011: 28). A woman's ability to control her own fertility, to decide how many children she will have and when she will give birth to them, affects her non-family activities, including professional and social activities, is a condition for her subjectivity, freedom and autonomy in self-determination and various life choices.

Although Poland is a signatory to many international human rights documents, which include reproductive rights, "in Polish legal language there is no such concept of 'reproductive rights' understood as the right to the protection of reproductive health and self-determination in reproductive matters" (Zielińska 2008: 9). In public discourse, reproductive rights are often reduced by representatives of conservative, right-wing and Catholic groups to the right to abortion and treated as "a suspicious category of questionable normative significance" (Różyńska 2016: 801). Such an approach is also presented in scientific studies within the Catholic social science, in which reproductive and sexual rights are described as "a distorted form of human rights and one of the manifestations of an ideological attack on human life, undermining the good of the family" (Bassa 2012). It is pointed out that they are the result of the activity of representatives of radical-libertarian feminism, which manifests an attitude of "affirmation of women's sexual liberation and hostility towards women's procreative function" (Dobrowolska 2016). In order to depreciate meaning of reproductive rights quotation marks are used ("new human rights", so called "reproductive rights") and it is indicated that the term (together with the concept of reproductive health) is "used in legally invalid documents of international organisations and [...] in the phraseology of specific scientific environments" (Statement of the Polish Bishops' Conference

Expert Group for Bioethics on the conscience clause of 14 February 2014, as cited in: Różyńska 2016: 801).

The above-mentioned attitudes towards reproductive rights illustrate the problematic nature of the implementation of human rights in Poland. Not only national organisations but also international institutions dealing with human rights have been alarming us for years about their violation, and the limited reproductive freedom of Polish women (e.g. Muižnieks 2016; Council of Europe 2017; Radačić, Upreti 2018).

2. Watchdog organisations

As Jakub R. Stempień states that monitoring the activities of public authorities carried out by these organizations is only one of the channels of social control over public institutions (Stempień 2012: 111; Stempień 2012–2013: 21–22). Three other ways are; internal monitoring, as carried out by specialized public offices such as the Supreme Audit Office or Human Rights Ombudsman; monitoring by mass media (investigative reporting), and monitoring conducted by informal and spontaneous citizens' actions (Stempień 2012: 111; Stempień 2012–2013: 22). The author points out that all the above-mentioned four forms of control over the functioning of the public administration apparatus should be treated as complementary not competitive. What distinguishes watchdog organizations from the first two forms of supervision is the civic nature of control (which is performed by citizens not on behalf of them by other entities), as well as independence and thus credibility (Stempień 2012–2013: 33–34). On the other hand, their formalised activity (in comparison with spontaneous grass-roots initiatives) enables constant, planned and systematic monitoring of a selected fragment of social reality, allowing for the development of a strategy to change it (Nowicki, Fialova 2000: 13; Batko-Tołuć, Izdebski 2012: 6).

In the case of organizations acting in the field of human rights protection which are the subject of this article (specifically: reproductive rights), the monitoring conducted by them consists not only in describing and diagnosing the social reality, but is intended to change (Nowicki, Fialova 2001: 15). The authors of a handbook devoted to human rights monitoring indicate that collecting information on the types and scale of their violations makes it possible to determine what changes in the law or practice of its application may improve the situation of individuals (Nowicki, Fialova 2001: 15). Monitoring itself may also prevent violations of rights, serve as a warning to the authorities that their activities are subject to control, or to encourage them to take action to improve the observance of human rights to avoid unfavourable results of research) (the preventive function of monitoring) (Nowicki, Fialova 2001: 15). Finally, collecting data on human rights violations may serve to convince both the authorities and public opinion

of the need for change (the supplementary function i.e. to assist action taken with the aim of bringing about changes) (Nowicki, Fialova 2001: 15).

As Marta Grzymkowska notes, “the term watchdog in IT is called software that detects system malfunctions and fixes them (or prevents major errors) [...]. Watchdog organizations basically act similarly” (Grzymkowska 2014). By exposing and documenting violations of standards in public life and holding the authorities accountable for their actions (by controlling their compliance with the law or the public interest) they constitute an element of the social system of early warning (Gliński 2005: 177). Moreover, they can also be attributed to such functions connected with the activities of non-governmental organizations as: expressing social protests (in the face of identified deficiencies or infringements) (Gliński 2005: 177) and initiating social changes (Sowa 1988: 116), aimed at “repairing” the functioning of the state. Finally, by controlling the actions of the authorities, watchdog organisations uphold the rights and interests of various social groups (including minorities) and articulate their needs and expectations in a situation of failure to satisfy them by the state (Gliński 2005: 177; Moroń 2012: 95). We can also speak of advocacy, understood after Piotr Frączak, as acting on behalf of someone or something (Frączak 2008). Therefore, they perform an articulatory function (Wnuk-Lipiński 2005: 124) and the function of defending the rights and interests of citizens (Leś 1996: 140, as cited in: Stempień 2008: 293).

Katarzyna Batko-Tołuć and Krzysztof Izdebski distinguish the following specific functions of watchdog organizations (Batko-Tołuć, Izdebski 2012: 10–11). First of all, these NGOs are experts in the monitored area of social life, which results from their expert knowledge, systematic analysis, the use of various sources of information, as well as often cooperation with foreign organisations (e.g. reporting on the situation in the country for international institutions, or comparing it with the state of affairs in other countries). “These are bodies collecting, collecting, analysing and publishing data” (Załęski 2012: 180). Results of research on Polish watchdog organisations shows that they are also characterised by readiness to constantly learn, develop their knowledge and search for effective methods (Batko-Tołuć, Izdebski 2012: 10). This knowledge can be used in lawmaking when representatives of watchdog organisations consult the regulations (through participation in parliamentary committees, public hearings, consultative meetings or by expressing opinions) (Batko-Tołuć, Izdebski 2012: 10). But also, disseminated e.g. in various textbooks and other publications, in curricula or in media releases, it may contribute to the education of the society (educational function) (Batko-Tołuć, Izdebski 2012: 11; Gliński 2005: 177).

Secondly, watchdog organizations are responsible for intervening and alarming – raising unpopular issues, reacting to harm to individuals or groups, as well as threats to the democratic system or civil rights (Batko-Tołuć, Izdebski 2012: 11; Wojciechowska-Nowak 2008: 9). Watchdog organizations therefore play the role of whistleblowers in the public sphere, informing about violations

in order to eliminate them. Alarming and intervention activities undertaken by organizations may include, demanding disclosure of certain information by public institutions that may prove breaking the law, initiating criminal proceedings against state functionaries, or reporting cases to relevant control offices (Batko-Tołuć, Izdebski 2012: 10–11).

Thirdly, the function of watchdog organisations is to act for change by exerting pressure on the authorities and reminding them of the need to introduce changes in law or social practice (Batko-Tołuć, Izdebski 2012: 11). This may be facilitated by writing open letters, collecting signatures under petitions, publishing media messages. In the event of a threat that proposed changes in legal regulations may actually lead to the worsening of the situation for particular individuals and groups, pressure from these organisations may be aimed at stopping these changes (Batko-Tołuć, Izdebski 2012: 11).

Finally, the activity of watchdog NGOs may lead to the introduction of real changes, e.g. to change legal regulations (or to prevent the adoption of unfavourable regulations), improve the functioning of institutions, eliminate violations of the law, change the social image of a particular social group or problem (Batko-Tołuć, Izdebski 2012: 11–12).

According to experts, active influence on policy is probably the most important function of watchdog organisations, and should be their goal (Batko-Tołuć, Izdebski 2012: 12). This corresponds to the assumption that the civic control carried out by them is not an end in itself, but is intended to change the social reality, which is shaped by a specific public politics. The authors of the handbook of human rights monitoring emphasize that “monitoring constitutes one element of action taken in the public interest” (Nowicki, Fialova 2000: 15). Such activities undertaken by NGOs aim at, among others, improvements in respect for human rights, strengthen the rule of law, eliminating discrimination, better protection of the natural environment or changes in the functioning of state institutions (Nowicki, Fialova 2000: 15). They may be classified into three categories: legal, political and non-violent public (social) actions (*ibidem*). The legal actions include: conducting legal proceedings in order to obtain judicial rulings from the country’s Supreme Court or the European Court of Human Rights, allowing for a change in the interpretation of the existing law or the elimination of unjust regulations; conducting court cases to obtain financial compensation from the state for human rights violations; initiating criminal proceedings against state functionaries, as well as projects for the development of public’s legal awareness, dissemination of knowledge of law and human rights (Nowicki, Fialova 2000: 16). Political action consists in seeking allies among national and international politicians (e.g. pressure on parliamentary deputies to vote for or against a particular law) or to influence the government directly or through international organisations (such as the UN, the Council of Europe or the European Union) in order to bring about changes in the legal system or practice of state bodies

(Nowicki, Fialova 2000: 16). This can be done, for example by publishing shadow reports that challenge the information submitted by government reports to the international committees that uphold the primary UN conventions (such as the Human Rights Committee, the Committee on the Elimination of Discrimination Against Women or the Committee on the Rights of the Child); documenting cases of violations of the law in order to condemn the government by international institutions (Nowicki, Fialova 2000: 18).

The third type of actions taken in the public interest activities by watchdog organisations are civic public non-violent actions, aimed at exerting group pressure on the authorities to carry out the desired changes. These may include conducting information campaigns aimed at drawing public attention to a particular problem and gaining public support (e.g. through petitions, marches, happenings, etc.), or applying direct collective pressure, i.e. non-violent actions against the system of political power (consisting in refusal to cooperate with the authorities by going on strike, boycotting elections or disrupting the functioning of state institutions by mass submission of applications or complaints to paralyze the work of institutions) (Nowicki, Fialova 2000: 18–20). As the authors point out, the types and forms of action depend on the strategy adopted by the organisation, developed on the basis of knowledge of the scale and causes of the identified violations of the law. They indicate that it is usually necessary to combine legal, political and non-violent public actions in order to bring about the desired social change (Nowicki, Fialova 2000: 15, 21).

3. About the research

The aim of the study was to determine what watchdog activities in the area of reproductive rights are undertaken by NGOs in Poland. The analysis covered the activity of two organizations: Childbirth with Dignity Foundation (hereinafter referred to in abbreviated form as “the Foundation”) and Federation for Women and Family Planning (hereinafter referred to in abbreviated form as “the Federation”). They were selected for the study due to the history of their activity (since the beginning of the 1990s) and their scope, covering, a wide spectrum of reproductive rights, starting from sex education, through fertility control and procreation, to ensuring appropriate conditions of childbirth and perinatal care, and also the, activities of civil control over reproductive politics. These politics are understood as regulations and actions of public authorities influencing procreative decisions and behaviours of individuals (e.g. access to contraception, abortion, reproductive health services, including perinatal care and infertility treatment) (cf. Solinger 2013). Both organizations were mentioned in the publication *Watchdog organizations in Poland. Current state, challenges, perspectives* by Katarzyna Batko-Tołuć and Krzysztof Izdebski among NGOs undertaking “legal, public

and educational actions” (2012: 13). In the case of the Federation for Women and Family Planning it was pointed out that it consistently raises the issue of women’s reproductive rights and supports women with legal assistance. Childbirth with Dignity Foundation was included because of advocating for patients’ rights in Polish hospitals (Batko-Tołuć, Izdebski 2012: 14).

Both organisations can be described as acting not only in the field of reproductive rights but more generally in the field of human rights and is expressed directly in their missions. “The Federation’s mission is advocating for basic human rights, especially the right of women to decide freely whether and when to have children. In the Federation’s opinion, the possibility to enjoy this right is for women a condition of self-determination, as well as the condition of equalizing the life opportunities of women and men. The members of the Foundation indicate that the right to self-determination is a prerequisite for equal opportunities for women and men: “Our aim is to empower women so that they may openly express their needs and demand the respect of their rights.” Thus, the emphasis is on the importance of making informed decisions about having children and their bodies, controlling their fertility and protecting reproductive health for the freedom and autonomy of the individual, as well as gender equality. Women are at the center of interest of both organizations due to their discrimination and objectification due to legal regulations and social practices leading to reproductive coercion, interference in their bodily integrity and health, limitations or inability to decide about their own lives.

The research material consisted of information, reports and other publications published by the organizations, posted on their websites and profiles on Facebook, as well as statements of NGOs representatives in the media (interviews, comments etc.).¹ Analyzing the existing data was aimed to answer to the question about the forms and functions of watchdog activities of these NGOs. The aim was not to create a full, comprehensive catalogue of activities undertaken by them but to show various examples of activities undertaken by both watchdog organisations.

4. Watchdog activities in the area of reproductive rights

4.1. Observation and monitoring

The purpose of monitoring the activities of the authorities is to hold them accountable for their actions, fulfilling their obligations concerning satisfying the needs of individuals and social groups and observance of law. A prerequisite for accountability is transparency of their actions which should be visible, predictable and understandable what requires public authorities to disclose information and

¹ The research was carried out in period November 2018–February 2019 and it included the materials which were accessible in the moment.

records concerning their activities (Stempień 2014). Monitoring, understood as “a planned and systematic investigation of a selected fragment of social reality,” is based on the analysis of various types of information (Nowicki, Fialova 2000: 13). Firstly, the researched watchdog organisations use secondary data made available by public institutions which are obliged to do so (e.g. reports of the Ministry of Health regarding the realisation of the *Act on Family Planning, Protection of the Human Foetus and Conditions for Pregnancy Termination* and its consequences to the Parliament) or data collected and analysed by specialized public control offices, such as the Supreme Audit Office (e.g. results of the control concerning the availability of gynecological and obstetrics services financed from public funds in rural areas in 2017).

In monitoring of the actions of the public authorities the watchdog organisations use not only existing and easy accessible data but also demand reports and various types of data (on the basis of the Act on access to public information) from the Ministry of Health, the National Health Fund (NFZ) or hospitals allowing for the evaluation of their activities. For example, the Federation obtained data from the NFZ on the public health facilities providing the IUD insertion service, which is guaranteed, but in many cases is not provided and women are forced to pay for the service in private medical practice. The Foundation sent letter to the Minister of Health asking about the results of the work of the working group on actions to reduce the percentage of Caesarean sections. In the case of failure to provide information within the specified time limit, the complaints to regional administrative courts against inaction of public authorities are filed.

Both watchdog organisations exercise civic supervision by carrying out surveys in medical facilities in order to collect information, e.g. on practices in hospitals regarding observance of the Standards of Perinatal and Postnatal Care (e.g. survey conducted in midwifery and neonatal units in Polish hospitals by the Foundation in 2016), availability of gynecological and obstetrics services (survey conducted by the Foundation on a sample representative of all gynecological and obstetrics facilities in Poland contracted by the National Health Fund in 2015, based on telephone interviews, in which interviewers played the role of a woman who wanted to sign up for a visit to a gynecologist), or procedures of access to legal abortion (the Federation). They also do research about women’s experiences in the implementation of their reproductive rights and patients’ rights (e.g. an online survey carried out by the Foundation in 2017–2018, in which more than 14,000 women shared their opinions on the care in the maternity units in hospitals during the childbirth and in prenatal and postpartum periods, including the treatment by the staff). They also collect and analyze telephone and letter reports of cases of violation of rights observed and experienced by women, their comments left on the website www.gdzierodzic.info (*Where to Give Birth*) and stories of women.

The Foundation started to collect childbirth stories in connection with the “Childbirth with Dignity” campaign, initiated in 2005, in which “thousands

of women shared their experiences from childbirth”, which allowed the organization to assess the quality of perinatal and postnatal care in Polish hospitals and take action to improve it. The collection of women’s birth stories lasts is continual: “Every week we receive at least a few letters from women concerning the violation of their right to personal dignity in Polish hospitals”. The organization encourages and mobilizes women to share their experiences and to contribute in this way to positive changes in midwifery and obstetric units in Polish hospitals. On the Foundation’s website, 35 birth stories have been published, presenting various experiences of women (of hospital births and home births, natural births and by caesarean section, care in hospitals in big cities as well as in smaller towns; some of them also concern experiences related to miscarriages and stillbirths).

The Federation in turn collects women’s reports of violation of their reproductive rights. In an appeal on a website the organization encourages women to share their experiences: “Contact us if you have been denied access to legal abortion services, prenatal testing, prescription for contraceptives”. The stories are mostly about the barriers in access to abortion. The abortion stories are available on the website and were published in books entitled *Women’s Hell – Contemporary Stories* (2001), *Women’s Hell Continues* (2004), (referring in their titles to Tadeusz Boy-Żeleński’s book *Women’s Hell* from 1930²) and in the booklet *Women’s Stories* (2018).

Organizations also conduct surveys of women’s opinions and needs in order to be able to assess the adequacy of regulations and practices in controlled institutions to social expectations (e.g. 2018 survey carried out by the Federation on the attitudes of Poles towards the right to abortion; analysis of the content of several thousand women’s comments posted on the website www.gdzierodziec.info – *Where to Give Birth* in 2010–2015 conducted for the Foundation).

4.2. Whistleblowing

The results of the monitoring, as well as the individual stories of women are evidence of violation of law in the field of reproductive rights and health by public institutions. The watchdog organisations make them public in order to raise the social awareness of the problem, but also to make decision-makers and practitioners reflect on and change the situation which can have a preventive function. This is achieved by publishing rankings of hospitals evaluated for the quality of perinatal care, publishing information about institutions where the law has been violated, providing access to correspondence with the authorities (ministry or management of medical facilities), in order to demonstrate their sluggishness, ignorance,

² Tadeusz Boy-Żeleński, Polish writer, poet and doctor by profession, wrote in 1930 a collection of articles called *Piekło Kobiet – Women’s Hell*, in which he criticised the restrictive law of the time that denied Polish women the access to contraception and abortion.

and lack of willingness to solve the problem being reported. Publications of research reports are accompanied by press conferences, monitoring results are disseminated on organization's websites, their profiles on social networking sites and made available to the media. Since 1995 the Federation has been continuously publishing a bulletin "I Have the Right" informing about the state of reproductive rights in Poland and in the world and the activities of the organization.

Publicizing women's reports of their personal experiences serves to highlight the problem of the violation of reproductive rights in Poland. As the Federation declares in their appeal: "Stop the silence on the systemic discrimination against women in access to reproductive health services! We want to publicize cases of abuse. We want to raise public awareness of the scale of this problem. We want to use your testimonies in the fight for the enforcement of women's rights. We need personal stories for this." In 2001 and 2004 the Federation organized two tribunals on Polish anti-abortion law. As Wanda Nowicka explains, the tribunal is a form of an open meeting during which victims publicly report on the harm they have suffered, while a group of people of high authority, i.e. the Tribunal, comment on these cases from the point of view of violations of human rights (Nowicka 2001: 64). During the tribunals organized by the Federation the women's testimonies were commented by well-known Polish personalities, including lawyers and medical doctors and also by international experts (representing such organizations as International Women's Health Coalition, Women on Waves, Network of East-West Women and Center for Reproductive Law and Policy).

4.3. Interventions

Both watchdog organisations not only control activities of authorities and public institutions in the area of reproductive rights, but also take action in cases of violation of women's reproductive rights. The Federation declares: "We intervene in cases of women being refused access to reproductive and sexual health care – to abortion, contraception, prenatal testing." On the basis of women's reports and stories, complaints and letters are addressed to the Ministry of Health, the Patient's Rights Ombudsman, the National Health Fund, the Supreme Medical Council or the Supreme Pharmaceutical Chamber concerning illegal and unethical actions or malfunctions in medical facilities (e.g. illegal refusal to provide health services, charging patients for fees, limited access to a pain relief during childbirth). The Foundation, in cases of violations against women's rights as pre- and postnatal patients contacts the medical facility, indicating specific problems in their functioning and recommending ways to solve them and also may undertake such interventions themselves. Among others, it appealed to the private health care provider to take better care of the right of female patients to medical services by obliging their doctors to respect the limits of the conscience clause (the medical staff illegally refused to provide the so-called information services

such as a prescription for contraception, a referral to prenatal testing, or a medical certificate of the right to abortion). The organisation also intervenes in individual cases of denying women access to reproductive health services, including access to contraception and legal abortion (e.g. by making it easier for them to contact a doctor in order to receive a prescription or refer them for medical examinations). The Federation also provides legal assistance for women who decide to bring their cases before the Polish or international court (among others supported the applicants in bringing their case to the European Court of Human Rights).

Other forms of intervention are petitions expressing a protest against changes in legal regulations planned or introduced by the authorities. For example the Foundation submitted in 2017 the petition “Citizens in defense of perinatal and postnatal care standards” (in order to maintain standards as obligatory for medical facilities), signed by almost 80,000 people. The Federation in 2018 organized petition “Stop to the unlawful restriction of access to contraception” (against introduction the conscience clause for pharmacists) signed by nearly 14,000 people.

4.4. Legal and political action

In accordance with the rules of activity of watchdog organizations monitoring the actions of authorities in the field of reproductive rights, and exposing the violation of the law is not an end in itself, but is to lead to the development of recommendations, proposals for changes to improve the functioning of public institutions and to meet the needs of individuals.

The watchdog organizations comment on documents, positions, ordinances, etc. issued by authorities and public institutions in order to demonstrate their defects, deficiencies and non-compliance with the applicable regulations. For example, the Federation prepares in cooperation with other NGOs shadow reports to the government’s reports on implementing the Family Planning Act. Firstly, they show a lack of data on the actual availability and quality of reproductive health care and family planning services, to which the act obliges central and local government authorities. Secondly, on the basis of the data the watchdog organizations collect, they point to the authorities’ failure to perform their tasks and the violation of women’s reproductive rights. They also report on the situation in Poland to international organizations dealing with reproductive rights. They meet with their representatives, provide data and prepare excerpts of reports concerning Poland (e.g. the Federation’s contribution to the “Sexual and reproductive health rights and the implication of conscientious objection” report, which was commissioned by the European Parliament’s Policy Department for Citizens’ Rights and Constitutional Affairs at the request of the FEMM Committee in 2018).

Both researched organizations take an active part in creating legal regulations concerning reproductive rights and, obstetrics and gynecology care. The standards

of perinatal and postnatal care legally binding in Polish medical facilities were to a large extent developed by the Childbirth with Dignity Foundation which from the beginning convinced the Ministry of Health and the medical community about the necessity of introduction unified standards of medical care in obstetrics units and took part in the legislative process. As is written on the Foundation's website: "After years of stigmatization by the Foundation of bad practices, publicizing violations of the law and constant pressure on decision-makers, the regulation of the Minister of Health concerning medical standards for physiological pregnancy, physiological childbirth, puerperium and neonatal care was introduced." The organization monitors the implementation and observance of perinatal and postnatal care standards and supervises the introduced changes (e.g. by submitting the already mentioned petition against the abolition of the standards in 2017 or by consulting on draft changes). From the very beginning of its activity Federation for Women and Family Planning has been working to change the restrictive abortion law, protesting against draft bills introducing a total ban on abortion and taking part in work on the liberalisation of the right to abortion, regulations concerning access to contraception and sexual education. It includes participation in public consultations, collecting signatures under petitions or civic draft bills, formulating positions on the legislative process, reviewing the newly established acts, preparing commentaries to the introduced changes, participation in pickets, demonstrations and street protests, appeals, letters and meetings with politicians who have an impact on lawmaking. Legal actions go hand in hand with political actions (according to the aforementioned distinction made by Marek Nowicki and Zuzana Fialova). Changes in law require cooperation, entering into coalitions, looking for allies, pressure on opponents in the environment of politicians and officials operating within the structures of the legislative and executive power.

4.5. Education and social activation

The watchdog organisations not only fight for women's rights, but also encourage and prepare women to take matters in their own hands and to react to violations of their rights. First of all, this is facilitated by educational activities and dissemination of knowledge about human rights and patient rights as well as the Polish law and regulations concerning the functioning of public institutions (e.g. conditions of applying the conscience clause by medical personnel, guaranteed health services, standards of perinatal and postnatal care). The organisations publish and disseminate information about them in attractive forms, accessible to a wide range of recipients: leaflets, brochures, guides, animations and infographics, for example a series of leaflets on patient's rights "Mums Have Rights" (prepared by the Foundation), a guide "Health and law", meme campaign #YouHaveTheRight instructing how to enforce one's rights in various everyday situations or educational campaign for the access to legal abortion, elaborating

on the three situations in which the Polish law permits abortion and the ensuing procedures (organized by the Federation).

Secondly, both watchdog organisations develop and provide tools for self-use such as templates of letters and schemes of procedures. They educate women to be aware of their rights in order to be able to demand their observance by the medical personnel, to recognize violations of the law and to react accordingly. The Federation offers an “activist toolbox” (as it is defined by it), containing, among other things guides on what to do in case of illegal refusal to perform an abortion or refusal to issue a prescription for contraception or other reprehensible, unethical behavior on the part of medical staff (referring for example to the abuse of the conscience clause by doctors and pharmacists), official complaints procedure, reporting cases of violations of reproductive rights and limited access in access to reproductive health services. The Foundation instructs on its website what to do in case of violations of patient’s rights, discrimination in regards to prenatal and postnatal medical care. Among the proposed solutions are: taking judicial and out-of-court legal steps, cooperate with other women in activity for change (“Take matters into your own hands! Local initiatives often have a much greater impact!”) and the evaluation of hospitals on the website www.gdzierodzic.info (*Where to Give Birth*).

To sum up, the watchdog organisations not only act as whistleblowers but they also encourage and prepare members of society to fulfil such role by equipping them with the necessary knowledge and tools. It allows citizens to react against illegal, unethical or incorrect actions of authorities or public institutions and contribute to change.

Conclusions

As the results of the analysis of the watchdog activities of the Childbirth with Dignity Foundation and Federation for Women and Family Planning show that they fulfil their control function in different ways. They systematically monitor the observance of women’s rights and the functioning of public institutions, publicize wrongdoing, intervene and advocate for the access to adequate quality reproductive health services and the realization of the reproductive rights. They are experts respected by national authorities (which invite them to cooperate as consultants in legislative processes, or have to respond to their positions, questions, reports, petitions, etc.), other Polish NGOs (which cooperate with them e. g. within The Great Coalition for Equality and Choice or the a coalition of patient’s support organization “I Give Birth – I Have Rights”), as well as by international institutions and organisations treating them as reliable, trustful source of information about situation in Poland in area of reproductive rights.

In a wide range of forms of their watchdog activities, the legal, political and non-violent public actions can be distinguished according to typology made by Marek Nowicki and Zuzana Fialova (2000: 15–22). In accordance to another typology (cf. Malinowska 1999), their activity is conducted in the political-ideological and economic-social fields. This first level includes, among others, activities for the change of law and change in social awareness (concerning reproductive rights and their importance for the social status of women, the way women are perceived by decision-makers and medical staff as pregnant, mothers and autonomous entities who can decide about their own body and fertility, etc.). The latter field refers to actions for equal opportunities for women representing different social categories in access to reproductive health care and perinatal care services, support for individuals in the situation of violation of their rights. Therefore, this activity is carried out at the macrostructural level (to change the legal and cultural order, monitoring the institutions on national, “central” level), as well as at the mezzo- and micro-social level (monitoring and interventions in the local communities and assistance to individuals and families).

The aim of the study was not to assess the effectiveness of watchdog activities of researched organisations which should be analysed in subsequent research. The answer to the question of effectiveness would require these different types of actions and levels of activity to be taken into account – the impact of watchdog organisations on the legal regulations concerning reproductive rights and health and functioning public authorities and institutions, the role of their educational and empowering activity in processes of change of social awareness and attitudes as well as individual assistance to women whose rights have been violated.

One could wonder what the situation and awareness of women in Poland would be today without the systematic long-term watchdog activity of both organisations. On the other hand, their work seems to be never-ending, since it is still necessary to “vindicate for women’s rights” as Mary Wollstonecraft did over 200 years ago. The activity of NGOs in the area of reproductive rights testifies to the gross inefficiency of the Polish state in the implementation of these human rights, and the need for their protection by civil organisations.

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„WOŁANIE O PRAWA KOBIETY” – DZIAŁALNOŚĆ ORGANIZACJI STRAŻNICZYCH W KWESTII PRAW REPRODUKCYJNYCH W POLSCE

Abstrakt. W artykule omówiono działania strażnicze w zakresie praw reprodukcyjnych podejmowane przez organizacje pozarządowe w Polsce. Analiza objęła działalność dwóch organizacji: Fundacji „Rodzić po Ludzku” oraz Federacji na Rzecz Kobiet i Planowania Rodziny, które zostały wybrane do badania zarówno ze względu na historię, jak i zakres ich działalności. Zidentyfikowano różne rodzaje działań strażniczych podejmowanych przez obie organizacje pozarządowe oraz przedstawiono przykłady obserwacji i monitoringu, alarmowania (*whistleblowing*), interwencji, działań prawnych i politycznych oraz działalności w obszarze edukacji i aktywizacji społecznej. Obie organizacje strażnicze działają na poziomie makrostrukturalnym, wpływając na politykę, regulacje prawne i świadomość społeczną, a także na poziomie mezo- i mikrostrukturalnym poprzez kontrolowanie instytucji publicznych w społecznościach lokalnych oraz wspieranie i wzmacnianie jednostek. Nie tylko same walczą o prawa kobiet, ale także zachęcają i przygotowują kobiety do reagowania na łamanie ich praw reprodukcyjnych.

Słowa kluczowe: prawa reprodukcyjne, organizacje strażnicze, monitoring, *whistleblowing*.