

abortion underground

A year ago, mass protests in Poland defeated a new abortion ban. But the ruling party, supported by the church, continues to cut reproductive rights - leaving people at the mercy of the black market. By

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Barbara Nowacka first had an inkling that something exceptional was happening on the morning of the protests. It was October 2016, and a journalist she knew, a conservative, called to ask how it was looking. She told him she had no idea what was going to happen. The journalist told her that his two daughters had gone to school that morning dressed in black. Perhaps, Nowacka thought, this could be big.

A ban on abortion in Poland had been put forward in parliament six months earlier, and Nowacka, a leftwing politician and long-time social activist, was a leading figure in the movement to oppose it. Nationwide protests had been scheduled for 3 October, but like most people, she had little hope that they would succeed. Perhaps they would get a nice crowd, a little media coverage; but it would ultimately be a gesture. The law would pass.

The consequences of this new law would be grim: an end to all forms of abortion in Poland, prison sentences for women who have illegal abortions, criminal investigations into “suspicious” miscarriages, and restricted access to antenatal testing, since doctors would be wary of unintentionally inducing miscarriage. Similar proposals had been made over the past decade, but in the previous 12 months, the political atmosphere had changed. In October 2015, the far-right Law and Justice party, closely allied with the conservative wing of the country’s powerful Catholic church, became the first Polish political party to gain an outright majority in parliament since 1989.

Sensing their opportunity, a network of anti-abortion groups, Stop Abortion, announced a few months after the election that they were going to try to introduce a ban. To table a debate in parliament, they needed a minimum of 100,000 signatures. With the tacit support of the Catholic church, Stop Abortion were able to collect almost half a million. On 31 March 2016, Jarosław Kaczyński, the leader of the Law and Justice party, declared that he would support the proposal. He added that he wasn’t going to force his party to vote for a ban, but predicted that most of them would support it.

The announcement set off a flurry of activity that extended far beyond the country’s small feminist circles. The proposal had aroused a deep anger, shared by many Polish women, over the church’s increasing influence on their lives. In the following days, new groups sprang up around the country as women made contact on social media to organise marches and gatherings. The largest group, *Dziewuchy Dziewuchom* (Gals for Gals), began as a Facebook group and quickly gained 100,000 members.

“I couldn’t stand the arrogance of people in government against women,” said Ewa Kacak-Niemczuk, who was new to activism. She joined *Dziewuchy* and attended her first protest on 3 October. Nowacka and fellow activists decided to counter with their own proposal for a new law, *Save Women*, which would liberalise the country’s abortion laws. They knew it had little chance of passing, but parliamentary rules stipulated that proposals on the same topic must be debated together; they would, at least, get a hearing. Volunteers began collecting signatures on the streets in May, and eventually amassed almost a quarter of a million.

On 23 September, both proposals came before parliament in a debate that was widely covered by the media. Three days earlier, the leftwing Razem party had called for Polish women to wear black to signal their opposition to the proposed law. (Polish women had worn black in the 19th century to mourn the country's partition and loss of sovereignty. Many of the protesters' slogans and visual motifs subverted nationalist imagery.) A hashtag - #czarnyprotest - began to circulate on social media, raising awareness of the ban's consequences.

As expected, the Polish parliament dropped Save Women and decided to send Stop Abortion's proposal to the committee stage for a further reading. In response to this first defeat, activists proposed a national strike, using social media to call for women to skip work on Monday 3 October if they could, or to wear black if they couldn't, in protest against the impending ban. The protest would become known internationally as Black Monday. There was an outpouring of passion and support - "We want to love, not die!" was one slogan - but this did not guarantee a turnout. The Saturday before the protests, organisers in Warsaw were afraid there wouldn't be a crowd. They called Nowacka to make sure she was coming.



A 'Women's Strike' banner at a protest in Rzeszów, south-eastern Poland, in October 2017. Photograph: Artur Widak/NurPhoto via Getty Images

No one was expecting what happened next. In a society mired in political apathy, around 100,000 people took part in 143 protests in cities, towns and villages across Poland. Many thousands more wore black to work or school. The protests were remarkable for both their spontaneity - they had come together in less than two weeks - and their local character. There was no central organiser, no unified plan of action; across the country, women took the initiative and came up with their own ideas about how to protest.

In Warsaw alone, there were more than 60 events throughout the day. Two women with no previous involvement in politics organised a protest outside Kaczyński's office and 1,000 people came; others organised readings and discussions of feminist texts; men handed out sandwiches to participants and the day culminated in a 30,000-strong demonstration in the centre of the city.

Two days later, the proposed ban was withdrawn. It was the Law and Justice party's first defeat since assuming power. Jarosław Gowin, the minister of science and higher education, said the protests "caused us to think and taught us humility".

The Polish women's activism struck a chord. They became a symbol of resistance against a rising tide of rightwing populism. Before the vote, Polish expats had staged protests in Berlin, London, Brussels and beyond. In the following weeks, women staged strikes in defence of women's rights and freedoms in Korea and Argentina, and the Polish strike was cited as inspiration for the International Women's Strike on 8 March this year, in the US. Barbara Nowacka and fellow politician-activist Agnieszka Dziemianowicz-Bąk were named leading

global thinkers by Foreign Policy magazine “for humbling Warsaw”. New York magazine invited Polish women to advise their American counterparts how best to defend their reproductive rights. With the protests, the author of the New York article wrote, Polish “women had won some of their rights back.”

But the protests, while impressive, merely prevented a bad situation from getting worse. Few countries have experienced such a steady erosion of reproductive rights as Poland in recent decades. While no one in Poland goes to jail for having an abortion, there has, effectively, been a ban since 1993. Social pressure from church groups and an opaque approval process are threatening existing rights. Oral contraceptives are difficult to obtain, while emergency contraceptives now require a prescription, after legislation that came into effect in July.

There is, nonetheless, one assured method for Polish women to assert their reproductive rights. The best way to defend your reproductive rights in Poland is to buy them.

Abortion lies at the intersection of the two major trends that emerged in Polish society after the fall of communism in 1989. The first of those trends is social conservatism, which flows from the reinvigorated Catholic church. The second is the enthusiastic embrace of economic liberalism that began in late 1989, when Poland became one of few countries to voluntarily submit to the IMF’s “shock therapy”. The church’s drive to ban abortion was matched by neoliberals’ desire to remove the state from economic life. Abortion ceased to be a medical procedure and became a moral issue; it ceased to be a medical right and became a commodity.

The push to ban abortion, which had been legal in Poland since 1956, began immediately after the fall of communism. The second bill introduced in 1989 was a total ban on abortion (it failed after widespread protests). Banning abortion was understood as a concession to the church - a reward for its role in fostering opposition to communism. After direct intervention by Pope John Paul II, the current abortion law came into effect in 1993, despite surveys showing that more than 60% of Poles opposed it.

Under the law, abortion is permitted in exceptional circumstances: if the mother’s life or health is endangered; if the foetus has a severe congenital disorder; or if the pregnancy is the result of rape or incest. Women who have an abortion are not considered to have committed a crime. However, anyone who provides or helps a woman to get an abortion outside these grounds, is liable to prosecution and the penalty is imprisonment.

In practice, it is very difficult to get a legal abortion even if you meet one of these criteria. Since the law was implemented, there have been, officially, no more than 1,000 abortions a year, in a country of nearly 40 million people. Before 1989, there were upwards of 500,000 abortions a year in Poland, and more than 97% of the women said they were doing it for socio-economic reasons.

A black market for surgical abortions quickly emerged to meet demand, operating at first out of many gynaecologists’ private offices. The law was never seriously enforced. Pursuing doctors with criminal prosecution would have risked social problems, while the black market conveniently solved the contradiction between Polish society’s external show of Catholic morality and the existing social reality.

Underground abortion providers have never been particularly difficult to find. After the law’s introduction, adverts began to appear in newspapers: “Gynaecologist: Intervention”, “Retrieve the Menstrual Cycle”, or “Full Gynaecological Services”, along with a number to call.

The ban on abortion became a financial boon for doctors prepared to carry out procedures illegally. Prices for an illegal termination are high, roughly equivalent to a Pole's average monthly earnings (currently 4,256 złoty, or around £895). Illicit abortions in Poland are generally safe, provided by working gynaecologists, and deaths are rare, but having the procedure is all the more unpleasant and upsetting in an unregulated and harried environment.



The women's strike in Warsaw on 3 October 2016. Photograph: Janek Skarżyński/AFP/Getty Images

Agnieszka, who I met last summer in Berlin, was 19 when she discovered she was pregnant, in 1994. She found the clinic in Łódź through word of mouth. She couldn't afford the operation, so her boyfriend paid for it. The doctor was "pretty scary. Everything was horrific." After the procedure she bled for three weeks, becoming so weak she could barely walk. In the end she had to return to the clinic so the same doctor could repair the damage.

"Doctors who take a lot of money for [performing abortions]," she reflected. "There are two sides to it: they are doing something good, because every woman has a right to decide, but on the other hand ..."

The Federation for Women and Family Planning (Federa), Poland's oldest reproductive rights organisation, estimates that, contrary to the 1,000 terminations a year cited by official statistics, the figure is more like 150,000. The anthropologist Agata Chełstowska estimated in 2011 that illegal abortions were generating as much as US\$95m a year for medical practitioners.

"Once abortion leaves the public sphere, it enters the grey zone of the private: private arrangements, private health care and - the most private aspect - private worries," Chełstowska writes. "In the private sector, illegal abortion must be cautiously arranged, and paid for out of pocket. When a woman enters that sphere, her sin turns into gold. Her private worries become somebody else's private gain."

Wanda Nowicka, the founder of Federa, told Chełstowska: "We are talking about a vast, untaxed source of income. That is why the medical profession is not interested in changing the abortion law."

Elżbieta Korolczuk, a sociologist and longtime activist, met young women at last year's protests who, because they have the means to pay for it, previously didn't know that abortion was illegal in Poland. "Many women have access to abortion, so they think: what's the problem?" Korolczuk says.

Doctors successfully prosecuted under the law typically receive suspended sentences and do not go to jail or lose their medical licence. In tolerating the black market, the government effectively outsourced abortion to an unregulated industry.

round 2011, activists operating Federa's telephone hotline noticed that more and more women were asking about clinics abroad. Women searching for cheaper alternatives also asked them about ordering pills online to induce miscarriage.

AIn 2012, Ewelina was in her early 20s, and seeing a man she did not intend to stay with, when she found out she was six weeks pregnant. "There was no maternal feeling," she says. "It felt like a sickness I wanted to get rid of." She turned to various Polish internet forums on abortion access, and the Polish-language pages of two Netherlands-based websites, Women on Waves and Women on Web, in order to find out more about her options. She learned about a drug used to treat osteoarthritis that can induce miscarriage as a side-effect.

Ewelina was able to obtain the drug through a connection who was authorised to write prescriptions. She told him it was for her grandmother. "The only fear I had before taking the medication was that it may not work," Ewelina says. She went to a friend's apartment near a hospital and took three pills at two-hour intervals, nine pills in total. Five hours after the last dose, she began to feel cramping, and she had some bleeding. The next morning she went to the hospital and was given an ultrasound. Medical staff told her there was no heartbeat. She began to cry; the doctor mistook her tears of relief for sorrow.

Women on Web was set up in 2006 to send women the medicines, Misoprostol and Mifepristone, so they can safely terminate a pregnancy at home. Women are asked to donate €70-€90, if they can afford it, to cover the cost of the pills, which usually take a week to arrive from the manufacturer in India. A few thousand Polish women order pills from Women on Web annually, according to founder Rebecca Gomperts. (Another organisation, Women Help Women, provides a similar service.) However, there's not much postal traffic between India and Poland, and customs officials in several regions of Poland started intercepting and confiscating the packages.

Polish internet forums about abortion access began to appear in the early 2000s, encouraging women to induce termination using pills, rather than a surgical procedure. Although moderators discourage the practice, these forums, set up to help women, can serve as a marketplace where buyers and black-market sellers of abortion-inducing pills can connect.



Women at a rally in Lublin last month, marking the first anniversary of the 2016 women's strike. Photograph: Jakub Orzechowski/Agencja Gazeta via Reuters

After learning that she was six weeks pregnant, Basia came to the decision that she would terminate the pregnancy. Through an online forum her partner found another couple living in Warsaw who would sell them abortifacient (abortion-inducing) pills for 500 złoty (about £105).

Basia does not know what the pills were, but she took two, or maybe three. After a few hours, she began to feel very painful cramps. “During the heaviest cramps, I was scared,” she said. The worst passed, but Basia bled for three weeks, until she went to a hospital to be given a D&C (dilation and curettage, the usual treatment to clear the womb after a miscarriage). It is not clear why she had an extreme reaction, but since she bought the drugs on the black market, she will never know.

Abortifacient pills such as Misoprostol and Mifepristone have a major advantage for Polish women: they are cheaper. As demand for these pills has grown, however, so too has the opportunity for profit and fraud. Black-market providers of surgical abortions have also started selling pills. With the help of a translator, I was able to reach two sellers. One offered abortifacients for between 400 and 600 złoty (£84-£126), or a surgical operation for 4,000 złoty. The second offered pills for 1,300 złoty.

Since Women on Web is unavailable in some regions, and because women believe they don't have time to wait, many turn to the local black market - sellers with no medical training and no quality control.

Dr Janusz Rudziński, a Polish gynaecologist who settled in Germany decades ago, estimates that 75% of his Polish patients have gone through a failed abortion with black-market pills. More than 1,300 Polish women cross the border every year to have an abortion at Rudziński's practice in Prenzlau, about 100km north of Berlin, near the Polish border. He receives between 100 and 150 calls from Poland every day. His patients come from all over the country. Most find his number online.

Rudziński left Poland before abortion became a moral issue, and is unimpressed by the harsh rhetoric it has since attracted. “It used to be normal,” he told me. “Nobody talked about it. If someone came to the clinic and wanted [an abortion], they had an abortion.”

Prices for surgical abortion are falling as clinics in neighbouring countries become available to Polish women. A clinic in Vienna keeps a Polish translator on staff. Many women reportedly travel to the Czech Republic, despite a law passed by the Czech government intended to prevent them from coming. The most common destination is Slovakia, as it is cheapest and most efficient; some clinics reportedly have two-week-long waiting lists. These clinics charge less than the cost of an illegal termination in Poland: €500-550 in Germany, or €370-390 in Slovakia. And here, women are not made to feel like criminals.

Markets are discriminatory; those who lack money or information are excluded. As long as there is a ban on abortion, or even severe restrictions, there will invariably be women desperate for a solution, and the black market will thrive. Any attempts to liberalise Poland's abortion law, however, must contend with the entrenched power of the country's Catholic church.

Liberalising access to abortion, which no major party in Poland currently supports, will require a political party willing to broach a different taboo in Polish society: the church's political power. As the Polish state retreated during its economic “shock therapy”, the church expanded its role in society and became an alternate centre of political power.

Separation of church and state is a “communist-inspired” system, said Józef Glemp, then the country's Roman Catholic Primate, in 1991. At that time, a majority of the population attended mass every week, and church leaders urged parishioners to support “only those political groups that favour protection of life from the moment of conception”.

John Paul II, the first Polish pope and an immensely popular figure in his homeland, envisioned Poland as a bastion of Christian values and a beacon of moral renewal in Europe. As unemployment rose to 16.4% and earnings deflated following the IMF's economic measures, the population became less enamoured of moral renewal, and more worried about feeding their families. In 1991, a poll found that overwhelming majorities of Poles opposed church dominion over policy towards, among other issues, contraceptives (81%) and abortion (71%). Still, the church's prestige and command of public attention was difficult for politicians to ignore.

Under church pressure, the government first removed subsidies for birth control pills in 1991, tripling their price. The cost of birth control today is not, in theory, prohibitive, at about 40 złoty a month. However, some doctors refuse to prescribe contraceptives, some pharmacists refuse to sell them, and they are difficult to obtain in public hospitals.

The Polish healthcare system is split between a low-cost public sector plagued by long wait times and poor-quality care, and a more expensive private sector with better and more readily available care. One activist I spoke with, Karolina Brzycka, said that in her local public hospital, in the late 90s, only one of the four gynecologists would prescribe hormonal contraceptives. Women started lining up at 4am for an appointment.

According to a 2015 UN report, Poland has among the lowest access to contraceptives in Europe, with less than half of women using a modern method of contraception. If a woman wants birth control without a long wait, she must pay for an appointment at a private clinic. The appointment costs as much as 400 złoty plus 120 złoty for a three-month supply of pills. The prescription must be renewed four times a year, at a cost equivalent to 13% of average earnings.

The new law that went into effect in July this year will further restrict access. The emergency contraceptive pill ellaOne - the most popular morning-after pill in Poland, and the only one previously available over-the-counter - now requires a prescription. (Viagra, however, was recently made available without a prescription.)

The new law doesn't technically amount to a ban. Some women, particularly in big cities, will be able to obtain a prescription on short notice in an emergency, or if they can afford to pay for it. But most people cannot afford it. If you don't have money, if you're on the losing side of Poland's economic transformation, you're stuck with the religious dogma.



Jarosław Kaczyński, leader of Poland's ruling Law and Justice party.
Photograph: Jakub Porzycki/Agencja Gazeta via Reuters

Despite broad public support, the church has stymied all attempts to introduce sex education in schools. In a 2014 pastoral letter, Polish bishops warned that sex education leads students to "become regular customers of pharmaceutical, erotic, pornographic, paedophile and abortion enterprises". Several activists I spoke with recalled being shown, instead, the notorious anti-

abortion film *The Silent Scream*. Another, Barbara Baran, remembered being forced to sing an anti-abortion song, sung from the perspective of an aborted foetus.

Even so, Poland has one of the lowest fertility rates in the world, by some accounts the lowest in Europe. The Polish Health Ministry recently released a video suggesting rabbits as a healthy model for mating habits. While the church's influence has failed to multiply its flock, it has succeeded in creating a taboo around abortion. Church groups harass patients arriving at doctors' offices with gruesome placards. Between a quarter and a third of Polish women have had an abortion, but nobody talks about it. One activist told me that only after last year's protests did she learn that three of her friends had had abortions.

The church's influence is not necessarily indicative of popular will. Weekly mass attendance has fallen from more than 60% in the 90s to about 40% today; the drop is especially sharp among young women. Since 2005, Polish politics, like a broken metronome, has swung between the right (under the Civic Platform party) and the far-right (under the Law and Justice party), both of which eagerly court the church for patronage, securing the church's political power even as its popular support ebbs.

Any "humility" the government learned from last year's protests appears to have been short-lived. There are currently several proposals circulating to further tighten the existing abortion law, by removing the right for a termination in cases in which the foetus has a congenital disorder. The church and leaders of the Law and Justice party have signalled their support. Save Women is again countering with a proposal to liberalise access to abortion.

On 10 November, a legal opinion was leaked suggesting that anyone providing information about how to use pills or clinics abroad should be prosecuted for abetting abortion. The document was written by *Ordo Iuris*, a group of ultra-Catholic lawyers with connections to the Law and Justice party. For now, prosecutors are not acting on its recommendations but it seems designed to increase pressure on activists providing information to women.

It was around the same time that Polish customs began seizing shipments of pills from *Women on Web* and *Women Help Women*. The push to further restrict the current abortion law, the threats against those providing information, and the ongoing seizure of pills illustrate the limitations of eluding legal restrictions on abortion. You can only do so much without political power.

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