

JOINT LETTER

SLOVAK PARLIAMENT MUST PROTECT WOMEN'S HEALTH AND RIGHTS

Members of the National Council of the Slovak Republic
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Dear Members of the National Council of the Slovak Republic,

We are writing to express our deep concern regarding current legislative attempts to roll back on the reproductive rights of women in Slovakia.

At this time the Parliament is debating new draft legislation that would require women seeking abortion care to undergo a mandatory ultrasound scanning, to view and obtain the ultrasound image of the embryo or the foetus, and where technically possible, to also listen to the “heartbeat of the embryo or the foetus.” The proposed legislation also seeks to prohibit “advertising” on abortion and to impose a fine of up to 66,400 Euros on those who order or disseminate it.¹

Our organizations are deeply concerned by these proposals. If adopted, this legislation will harm women’s health and well-being, obstruct their access to safe abortion care and violate Slovakia’s international human rights obligations.

Forcing women in Slovakia to undergo a mandatory ultrasound, view the ultrasound image and listen to the “foetal heartbeat” before abortion would undermine their privacy, personal integrity, autonomy in decision-making about health care and would subject them to harmful stigma, humiliation and degrading treatment. It would violate the requirement that medical decision-making must be free of coercion, and that a patient’s consent to medical procedures should be given freely and voluntarily.

There is no medical reason whatsoever for the proposed changes. As confirmed by the World Health Organization (WHO), there is no medical reason for routine ultrasound prior to abortion. Instead, the WHO has underlined that women’s decisions to access abortion care should be respected and that safe abortion should be “delivered in a way that respects a woman’s dignity, guarantees her right to privacy and is sensitive to her needs and perspectives.”² International human rights mechanisms have stressed that states must ensure the availability and quality of safe abortion services in line with the WHO safe

¹ Návrh poslankýň Národnej rady Slovenskej republiky Evy Smolíkovej, Magdalény Kuciaňovej a Evy Antošovej na vydanie zákona, ktorým sa mení a dopĺňa zákon č. 576/2004 Z. z. o zdravotnej starostlivosti, službách súvisiacich s poskytovaním zdravotnej starostlivosti a o zmene a doplnení niektorých zákonov v znení neskorších predpisov a ktorým sa menia a dopĺňajú niektoré zákony, print no. 1729 (27 Sept. 2019).

² World Health Organization, SAFE ABORTION: TECHNICAL AND POLICY GUIDANCE FOR HEALTH SYSTEMS (2d ed. 2012), at 6, 34, 64.

abortion guidelines, including removing measures that attempt to dissuade women from accessing abortion care.³

If this legislation is adopted, Slovakia would be the only EU member state to impose these harmful requirements on women. No other EU member state imposes on women a requirement to undergo mandatory ultrasound for obtaining abortion care and no other member state requires that women view ultrasound images or listen to the “foetal heartbeat” before abortion.

Similarly, the WHO has stressed the importance of ensuring all women have access to evidence-based information about abortion and their entitlements to legal reproductive health care.⁴ The proposed prohibition of “advertising” on abortion would lead to restrictions on access to evidence-based information on abortion care and would have a chilling effect on the provision of such information by medical providers. International human rights mechanisms have underlined that medically unnecessary legal restrictions on the availability of evidence-based information on sexual and reproductive health, including safe and legal abortion, contradict states’ obligations to respect, protect, and fulfil women’s right to the highest attainable standard of health. They have made it clear that “[s]uch restrictions impede access to information and services, and can fuel stigma and discrimination” and have called upon states to “[e]nsure that accurate, evidence-based information concerning abortion and its legal availability is publicly available.”⁵

In addition, the European Court of Human Rights has held that “[o]nce the legislature decides to allow abortion, it must not structure its legal framework in a way which would limit real possibilities to obtain it”⁶ and has underscored that European states have “a positive obligation to create a procedural framework enabling a pregnant woman to exercise her right of access to lawful abortion.”⁷

If adopted, the legislation will undermine Slovakia’s compliance with its obligations under international human rights treaties to guarantee women’s rights to health, privacy, information, to be free from inhuman or degrading treatment, and the principles of non-discrimination and equality in the enjoyment of rights. In addition, the adoption of these proposals will be contrary to the fundamental international legal principle of non-retrogression. International human rights mechanisms have repeatedly called on Slovakia to remove barriers to and ensure access to safe and legal abortion. Most recently, in October 2019, the UN Committee on Economic, Social and Cultural Rights expressed deep concern about this

³ See, e.g., Committee on Economic, Social and Cultural Rights, General Comment No. 22 on the right to sexual and reproductive health (article 12 of the International Covenant on Economic, Social and Cultural Rights), para. 41, E/C.12/GC/22 (2016); Committee on the Elimination of Discrimination against Women, *Concluding Observations: Hungary*, para. 31(c), CEDAW/C/HUN/CO/7-8 (2013); *Russian Federation*, paras. 35(b), 36(b), CEDAW/C/RUS/CO/8 (2015); *Slovakia*, para. 31(c), CEDAW/C/SVK/CO/5-6 (2015); *Macedonia*, para. 38(d), CEDAW/C/MKD/CO/6 (2018); Anand Grover, Special Rapporteur on the Right of Everyone to the Enjoyment of the Highest Attainable Standard of Physical and Mental Health, Interim Report of the Special Rapporteur on the right of everyone to the highest attainable standard of physical and mental health, para. 24, U.N. Doc. A/66/254 (Aug. 3, 2011); COMMISSIONER FOR HUMAN RIGHTS OF THE COUNCIL OF EUROPE, *Women’s Sexual and Reproductive Health and Rights in Europe* (2017), at 11.

⁴ World Health Organization, *SAFE ABORTION: TECHNICAL AND POLICY GUIDANCE FOR HEALTH SYSTEMS* (2d ed. 2012), at 95.

⁵ Committee on Economic, Social and Cultural Rights, General Comment No. 22, *supra* note 3, para. 41; Interim Report of the Special Rapporteur on the right of everyone to the highest attainable standard of physical and mental health, *supra* note 3, para. 65(l).

⁶ *Tysic v. Poland*, No. 5410/03 Eur. Ct. H.R., para. 116 (2007).

⁷ *R.R. v. Poland*, No. 27617/04 Eur. Ct. H.R., para. 200 (2011).

pending regressive legislation and urged Slovakia to avoid any retrogression in relation to women's sexual and reproductive health rights.⁸

We call on all Members of Parliament to reject this regressive legislative proposal and refrain from further attempts to restrict reproductive rights in Slovakia.

Yours sincerely,

Abortion Rights Campaign, Ireland

Amnesty International

ASTRA Network

CESI - Center for Education, Counselling and Research, Croatia

Center for Reproductive Rights

European Humanist Federation

Federation for Women and Family Planning, Poland

Family Planning and Sexual Health Association, Lithuania

Family Planning Association of Moldova

Femini Berlin Polska/Berliński Kongres Kobiet/Manifest Wolnej Polki, Germany

FOKUS - Forum for Women and Development, Norway

Fundación Aspacia, Spain

Fundacja im. Kazimierza Łyszczyńskiego, Poland

HERA - Health Education and Research Association, North Macedonia

Human Rights Watch

International Campaign for Women's Right to Safe Abortion

International Commission of Jurists

International Planned Parenthood Federation European Network

Libres Mariannes, France

Ligue des droits de l'Homme, France

Lobby Europeo de Mujeres en España - LEM, Spain

L'Union des Familles Laïques - UFAL, France

Marie Stopes International

Medical Students for Choice, United States

Planning Familial, Luxembourg

Reproductive Rights Platform, Croatia

RFSU - The Swedish Association for Sexuality Education, Sweden

Rutgers, Netherlands

Sarajevo Open Centre, Bosnia and Herzegovina

⁸ Committee on Economic, Social and Cultural Rights, *Concluding Observations: Slovakia*, paras. 41-42(e), E/C.12/SVK/CO/3 (2019).

Society for Feminist Analyses AnA, Romania

Women Enabled International

Women on Web

Women's Resource Center, Armenia

Women's Room - Center for Sexual Rights, Croatia

World Organisation Against Torture (OMCT)

YouAct - European Youth Network on Sexual and Reproductive Rights