

Ref: CommHR/DM/sf 017-2020

Mr Boris KOLLÁR

Speaker of the National Council of the Slovak Republic

Mr Milan VETRÁK

Chairperson of the Constitutional and Legal Affairs Committee

Mrs Jana CIGÁNIKOVÁ

Chairperson of the Health Care Committee

Mrs Jana ŽITŇANSKÁ

Chairperson of the Social Affairs Committee

Strasbourg, 7 September 2020

Dear Speaker, dear Chairpersons,

As Council of Europe Commissioner for Human Rights, my mandate is to foster the effective observance of human rights in all 47 member states of the Council of Europe. To this end, an important part of my work is to engage in dialogue with the governments and parliaments of member states, and to assist them in addressing possible shortcomings in their laws or practices. As part of my mandate, I consider the protection of women's rights, including their sexual and reproductive health and rights, a priority.

It is from this perspective that I am writing to you regarding the proposal, put forward by several members of the National Council of the Slovak Republic, for a *Draft Law which Amends and Supplements Act No. 576/2004 Coll. of Laws on Healthcare, Healthcare-related Services, and Amending and Supplementing Certain Acts as Amended, and which Amends and Supplements Certain Acts* (Print No. 154, 19 June 2020).

On 22 November 2019, I wrote to the honourable members of the National Council of the Slovak Republic to express my concern over proposed restrictions on the access to safe and legal abortion services that were being discussed at that time. This letter is available on my website (www.coe.int/commissioner/country-monitoring/slovak-republic). I noted that those proposals would not be in line with international human rights law, and in particular that they would run counter to the principle of non-retrogression, which prohibits any measures that diminish existing rights in the field of health. I called upon the members to reject any such changes, as well as any other legislative proposals that could limit women's access to their sexual and reproductive rights.

While the proposals addressed in my earlier letter were fortunately rejected, it is with deep regret that I note that, despite the clear obligation to refrain from retrogression, the new draft law again intends to introduce restrictions on access to safe and legal abortion services. I refer in particular to the proposal to prolong the mandatory waiting period from 48 to 96 hours, and to expand its application to all situations except when a woman's health is at immediate risk. I also refer in this context to the proposed introduction of a new authorisation requirement for performing abortions on health grounds, that would require two medical certificates attesting to such grounds, rather than one as currently, except in the case of urgent care provision. Furthermore, other proposed changes, such as in relation to the provision of information on abortion and the collection and sharing of personal information have the potential to form substantial barriers to accessing safe and legal abortion services, and to stigmatise women seeking an abortion. The same is true for the proposed ban on 'advertising' abortion services, which I also addressed in my earlier letter.

I recall that the proposed measures run counter to World Health Organisation guidelines, as well as specific recommendations to the Slovak Republic by UN bodies, such as the Committee on the Elimination of Discrimination Against Women (CEDAW) and the Committee on Economic, Social and Cultural Rights (CESCR). I would again like to draw your attention to the Issue Paper *Women's sexual and reproductive health and rights in Europe*, which my Office published specifically to help governments and legislators to ensure their laws and practices are brought, or remain, in line with relevant international human rights obligations (www.coe.int/commissioner/women-s-sexual-and-reproductive-rights-in-europe).

In view of the above, I urge the members of the National Council of the Slovak Republic to reject any proposed measures that would, in law or practice, lead to retrogression as regards the access of women to their sexual and reproductive health and rights. Furthermore, I would like to express my concern about the fact that, over the course of a relatively short period, repeated attempts have been made to put forward proposals that would bring the laws and practices of the Slovak Republic into conflict with its international obligations, and which would put the rights of women in the country at risk.

I would be grateful if you could ensure that all members of the committees examining this draft law, as well as the National Council of the Slovak Republic at large, receive a copy of this letter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dunja Mijatović', with a stylized flourish at the end.

Dunja Mijatović