

Ref: CommHR/DM/sf 040-2021

Mr Boris KOLLÁR

Speaker of the National Council of the Slovak Republic

Mr Vladimír LEDECKÝ

Chairperson of the Social Affairs Committee

Mrs Jana BITTÓ CIGÁNIKOVÁ

Chairperson of the Health Care Committee

Mr Milan VETRÁK

Chairperson of the Constitutional and Legal Affairs Committee

Mr Marián VISKUPIČ

Chairperson of the Financial and Budgetary Committee

Mr Peter POLLÁK

Vice-Chairperson of the Human Rights and Ethnic Minorities Committee

Strasbourg, 15 October 2021

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.

In this respect, I am reaching out to you to express my concerns about the *Draft law on assistance to pregnant women* (Print no. 665, introduced on 31 August 2021), which is being considered in your respective committees and will soon be discussed in the plenary. Several proposals in the draft law would introduce restrictions on women's access to safe and legal abortion services, which would bring the Slovak Republic into conflict with its international human rights obligations and put women's health and reproductive rights at risk. They would particularly run counter to the principle of non-retrogression, which prohibits any measures that diminish existing rights in the field of health. Unfortunately, this is the third time in three years that I feel compelled to express my serious concerns about such proposals, several of which mirror those already addressed in my letters to the National Council of the Slovak Republic in [November 2019](#) and [September 2020](#). I welcome that problematic amendments were rejected by members of the National Council of the Slovak Republic on those occasions, and I strongly urge you to ensure yet again that no amendments are adopted that would fall short of European and international human rights and health standards.

In this regard, I remain deeply concerned about the proposal to extend the mandatory waiting period from the current 48 hours to 96 hours, covering any abortion except when a woman's health or life is at immediate risk. According to World Health Organisation (WHO) guidelines on safe abortion, mandatory waiting periods serve no medical purpose, undermine women's decision-making autonomy, and delay women's access to

timely, legal abortion care. Therefore, the proposed amendments would not only fail to address the already problematic current mandatory waiting period of 48 hours, but would exacerbate this issue.

I also stress again that the proposed ban on 'advertising' of abortion would prevent health care professionals from publicly providing information about safe abortion services and their availability, which is crucial to ensuring women's access to such services and the full enjoyment of their right to sexual and reproductive health. It is also important to ensure that any information provided to women seeking abortion care is medically accurate, evidence-based, non-stigmatising and be given in a way that respects women's dignity, needs and perspectives. States must also ensure that abortion counselling is never mandatory, biased or directive. This is essential to guarantee women's free and informed decision-making and personal autonomy.

I am also worried that the proposed amendments seek to eliminate the current requirement that doctors provide information on contraceptive methods and their use. As I have noted before, and as set out in my Office's 2017 [Issue Paper on women's sexual and reproductive health and rights in Europe](#), the protection of these rights requires a holistic approach, which includes not only guaranteeing access to safe and legal abortion care, but also the mainstreaming of age-appropriate, standardised, evidence-based and scientifically accurate comprehensive sexuality education curricula, as well as guaranteeing the affordability, availability and accessibility of modern contraception. These are also key elements of any human rights-based policies seeking to prevent unintended pregnancies.

Furthermore, I recall that any new regulations as regards the collection and sharing of information should not adversely affect the right to privacy and should not have a stigmatising or chilling effect on women seeking access to abortion services.

None of these concerns are new. Apart from my interventions, these have been addressed in relation to Slovakia by numerous international human rights bodies over the years. In the light of these clear positions, it remains particularly worrying that new attempts are again made by members of the National Council of the Slovak Republic to introduce legislation that would lead to retrogression and would bring the laws and practices of the Slovak Republic into conflict with its international human rights obligations. I note with concern that such repeated attempts are indicative of an alarming trend towards the undermining of women's sexual and reproductive health and rights in Slovakia and in Europe more broadly. Furthermore, such repeated attempts appear to create an increasingly hostile environment for Slovak human rights defenders working on the issues of women's sexual and reproductive health and rights and on gender equality more generally. For all the reasons mentioned above, I again call on the honourable members to refrain from introducing retrogressive proposals, and to ensure that the Slovak Republic fully meets its commitments on the protection and promotion of women's rights.

I would be grateful if you could ensure that all members of the committees examining the draft law, as well as of 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 large, stylized initial 'D'.

Dunja Mijatović