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SLOVAKIA

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Introduction

1. ADF International is a global alliance-building legal organization that advocates for religious freedom, life, and marriage and family before national and international institutions. As well as having ECOSOC consultative status with the United Nations (registered name 'Alliance Defending Freedom'), ADF International has accreditation with the European Commission and Parliament, the Organization for Security and Co-operation in Europe, and the Organization of American States, and is a participant in the FRA Fundamental Rights Platform.
2. This report explains why Slovakia must protect and promote the right to freedom of religion or belief, in particular with regard to freedom to engage in unregistered religious activity. It also calls upon the Slovakian Government to revise its laws and policies concerning abortion and to recognize and protect the rights of parents and legal guardians with respect to their children.

a) Freedom of Religion

3. The Constitution of Slovakia guarantees freedom of religion and belief in Article 24(1): 'Freedom of thought, conscience, religion and belief shall be guaranteed. This right shall include the right to change religion or belief and the right to refrain from a religious affiliation. Everyone shall have the right to express his or her mind publicly.' The Constitution further guarantees freedom of worship in Article 24(2): 'Everyone shall have the right to manifest freely his or her religion or belief either alone or in association with others, privately or publicly, in worship, religious acts, maintaining ceremonies or to participate in teaching.' Article 24(3) provides, in part, that '[c]hurches and ecclesiastical communities shall administer their own affairs themselves.'
4. Notwithstanding the aforementioned constitutional guarantees, religious minorities in Slovakia are disadvantaged by means of a law requiring religious groups to register in order to enjoy certain rights. Only religious groups above a threshold number of adherents—raised from 20,000 to 50,000 in 2017, with certain historical exceptions—are permitted to register.
5. In order to meet this numerical threshold, a sufficient number of adherents of the religious group must provide the government statements about their religious beliefs as well as certain personal data.
6. While individuals are still free to worship in accordance with their personal beliefs, groups unable to register are restricted from both corporate activities, such as the renting of property or the opening of a bank account, and religious ceremonial activities, such as visiting adherents in prison or presiding over burials.¹ Additionally, only registered groups receive state funds and are able

¹ See Lubomir Martin Ondrasek, 'Slovakia's New Religious Registration Law is a Step in the Wrong Direction,' *Providence*, 1 March 2017, at <https://providencemag.com/2017/03/slovakias-new-religious-registration-law-step-wrong-direction/>.

to run their own schools.² The constitutional rights thus abridged include the right of individuals to ‘manifest freely [belief in] religious acts, maintain ceremonies, or to participate in teaching’ and the right of religious bodies to ‘administer their own affairs themselves.’

7. These religious registration requirements are the strictest of any country in the European Union.³ Slovakia’s president had previously vetoed the bill increasing the numerical threshold to 50,000, recognizing that the law ‘impinge[d] on fundamental rights and freedoms guaranteed by the Slovak constitution’⁴, including the freedom of worship guaranteed by Article 24(2). Nonetheless, the Parliament overrode such veto and approved the change to the respective law.
8. According to Slovakia’s 2011 census, which is the most recent available, the majority of the country (at approximately 62 percent of the population) is Roman Catholic. Other Christian groups included the Augsburg Lutherans at 5.9 percent and Greek Catholics at 3.8 percent, with additional Christian denominations represented by still smaller numbers. 13.4 percent of Slovaks did not state a religious affiliation. Other religious groups responding included Jehovah’s Witnesses, Orthodox Christians, Jews, Baha’is, and Muslims. Approximately 1,200 individuals self-identified as Muslims in the 2011 census, although representatives of the Muslim community estimate the number to be approximately 5,000. According to the 2011 census, there are approximately 2,000 Jews in Slovakia. Of the 18 currently-registered religious groups in Slovakia, only 4 meet the 50,000 adherent threshold.⁵
9. Some justifications for a religious group registration requirement may sound nondiscriminatory, particularly when access to state funding is involved as it is in Slovakia. Such registration requirements, some proponents of the law argue, may prevent sham or speculative groups from accessing state funds. This fear, however, appears to be itself speculative, as the Slovakian department in charge of religious registrations has detected (and subsequently prevented) only one attempted possible fraudulent registration under the previous scheme.⁶
10. Other observers note the less neutral motivations behind the law, at least in its post-2017 form. The increase in number of adherents required has been tied to “growing anti-Muslim sentiment across the European Union,” with Slovakia’s government stating that Islam does not have a place in the country.⁷

² See *Reuters*, “Slovakia toughens church registration rules to bar Islam,” November 30, 2016, at <https://www.reuters.com/article/us-slovakia-religion-islam-idUSKBN13P20C>.

³ See Ondrasek, ‘Wrong Direction.’

⁴ See, e.g., ‘Registration of churches to become stricter,’ *The Slovak Spectator*, 1 Feb 2017, at <https://spectator.sme.sk/c/20448220/registration-of-churches-to-become-stricter.html>.

⁵ See Ondrasek, ‘Wrong Direction.’

⁶ See Ondrasek, ‘Wrong Direction.’

⁷ See *Reuters*, “Slovakia toughens church registration.”

11. Whatever its motivation, the law has the effect of discrimination against smaller, less entrenched religious groups. As members of “unregistered” and publicly marginalized groups, religious minorities are vulnerable to negative stereotypes and occasional antagonism. Nearly 70 percent of respondents to a 2011 survey disapproved of the Slovak state allowing Muslims to practice their religion, with 50.5 percent advocating state prohibition of the construction of Islamic religious centers in Slovakia.⁸
12. Article 18 of the ICCPR, ratified by Slovakia on 28 May 1993, protects the right to freedom of thought, conscience, and religion. Article 27 of the ICCPR further provides for the rights of certain minorities including religious minorities, stating that ‘[i]n those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.’
13. Slovakia’s registration of religious groups requirements indirectly violates Article 18 by burdening certain individuals’ exercise of their freedom of religion, by disfavoring their religions against more established religions and by subjecting them to negative stereotypes. This law directly violates Article 27 by restricting certain activities of minority religious groups, including such religious activities as burial ceremonies and the visiting of prisoners and hospital patients.
14. Religious minorities in Slovakia are discriminated against and disadvantaged by the strict registration requirements, which prevent them from participating in several activities basic to their religious practice. Moreover, some religious minorities are disfavored vis-à-vis other small religious groups, which do not have the numbers sufficient to obtain registration under the 2017 law but still receive the benefits of registration. That is, religious groups of comparable size are not all treated the same; newer and/or less influential groups are denied the rights enjoyed by more established groups.

b) Sanctity of Life

15. Article 15 of the Slovak Constitution guarantees the right to life. Articles 15(1) & (2) state that ‘[e]veryone has the right to life. Human life is worth protection even before birth’ and that ‘[n]o one shall be deprived of life.’
16. Notwithstanding these express constitutional protections, abortion is permitted on broad grounds in Slovakia, being legal on demand up to 12 weeks after conception. Abortion continues to be allowed after that point for certain exceptions, such as the health of the mother, the health of the unborn child, or identification of genetic anomalies in the child.⁹

⁸ See ‘Report assesses Slovaks’ attitudes to foreigners,’ *The Slovak Spectator*, 16 July 2012, at <https://spectator.sme.sk/c/20044024/report-assesses-slovaks-attitudes-to-foreigners.html>

⁹ See Law 73, 23 October 1986, effective January 1987 and amended through Law N° 419/1991

17. Additionally, girls who have reached the age of 16 but are below the age of 18 are not required to attain parental consent for an abortion, although subsequent notification of the abortion is required.

Right to Life in International Law

18. Article 6(1) of the ICCPR states, 'Every human being has the inherent right to life.' Furthermore, Article 6(5) of the ICCPR states, 'Sentence of death shall not be imposed for crimes committed by persons below eighteen years of age and shall not be carried out on pregnant women.'
19. The ICCPR's prohibition of the death penalty for pregnant women implicitly recognises the right to life of the unborn. As the *travaux préparatoires*¹⁰ of the ICCPR explicitly state, 'The principal reason for providing in paragraph 4 [now Article 6(5)] of the original text that the death sentence should not be carried out on pregnant women was to save the life of an innocent unborn child.'¹¹ Similarly, the Secretary General report of 1955 notes that the intention of the paragraph 'was inspired by humanitarian considerations and by consideration for the interests of the unborn child[.]'¹² This understanding is in accordance with Slovakia's own express constitutional language.
20. Article 5 of the Convention on the Rights of the Child, of which Slovakia is a party, provides that 'States Parties shall respect the responsibilities, rights and duties of parents or, here applicable, [...] legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance' to the child.
21. The notion that parents have no right to be informed about or be involved in decisions with respect to their children, especially in light of the fact that there is no internationally-recognised right to abortion (particularly in light of paragraph 8.25 of the Programme of Action of the International Conference on Population and Development), is a clear violation of the right of parents to provide such appropriate direction and guidance to their children.
22. Abortion is an inherently unsafe procedure because it takes the life of the unborn child (the value of which life is recognized by Slovak and international law) and harms the mother through the loss of her child. It has also been reported that women who have had abortions are more vulnerable to self-destructive tendencies, depression, and other unhealthy behavior aggravated by the abortion experience.

¹⁰ In accordance with the Article 32 of the Vienna Convention, the *travaux préparatoires* are considered to be a 'supplementary means of interpretation.'

¹¹ Report of the Third Committee to the 12th Session of the General Assembly, 5 December 1957. A/3764 §118.

¹² Report of the Secretary-General to the 10th Session of the General Assembly, 1 July 1955. A /2929, Chapter VI, §10.

23. Subjecting minor girls to such risks, particularly without requiring parental consent, violates the rights and interests of the girls, their unborn children, and their parents.

Recommendations

24. In light of the aforementioned, ADF International suggests the following recommendations be made to Slovakia:
- a) Remove burdensome and oppressive registration requirements which infringe upon the right to freedom of religion or belief;
 - b) Reform its legal framework on freedom of religion or belief by facilitating the registration process for religious groups, so that everyone can exercise their rights in an unrestricted manner;
 - c) Foster an environment of religious harmony and cooperation, and do not discriminate against individuals or communities on the basis of their denominational affiliation;
 - d) Recognize that the State has a duty and obligation to protect and defend the right to life under international law, acknowledging that there is no right to abortion under international law;
 - e) Repeal all laws which threaten to unjustly deprive parents or legal guardians of their parental rights over the medical treatment of their minor children.



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