Status of Human Rights in Slovakia for the 46Th Session of the Universal Periodic Review

Introduction

1. The European Centre for Law and Justice (ECLJ) is an international, non-governmental organization dedicated to promoting and protecting human rights around the world. The ECLJ also holds Special Consultative status before the United Nations Economic and Social Council. This report discusses the status of human rights in the Slovak Republic (Slovakia) for the 46th session of the Universal Periodic Review (UPR).

Background

2. Slovakia is located in Central Europe with a population of approximately 5.4 million people.[1] The country is predominantly Christian with approximately 55.8% of the population identifying as Roman Catholic, 5.3% as members of the Evangelical Church of the Augsburg Confession, 4% as Greek Catholic, 1.6% as Reformed Christian, 3% as other, 23.8% as none, and 6.5% as unspecified.[2]

3. Slovakia's previous review was held on January 28, 2019.[3] It received 195 recommendations, 176 of which Slovakia supported.[4] On the issue of abortion, Denmark recommended that the Slovakian government "[t]ake effective measures to ensure women's access to safe abortion care, including by removing the requirement of mandatory waiting periods and third-party authorization."[5] It was recommended by Iceland that the government "[r]evise the Health-Care Act to ensure access to safe abortion and remove requirements for mandatory counselling, medically unnecessary waiting periods and third-party authorization."[6] It is encouraging to note that Slovakia did not support either of these recommendations.[7] On the issue of human trafficking, it was recommended by Jordan and supported by Slovakia, that the government "[s]trengthen efforts for the early identification of the victims of trafficking in persons, provide them with protection, and bring perpetrators of the crimes of human trafficking to justice, as many international reports indicate that Slovakia continues to be a country of origin, transit and destination for trafficking crimes, particularly for labour, sexual exploitation and forced begging."[8]

Legal Framework

Abortion

4. No constitutional right to abortion exists in Slovakia. In fact, the Constitution guarantees "[e]veryone has the right to life. Human life is worthy of protection *already before birth*."[9]

5. Despite the constitutional provision safeguarding the right to life, abortion is legal upon request in Slovakia for the first twelve weeks of a woman's pregnancy.[10] According to the Artificial Interruption of Pregnancy Act, "[a] pregnancy may be artificially interrupted on health grounds with the woman's consent, or at her instigation, if her life or health or the healthy development of the fetus are endangered, or if fetal development manifests genetic anomalies."[11] This Act completely contradicts Slovakia's own Constitution, which protects the right to life before birth.

6. According to Slovakia's Healthcare Act, women are required to observe a mandatory waiting period of forty-eight hours between the consultation for the procedure and the actual abortion, and required to go through mandatory counselling.[12]

7. Slovakia is a party to the International Covenant on Civil and Political Rights (ICCPR), having ratified the covenant.[13] Under Article 6 of the ICCPR, "[e]very human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life."[14] Slovakia also has a responsibility to uphold pro-life principles enshrined in other international agreements such as the UN Charter and Universal Declaration of Human Rights (UDHR).[15]

Human Trafficking

8. Explicit in the Constitution of Slovakia is the guarantee against trafficking or coerced servitude. It states, "[p]ersonal freedom is guaranteed"[16] and "[n]o one may be subjected to forced labor, or services."[17]

9. Slovakia's Criminal Code prohibits trafficking under section 179.[18] The penalties for engaging in trafficking range from four to ten years in prison.[19] The Criminal Code also contains specific provisions protecting children from trafficking. Section 181 prohibits the exploitation of a child and is punishable for four to ten years in prison.[20]

10. Further, under Article 8 of the ICCPR, "[n]o one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited. No one shall be held in servitude."[21] Slovakia also has a responsibility to uphold anti-trafficking principles enshrined in other international agreements such as the UN Charter and the Universal Declaration of Human Rights (UDHR).[22]

11. Moreover, Slovakia is a party to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime.[23] Under Article 9 sec. 1 of this Protocol:

> States Parties shall establish comprehensive policies, programmes and other measures:
> (a) To prevent and combat trafficking in persons; and
> (b) To protect victims of trafficking in persons, especially women and children, from revictimization.[24]

Abortion

12. Slovakia has long recognized the value of life, which is apparent from its own Constitution that explicitly calls for the protection of life at *all* stages, including before birth. Despite this provision, Slovakia has passed Acts contrary to those values.

13. Slovakia has recently made two attempts to restrict access to abortion. In both 2020 and 2021, Slovakia's parliament proposed a bill that would provide more limitations to accessing abortion.[25] The proposed bill aimed to extend the mandatory waiting period from forty-eight to ninety-six hours and to require individuals seeking the procedure to provide a reason for doing so.[26] This would incentivize women to analyze fully their situation and encourage them not to make a rushed decision powered by emotions. Additionally, the bill would have banned advertising abortion and services linked to it.[27] Unfortunately, both times the bill was proposed, it was rejected by just one vote. In Slovak Parliament, this was enough to prevent the legislation from passing.[28] Though the bill did not pass either time, it is still

evidence that many constituents and parliament members value the right to life.

14. Instead of encouraging Slovakia to continue implementing its commonsense requirements of consultation, waiting period, and counselling, it is receiving recommendations to remove even those requirements. These are the least restrictive and reasonable requirements that any country allowing the brutal procedure of abortion should have.

15. Slovakia's laws on abortion are already in contradiction to its obligations under its own Constitution, as well as under international documents, as both recognize the dignity of human life at all stages. Urging Slovakia to remove the commonsense requirements put in place to help women in making a wise choice, would only lead to more harmful results. The preamble to the United Nations Charter states that "the peoples of the United Nations determined . . . to reaffirm faith in fundamental human rights, in the dignity and worth of the human person . . . ."[29] This affirmation points directly to the worth of human life and the need for its protection. In fact, U.N. Member States actually have had an affirmative commitment to "reduce the recourse to abortion" [30] and to "take appropriate steps to help women avoid abortion, *which in no case should be promoted as a method of family planning*"[31] since the 1994 Cairo Conference on Population and Development. This commitment was well thought out, and in line with the U.N. Charter, as taking the life of a preborn baby should never be taken lightly. Laws permitting abortion directly violate the inviolable right to life, which is the foundation of all human rights. But it's not just the U.N. Charter or the 1994 Cairo Conference that require the protection of life. The UDHR also states that "recognition of the inherent dignity and of the equal and inalienable rights of *all* members of the human family is the foundation of freedom, justice and peace in the world," and provides that "[*e*]*veryone* has the right to life . . . ."[32] Article 6 of the ICCPR likewise states that, "[e]very human being has the inherent right to life. This right shall be protected by law."[33] There can be no doubt that the fundamental human rights instruments require protection of human life, as well as the fact that none of them contain a "right to an abortion."

16. When looking at the abortion laws of different countries, the fact that there is no international right to abortion is even more evident. 109 U.N. Member States (an overwhelming majority) currently have strict limits on abortion,[34] showing that most countries do recognize the sanctity, dignity, and the inherent value of human life.

17. If Slovakia were to remove its commonsense requirements to educate women on the dangers of abortion, it will not only result in taking more lives but also in physical and psychological harm to pregnant women who undergo abortion. Perforation of the uterus or the laceration of the cervix are just two of the many physical harms that can occur as the result of an abortion.[35] Abortion can also mask other dangerous symptoms, like an undiagnosed ectopic pregnancy.[36] Furthermore, terminating a pregnancy early by abortion deprives women of the health benefits that come from continuing pregnancy, such as the elimination of the protective effect a full-term pregnancy has against breast cancer.[37] In fact, the World Health Organization acknowledges the complications of abortion in its 2022 abortion guidelines.[38] In addition to physical harm, abortion also causes negative psychological side effects, including shame, suicidal thoughts, and drug abuse.[39] All of these reasons show why Slovakia must protect both women and preborn children from the devastating effects of abortion.

Human Trafficking

18. Over the past decade, Slovakia has worked on increasing legislation and policy regarding human trafficking. This includes the Victims of Crime Act, the Regulation of the Ministry of the Interior of the Slovak Republic on the Program of Support and Protection of Victims of Human Trafficking, and the Social and Legal Protection of Children and on Social Guardianship Act.[40] It has also implemented a National Program for Combatting Human Trafficking for 2019-2023.[41] Though Slovakia has made progress in its human trafficking efforts, there is still more work to be done.

19. Slovakia is both a source for victims of human trafficking, as well as a destination country for victims.[42] Sexual exploitation is the most common purpose of human trafficking in Slovakia, targeting almost exclusively female victims.[43] The Slovakian government looked into its human trafficking crisis as a whole and "discovered 61 victims in 2020: 34 women and 27 men. Children accounted for about 15 of the victims and all but one of the victims were Slovak nationals."[44]

20. Slovakia claims to be making progress in its efforts in addressing human trafficking by increasing investigations and punishments. However, Slovakia is still not meeting the minimum standard, which is seen by the decrease in convictions for human traffickers over the past few years.[45] "Courts convicted fewer traffickers in 2020 than in 2019 – nine in comparison to 11 in 2019. Considering that, 66% of those convicted in 2020 received significant prison sentences as compared to 45% in 2019."[46] In 2021, the Slovakian Ministry of Internal Affairs reported that children made up one third of all victims of human trafficking; an increase from one fourth in 2020.[47]

21. In 2019, Slovakian police busted a trafficking ring run by a group of four individuals who forced women into prostitution and fake marriages.[48] Though police officers became aware of the trafficking ring in 2014, it was not until five years later that the traffickers were finally arrested.[49] The police found "most of the buyers were men from Pakistan who wanted to marry the women to gain EU citizenship so they could live and work in Europe."[50] Sadly, the women were not just exploited for marriage licenses, but for sex labor as well. One of the victims shared in an interview that "she was forced to work as a prostitute and slave by the ruthless gang in the city's Govanhill area."[51] They brought men to where she was staying and forced her to sleep with them for money.[52] She shared that this happened every single day.[53]

Recommendations

22. Slovakia's Constitution explicitly protects the right to life *before* birth. We ask that Slovakia make efforts to comply with its own Constitution and widely accepted human rights treaties by protecting life at all stages. Slovakia would not be alone in taking this humane step, as countless other countries make it a priority to protect the lives of preborn babies. At the very least, it should not succumb to outside pressure to remove the common sense counseling and waiting requirements so that women can truly make informed decisions.

23. Slovakia should also continue to enforce its laws on human trafficking by offering support and resources to victims, and prioritizing vigorous investigation, prosecution, and conviction of traffickers. We ask that Slovakia work to proactively identify victims, increase identification training for government officials, and educate individuals on the dangers of human trafficking.

[1] *Slovakia*, The WORLD FACTBOOK, https://www.cia.gov/the-world-factbook/countries/slovakia/ (Aug. 15, 2023).
[2] *Id.*
[3] *Universal Periodic Review – Slovakia*, OHCHR, https://www.ohchr.org/en/hr-bodies/upr/sk-index (last visited Aug. 15, 2023).
[4] *Slovakia Infographic 32nd*, OHCHR, https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session32/SK/Infographic_Slovakia.pdf (last visited Aug. 15, 2023).
[5] OHCHR, UPR of Slovakia (3rd cycle – 32nd session): Thematic List of Recommendations, https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session32/SK/Recommendations.docx (last visited Aug. 17, 2023).
[6] *Id.*
[7] *Id.*
[8] *Id*.
[9] Ústava Slovenskej Republiky [CONSTITUTION] art. 15 (Slovk.), https://www.constituteproject.org/constitution/Slovakia_2017.pdf?lang=en (emphasis included) [hereinafter Slovakia's Constitution].
[10] Act No. 73/1986 Coll. on Artificial Interruption of Pregnancy § 4 (1986) (as amended by Act No. 419/1991), https://reproductiverights.org/maps/provision/slovak-republics-abortion-provisions/ (unofficial translation).
[11] *Id*. § 5.
[12] Act No. 576/2004 Coll. on Healthcare art. 1 (as amended by Act No. 345/2009), https://reproductiverights.org/maps/provision/slovak-republics-abortion-provisions/ (unofficial translation).
[13] *Ratification Status for Slovakia*, OHCHR, https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?Treaty=CCPR&Lang=en (last visited Aug. 15, 2023).
[14] International Covenant on Civil and Political Rights art. 6, *adopted* Dec. 16, 1966, 999 U.N.T.S. 171, https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights [hereinafter ICCPR].
[15] *Important Documents and Human Rights Institutions*, Ministry of Foreign and European Aff. of the Slovak Republic, https://www.mzv.sk/en/web/en/diplomacy/human-rights/important-documents-and-human-rights-institutions (Nov. 25, 2022).
[16]Slovakia's Constitution art. 17, *supra* note 9.
[17] *Id.* art. 18(1).
[18] Act No. 300/2005 Criminal Code § 179 (Slovk.), https://www.derechos.org/intlaw/doc/svk1.html.
[19] *Id.*
[20] *Id*. § 180.
[21] ICCPR art. 8, *supra* note 14.
[22]Important Documents and Human Rights Institutions, *supra* note 15.
[23] *Chapter XVIII Penal Matters: 12. a Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention again Transnational Organized Crime*, UNITED NATIONS TREATY COLLECTION, https://treaties.un.org/pages/viewdetails.aspx?src=ind&mtdsg_no=xviii-12-a&chapter=18 (Aug. 15, 2023, 09:15:50 EDT).
[24] Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime art. 9, § 1, *adopted* on Nov. 15, 2000, 2237 U.N.T.S. 319, https://treaties.un.org/doc/Treaties/2000/11/20001115%2011-38%20AM/Ch_XVIII_12_ap.pdf.
[25] *Slovakia Rejects Proposed Law Restricting Access to Abortion*, AP NEWS (Nov. 11, 2021, 1:33 PM), https://apnews.com/article/abortion-bratislava-europe-european-union-religion-1f629f7dc754b1d66d72a1ad59f5b6f2.
[26] *Id.*
[27] *Id*.
[28] *Id*.
[29] U.N. Charter pmbl.
[30] International Conference on Population and Development, *Report of the International Conference on Population and Development*, ¶ 8.25, U.N. Doc. A/CONF/F.171/13/Rev.1, https://www.un.org/development/desa/pd/sites/www.un.org.development.desa.pd/files/icpd_en.pdf.
[31] *Id.* ¶ 7.24 (emphasis added).
[32] G.A. Res. 217 (III) A, Universal Declaration of Human Rights, pmbl., art. 3 (Dec. 10, 1948) (emphasis added).
[33] ICCPR, *supra* note 14.
[34] *The World's Abortion Laws*, CTR. FOR REPROD. RTS. (Sep. 27, 2022), https://reproductiverights.org/wp-content/uploads/2022/09/WALM_20220927_V1.pdf.

[35] *Women's Right to Know: Abortion & Pregnancy Risks*, LA. DEP'T OF HEALTH, https://ldh.la.gov/page/915 (last visited Aug. 15, 2023).
[36] *See generally Physical Effects of Abortion: Fact Sheets, News, Articles, Links to Published Studies and More*, THE UNCHOICE, www.theunchoice.com/physical.htm (last visited Aug. 15, 2023) (listing sequelae and referencing sources).
[37] *See* Justin D. Heminger, *Big Abortion: What the Antiabortion Movement Can Learn from Big Tobacco*, 54 CATH. U.L. REV. 1273, 1288-89, 1290 n.119 (2005).
[38] *Abortion Care Guideline*, WORLD HEALTH ORG. HUM. REPROD. PROGRAMME 79 (Mar. 8, 2022), https://www.who.int/publications/i/item/9789240039483.
[39] Priscilla K. Coleman et al., *Women Who Suffered Emotionally from Abortion: A Qualitative Synthesis of Their Experiences*, 22 J. AM. PHYSICIANS & SURGEONS 113, 116-17 (2017), https://www.jpands.org/vol22no4/coleman.pdf.
[40] *General Information: Situation on Trafficking in Human Beings*, EUROPEAN COMMISSION, https://home-affairs.ec.europa.eu/policies/internal-security/organised-crime-and-human-trafficking/together-against-trafficking-human-beings/eu-countries/slovakia_en (last visited Aug. 16, 2023).
[41] *Program Podpory a Ochrany Obetí Obchodovania s L'uďmi* [Program for Support and Protection of Victims of Human Trafficking], MINISTRY OF THE INTERIOR OF THE SLOVAK REPUBLIC (2019), https://www.minv.sk/?program_podpory_a_ochrany_obeti.
[42] *Slovakia*, EUROPEAN UNION: MIGRATION AND HOME AFFAIRS, https://home-affairs.ec.europa.eu/policies/internal-security/organised-crime-and-human-trafficking/together-against-trafficking-human-beings/eu-countries/slovakia_en (last visited Aug. 15, 2022).
[43] *Id*.
[44] *Ending Human Trafficking in Slovakia*, THE BORGEN PROJECT (July 6, 2022), https://borgenproject.org/human-trafficking-in-slovakia/.
[45] *Id.*
[46] *Id*.
[47] *Situácia v Oblasti Obchodovania s L'uďmi na Slovensku* [The Situation in the Field of Human Trafficking in Slovakia], MINISTRY OF THE INTERIOR OF THE SLOVAK REPUBLIC (2021), https://www.minv.sk/?obchodovanie-s-ludmi-a-slovenska-republika.
[48] *Human Traffickers Jailed for Selling Slovakian Women in Glasgow*, BBC (Nov. 8, 2019), https://www.bbc.com/news/uk-scotland-glasgow-west-50345366.
[49] *Id.*
[50] *Id*.
[51] *Id*.
[52] *Id*.
[53] *Id*.