EPF Briefing Paper: Recent attempt to tighten the Slovak Law on Abortion

Summary

- In June 2020, the ruling coalition in Slovakia, led by the biggest party, the "Ordinary People and Independent Personalities" (OLaNO) proposed a bill to amend the abortion law.
- Of the four bills submitted to the National Council (Parliament), one (bill N°154 proposed by Hon. Anna Zaborska, MP) passed the first reading while the three previous attempts by the People’s Party our Slovakia (LS Naše Slovensko) (145, 144, 143) were rejected.
- If adopted, Bill N°154 would amend existing legislation on abortions and further impede access to the healthcare service in Slovakia.
- Main changes would include prolongation of the waiting time for an abortion from 48 to 96 hours and restrict the information doctors are allowed to provide.
- As a consequence, timely access to abortions and comprehensive information about the procedure is restricted.
- While the second reading is not yet scheduled, it will most likely take place in September 2020.

Full Briefing

On 14 July 2020, the Slovak National Council adopted a first reading of a draft amendment to the abortion law which would limit and obscure access to abortion. This is the second attempt to introduce this legislation, the first, unsuccessful try took place in September 2019 when it narrowly failed. The ruling coalition headed by OLaNO will most likely push to adopt a new law on abortion in Autumn. Public debate on this issue has polarised society and sparked outrage among women’s rights activists in the past few weeks.

Slovak Government

The ruling coalition formed in February 2019, is composed of a wide set of disparate political formations ranging from the of centre-right to anti-corruption and populists political groups, with these four political parties: OLaNO, We Are Family, Freedom and Solidarity, and For the People.

The ruling coalition controls 95 of the 150 in the Slovak National Council with:

- OLaNO: Ordinary People and Independent Personalities (affiliated with EPP): 53 seats
- We Are Family (affiliated with the far-right Identity and Democracy Group ID): 17 seats
- Freedom and Solidarity (affiliated with the ECR): 13 seats
- For the People (a conservative-liberal party): 12 seats
From 2009 - 2019 Anna Zaborska was an Slovakian MEP from the Christian Democratic Movement (European People’s Party). During her decade in the EP, Zaborska became one of the leading anti-choice/anti-gender politicians in firm opposition to SRHR and LGBTQI rights. In Slovakia, she is a prominent member of the Slovak NGO “Forum of Life”. In 2019 she created a new party – Christian Movement – but was elected to the Slovak National Council as a member of the Ordinary People and Independent Personalities (OĽaNO) party.

The National Council draft bill N° 154

The bill proposes several amendments to various healthcare-related laws. Please find a summary of the proposed changes below:

1) Increases the mandatory waiting period currently required before obtaining an abortion on request (permitted up to 12 weeks of pregnancy) from the current 48 hours to **96 hours**.

2) Extends the application of the mandatory waiting period requirement **to include any abortion except when a woman’s health or life is at immediate risk**. The mandatory waiting period would start to run from the time when a doctor determines that all legal requirements for performing an abortion have been met and the doctor sends a report confirming that a woman received the mandated information about pregnancy termination to the National Health Information Centre.

3) Extends the mandated information that a doctor must provide in writing as part of the ‘instruction’ (consultation) process preceding the provision of informed consent on abortion – such information would include information e.g. on maternity and parental benefits.

4) Permits doctors to fulfil their obligation by **providing written information prepared by civil society organizations, foundations, churches and religious associations** as long as such information is identical with the information mandated by a ministerial by-law.

5) **Eliminates the current requirement in the abortion law requiring a doctor to provide information on contraceptive methods and their use.**

6) Requires that abortions on health grounds and abortions on the grounds of fetal impairment can only be provided upon **obtaining two medical attestations**. The medical opinions would have to be provided by doctors from different health care facilities.

7) Extends a range of **personal data that a doctor must collect from the woman requesting an abortion**. Such information is then sent to the National Health Information Centre for statistical purposes. The new personal information would include **information on reasons for abortion other than health reasons and information on the situation at home.**

8) Mandates the Ministry of Health (MoH) to oversee the compliance with the requirements on the provision of necessary information on abortion and the mandatory waiting period requirement. It also mandates the MoH to issue a report on abortions in Slovakia (on an annual basis) which should contain: “analysis of statistical data collected on abortion, results of the control (by the MoH) in the healthcare facilities providing abortions, **analysis of reasons for abortions, and proposed measures to decrease the number of abortions, to support responsible parenthood and to support a favourable demographic development.”

9) Mandates the Ministry of Health to offer training on the provision of information and the instruction/consultation on abortion to doctors performing abortions as well as other persons who participate in the provision of such information and the instruction/consultation.
10) Introduces a ban on so-called “advertising” on abortion, services and goods provided or offered for the purposes of terminating a pregnancy as well as on facilities, organizations and persons providing abortions.

The bill also proposes a number of changes in laws related to social policy.

**Voting results and voting procedure**

For a law to be passed in the Slovakian National Council, at least half the members present must vote in favour of it. In accordance with the rules of procedure of the National Council bills must go through three readings. **In the first reading,** the bill no 154 **received wide multi-party support** translating into 81 votes in favour of the bill, including three votes from the S&D affiliated SMER party. Only two, small conservative-liberal parties *Freedom and Solidarity* and *For the People*, voted mostly against the bill.

- Voted in favour: 81
- Voted against: 17
- Abstained from voting: 34

The second reading is not scheduled yet, but it will most likely take place in September 2020.

The new law must be signed by the President, who **can also veto** any bill or proposal by the National Council. However, the veto can be overridden if the National Council passes the same bill again with a majority of all members of the Council, so this power is considered quite weak.

**Social perception of abortion in Slovakia**

*Only 31.7 per cent of Slovaks agree that abortion legislation in Slovakia needs to be stricter.* Almost 60 per cent of those polled are against changes to the law. Religious people from the eastern, rural parts of the country are mostly in favour of the new bill.