



HIGH LEVEL EUROPEAN SEMINAR

# PREVENTING ABORTION IN EUROPE

Legal framework and social policies

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## *Abortion in Slovakia*

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Good morning. My name is Patrik Daniska from Slovakia, from a prolife movement in Slovakia.

I will be speaking today about abortions and protection of life in Slovakia. I will be focusing really on the issue of abortions. But before I go there, I would like to say abortion is just one big challenge for prolife movement especially in Slovakia. As regards numbers of embryos being killed or numbers of human beings being killed. If we look at the other two topics which are very important those of IVF or the other reproductive technologies which are probably an even bigger problem, more embryos die in the process of the IVF than abortions and another big topic is contraceptive, day-after pills even illegal abortion pills, which we don't know exactly how many embryos die because use of the contraceptive day-after pills and so on. But it's certainly a huge number. So today I will be speaking about abortions only. Those two other topics are so important we should also pay attention to that. We are not so good, in Slovakia to address these issues. We would like to open these topics but abortion is something which is already a historical topic and we know how to speak about this. So today, I will be speaking about abortions only.

## **1. Let's move to slide number 2.**

Abortions were legalized in Czechoslovakia in 1957 based on instructions from the Soviet Union and we legalized abortion together with other countries like Poland, Hungary and other Eastern European countries. For those 60 years, in December this year it will be sixty years of legal abortions in Czechoslovakia. In Slovakia there were 1.4 million of abortions which is about every fourth child was killed during abortion. In 2016 there were about 6,500 abortions which counting for thousand women in reproductive age is about 4.9 per 1000 women.

So, let's look at the current legislation on abortion.

Abortion is completely legal within the first 12 weeks of gestation for whatever reason abortion on request is legal, a fee must be paid. It's the majority of abortions, abortion on request. Within the first 12 weeks of gestation also abortion for health reasons are allowed. The difference is that these are covered by health insurance.

Abortion is being done also in the second trimester for genetic reasons. This is a rather problematic part as regards legislation. Because we did have specific provisions saying that abortion is legal or abortion is legal within 24 weeks of gestation. It was in the decree, the Constitutional Court cancelled this part of the decree and said that such revision should pass by Parliament into the act and Court ask our Parliament to put this into the act, but Parliament never did so this provision about 24 weeks disappeared from our legislation but the practice remained and nobody really wanted to do something with this because we did have for very long time, very pro-choice and liberal general attorney so it would be kind of risky whether some kind of crazy interpretation of the law would not be accepted such as the genetic reasons, abortion for a genetic reason would be legal without a limitation or something like that.

But this is something we can work on in the future. There is no time boundary in cases of woman's life endangered or foetus is "incompatible with life", or in case of severe abnormality. But in practice in third trimester, there are no abortions in Slovakia or if this happens it is only in the second trimester, not the third.

## **2. Let's move to slide number 3.**

Here you can see sentences, red lines are bad changes, green are good, and blue is super good. So when you look at the bottom of the screen, the green line shows the number of spontaneous abortions and miscarriages which is stable. The red line, shows the number of abortions per year which are induced abortion. That is the important part. And the blue line is the sum of the other two. And you can see that the number of

abortion was going up and down through those 60 years. Now we will look at how the legislation influenced this chart, this growing upon and down of abortions. So in 1957 abortion was legalized for health reasons, criminal reasons and social reasons. You can see that people really quickly started to get used to it. Within three years the number of abortion was doubled. It proves that the legalization of something makes it more acceptable and still more and more people got used to it and had abortions. In 1963 there were some protective laws passed especially abortion committees were established. It was an official state counselling service. A woman who wanted to have an abortion, had to speak to a committee and they checked whether conditions were met and also, there were supposed to speak to her and try to recommend her whether she could somehow solve the situation in a different way than abortion. And also in 1963 fee for abortion was established. So, you can see that there was a drop down of the number of abortions. But the natural trend still continue to grow up, number of abortions then in the 70s, the whole 70s, there was pretty good pro-family policy implemented in Czechoslovakia. So also a lot of children were born in the 70s and there were also some restrictions put on abortions especially in cases women which had no children or one child and in cases of repetitive abortions, so it could have also some positive effect on the number of abortions.

Then you can see the line is growing up again and in the end of the 90s there is a sharp increase of abortions there was a new law passed in 1987 legalizing abortions for any reason which is the current situation which have still this valid law from 1987. Abortion committees were cancelled, from one year to another there was an increase of about 22% of the number of abortions. Then the huge change, paradigmatic change took place in 1999, and from this 1999 every year we had less abortions than the previous year. Currently the drop down is about five hundred abortions each year and the main reason of what happened or description what happened is during the communism people really could not speak about abortions, could not criticize it because it was law and somebody was critical to law, it was critical to the State and could have problems. There were some illegal journals that circulated within dissident circles, where abortion was criticized, but not in public. After 1999 it changed and people started to realize that abortion is not so good a thing like it was presented in the past. And then were two changes in recent history, 2007 ; Decision of the Constitutional Court which was supporting abortions and 2009 we had passed legislation enacted 3 prolife incentives which are informed consent, parental consent, and 48 hours waiting period.

### **3. Let's move to slide number 4**

I will shortly say something about the decision of the Constitutional Court. Our Constitution is rather specific regarding the provisions protecting life, because there are two sentences. First sentence say that "Everyone has the right to life". But the second

sentence was added saying that “Human life is worth protection even before birth.” This second sentence was added by prolife politicians who wanted to put some bases for protection of human life before birth. And what the Constitutional Court did was that they misused this second sentence and said that the first sentence is protecting life of born people, of persons, of subjects of law, while the second sentence is providing for lesser standard of protection of unborn babies. Meaning that protection of life before birth is not to be considered as a human right, a subjective right of a person, but rather it is just some kind of protected value something like environment or cultural heritage

They found out right for abortion in human right to privacy, which is not written there, but they founded there and they put into scale right of women for abortion on one side or right of women for privacy and some kind of protected value on the other side and Court said that human right of woman must prevail. When prolife politicians filed a petition to the Constitutional Court, they thought “we will gain the victory through the Court” but the exact opposite happened that Court actually passed a decision which is making our situation even worse because it’s put some restrictions on our future attempts to regulate abortion. So, the lecture from this is if you don’t know what’s going to happen at the Constitutional Court you rather not go there and use rather more political tools, democratic tools, to pass new legislation, not shorten this through Constitutional Court.

#### **4. Let’s go to slide number 5**

Regarding the pro-life incentives, we have the first of them passed in 2009 following the decision of the Constitutional Court. There was informed consent, which means pre-abortion counselling which must be in both verbal and written form provided by medical doctor, and must include information about purpose, nature, how the procedure of abortion looks like and consequences of abortion, then there must be information about physical and mental risks for the woman. Third, information about the development stage of the baby and information for the woman that she can get an ultrasound record. Fourth information is about alternatives to induced abortion, especially confidential birth which takes place in hospital, the woman’s identity is hidden, she doesn’t have a record about the baby in her documentation and the baby doesn’t have information about his mother. Then there is a regular process of adoption and also information about the possibilities to obtain financial, material or psychologic help provided by various NGOs or churches.

This was very good and very helpful but unfortunately some of this does not work very well. So there are some problems in the practice. First the verbal counselling is not provided correctly in many cases, because some medical doctors who perform abortions

are not really willing to spend time informing women and discouraging them to have abortion. While the others, I heard about doctors who perform abortions and they use these opportunities very strongly and they speak to women they try to convince them, so it very much depends of the medical doctors, and their approach to abortion. Written information is not sufficient, it's prescribed in the decree it was not drafted by pro-lifers, but by socialist minister and his advisers, and it's rather vague and not complete especially regarding risks for women, so we tried several times to fix this and we did not succeed yet we are now trying again so we will see. The third problem with this legislation is that the woman should receive a list of organization providing help to her, but she only receives information that such a list exists and can be found somewhere on the website of the Ministry of Health, so it's not really helpful. So we also are trying to fix this, then women will really get this list into their hands.

## **5. Let's move to slide number 6**

Prolife changes are increased of parental consent, parental informed consent from 16 to 18 years of ages. For minor girls there are two consents needed parental and girls' consent. There is also a mandatory 48-hour waiting period. The idea behind is that woman should be counselled and should have sometimes to think about it, two days. So abortion can be made only two days after providing this counselling. In practice, again some clinics do not follow this rule, is not really enforced and there are some commercial and ads saying that abortions in their place is quick and secure. I mean you know they say "quick" which means they probably do not really obey this rule.

## **6. Let's move to another slide, number 7: Objection of conscience**

I would like to show you the provision which we have in our Act on Healthcare Providers, objection for individuals which is very general and very generous, and pretty good. I will quote "Healthcare professional cannot be required to perform or participate in procedures and actions that are contrary to his conscience". It means any procedures or any actions, it's not limited to any specific actions. "Except in cases of imminent danger to life or health of persons. If a healthcare professional exercises his conscientious objection, he must inform his employer and when exercising his patients, also his patients". This provision is very generous to the individuals, I haven't heard about every single case or misuse of this provision. There are benefices of such provision because if anything occurs, even in the future let's say if we legalize euthanasia or whatever research, problematic research, it is already including in this objection for individuals and it can be used. On the contrary objection for institutions is

more limited and can be invoked only if respective personnel have invoked their right to conscientious objection and only in the cases of induced abortion, sterilization and assisted reproduction. This is not really in line with the resolution of the Council of Europe which says that also hospitals and institutions should have a right to object. In cases where the human life is being taken. I haven't heard about cases that faith-based organization such as churches, hospitals, would be forced to make abortions. But we had practical problems with this, when we had some campaigns, prayer campaigns in front of the hospitals in Slovakia and people who run this campaign, they also visit management of the hospital, speak to them and ask to them to stop making abortions and many of the management of the private hospitals say that "we would like to do that, we would have no problem with it, but in fact legislation does not allow to ask as a management to make this decision, if you convince all the doctors then they don't want to do it. We will accept it and we will be happy but we as management cannot do this." So this is practical, limitation of this legislation here in Slovakia. It's another possibility to change.

## **7. Let's go to slide number 8**

We have also right to bury unborn babies. In Slovakia for twelve years already but the problem was that many parents and also many medics and hospitals didn't know about this right. There is a new legislation from April 2017 saying that hospitals must inform parents about their right to bury their child or miscarried child, even without a limitation of the gestational stage. In Czech Republic they didn't have legislation allowing parents to bury miscarried children. They fixed it this year and they also added some new provision saying that if parents will not ask for burial within four days, their babies will be buried by municipality if the weight of baby is 500 g or more or will be cremated if the baby are less 500 g. So this is big inspiration for us and we will try to bust something like this also in Slovakia. And on this topic somebody could say it's not really saving lives but we are saying that is prolife that, we value human life and human dignity of all equally and therefore we want to protect them, somebody can ask "Ok so, show me where all those graves of miscarried babies if you really value them same with born people where are the graves and the question is legitimate. We are adults. We understand that this is wider approach to bring dignity of all people including unborn babies into the focus and is also a huge help for many parents who lost their babies and would like to have a burial process. And this is something which doesn't have to be present only in prolife legislation also secular people are sometimes very open to this topic because they may have their own experience with wanting child and so and so. This is a good thing for everybody, if countries do not have this kind of legislation, to pass it.

## **8. Let's go to slide number 9**

What we realized in Slovakia is that abortion is pretty much a regional problem. There are parts of Slovakia especially on the North, which are more religious and there is a very low abortion rate. On the contrary in the middle part of the country and in the south, there are regions with a high abortion rate. If you look at the bottom right side of the slide, you will see a legal map of Slovakia where those little flags show facilities where advisory services from pregnant woman are provided or accommodation services for pregnant woman are provided, and you can see that there are located especially in the part of country where abortion numbers are lower while in the parts of the country where abortion is high, there is very little such organizations. And it has some logic because where people are more prolife, they tend to establish institutions and they tend to have less abortions. While where abortion culture is very spread, people are not founding institutions and they have a lot of abortions. So what we are trying to do now, is in activities to focus especially on these regions with high abortion rates, to build up new institutions, consultant services, counselling services, or organizing campaigns and so on. This is something which I think will bring, you know more success in decreasing number of abortions.

## **9. Let's go to slide number 10**

We have also found out that public opinion is supporting our prolife cause, when we were asking through the local polling agency, which is probably the best of the market, "What is the opinion of people about abortion?" Only 25% of people support abortion for any reason which is the current state of legislation. A wide majority people would agree with abortion for serious reasons only and 11% disagree with abortion for any reason.

So we can see that really the majority of people are more conservative, more prolife than the current legislation. If you look at slide number eleven, there is a situation on what people think about abortions in specific cases. Danger of mother's life or health, foetus is damaged or genetic reasons, and also criminal cases. This in this kind of hard cases the majority of the population, think that abortion should be legal, but abortion when pregnancy disrupt the psychological well-being of mother or economic or social reasons, or undesirable sex of the child, less than half of the population thinks that abortion should be legal for this cases.

So, this is pretty much the Polish model and this helps us understand the situation in Slovakia and also this gives us a certain support in communication with politicians what

should be middle term goals what should we reach, where could we go, in order to copy the opinion of the public and to put it into the laws and make them more prolife than they are now.

Another good practice in Slovakia is organizing National March for Life. We did have two National Marches for Life in 2013 and 2015, around 80 000 people came for both of these. We were very surprised because we expected maybe 20 000 people and in the end we were 80 000. It was really a big success. What most interesting that we organized this marches when there was no specific legislation problematic, legislation purpose or anything like that, we just did it and sent a message both to society and politicians that, this is a topic which a lot of people really think it's important for them, so politicians now don't really want to change the legislation in the wrong direction because they know there is a strong movement against abortions.

In 2015, we have set 3 main goals.

First it was building a positive image of the prolife movement. There was a lot of music, we didn't really push much in the speeches, we wanted to speak about organizations providing help and I think this was accomplished because most of the people you are not prolife they could see that prolife movement is not only about forbidding abortion but it's also a positive message about the beauty of life, about helping woman in crisis and so on. This should be sort of the goal of the March is to make this movement be more attractive for the general population. And also spreading the news on organizations providing help, we had also 30 purposes for political parties, regarding both life issues and family issues.

## **10. So let's go to the plans for the future.**

We should keep doing good things which we are doing now. It means building institutions, counseling services, education and all that activities, with special focus on youth because young people who will make decision about all this in the future, focusing on the Christians, because Christians are probably the only group in society which is willing to go against mainstream and in a certain way to be dissidents of our times. Christians are very important to be well informed and encouraged to speak on a public square on these topics. Also we should be focusing on the most problematic part of the country. As I said there are other topics which are important, we didn't yet open IVF issue in Slovakia, we should do it, because maybe twice as many embryos dies during IVF process as in abortion's process, and even believing Christians use IVF. It's a problem and we need to open it in a very sensitive manner and very reasonable manner not to ask too much for the beginning because it would turn against us. Then the topic of contraception and also an emerging problem is euthanasia. It is not legalized but



maybe the public opinion is slowly moving, also on this topic we have to also discuss more about this topic.

As regards legislation on abortion, there are certain short-term goals. Which means we are try to focus on small realistic goals, such as better informed consent, enforcement of existing laws, better support for pregnant mothers and these procedures of burial of unborn babies, cremation of all unborn babies and similar. Which are, possibly reachable within any government, any political situation because these are not really red flags for the opposing party, it's more about providing help, support and so on. This is something we are trying to work on even when there is no prolife government, then there is middle-term goal, how to limit abortion for hard cases only and it means we would like to change the legislation, for it to copy the public opinion because the public opinion is more conservative, more prolife than current laws. We have this big problem with decision of the Constitutional Court which we need to somehow address maybe some amendments to the Constitution probably. And of course we had a long term goal which is equal protection for all people including unborn babies.

There would be all for my part. Thank you very much for the opportunity to speak about Slovakia, and I would like also to thank to all the people who are involved in prolife movements, for everything that you are doing because this is precisely what would I think is important to do. Thank you very much.