

20 April 2005

Mr. Mikuláš Dzurinda
Prime Minister of the Slovak Republic
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Dear Prime Minister Mikuláš Dzurinda,

As religious, women's rights and human rights leaders from across the globe, we write to express our deep concern about the "Treaty between the Slovak Republic and the Holy See on the Right to Exercise Objection of Conscience." The right of individuals to exercise objections of conscience and not to be forced to engage in actions they consider immoral or unethical is a right we all support; however, we recognize that there are occasions when that right may come into conflict with needs and rights of other citizens—including those granted by Slovak law—as well as with their personal ethical values. Our concern is that this specific treaty creates serious legal problems and insufficiently addresses these possible conflicts. We ask you reconsider plans to sign and ratify this Treaty.

The Treaty will set a dangerous precedent in legal history. If ratified, the Treaty will become an "international human rights treaty," taking precedence over both Slovak law and the judiciary. As a result, Catholic teaching may encroach on Slovak law and the judicial process, violating the impartiality of the courts.

The Treaty violates the Slovak principle of separation of the state and church. The first article of the Slovak Constitution affirms the separation of the state and church. The ratification of this Treaty would transform The Slovak Republic from a relatively secular state into a state where the dogma of one religion—Roman Catholicism—dominates all public spheres. If the proposed Treaty is ratified, the Holy See—a subject *sui generis* of international law that does not qualify for membership to the Council of Europe because its political structure and its legislation contradict the European Convention of Human Rights—would be able to impose its moral doctrine onto the citizens of the Slovak Republic, regardless of their religious beliefs or faith. If ratified, the Treaty would grant the Holy See the privilege to be a colegislator in the Slovak Republic.

The Treaty violates Slovak commitments to Convention on Elimination of all forms of Discrimination against Women (CEDAW) and the International Conference on Population and

Development Programme of Action (ICPD). The Slovak Republic has committed to work on eliminating all forms of discrimination against women and to respect and promote women's sexual and reproductive rights. The moral doctrine of the Catholic church, however, opposes contraception and abortion, even to save the life of a woman. This severely curtails women's basic human rights. It should be noted in the context of the Treaty that for ICPD, several attempts were made by the Holy See to introduce language regarding the right to conscientious objection. These efforts were rejected by the full conference as overreaching

and a burden to access to reproductive health services, as they went beyond guaranteeing the right to objection to individuals by seeking to give that right to institutions as well.

This Treaty is unnecessary. Article 10 of the Charter of Fundamental Rights of the European Union, which will soon be ratified through the European Constitution, guarantees the freedom of conscience and of conscientious objection. This will be legally binding on The Slovak Republic. Other less limiting methods of granting the right to conscientious objection are available through legislation, a more democratic root than an international treaty. In the name of the universal right to the freedom of religion, of thought and of conscience, for the honor of the Slovak Republic and for the well-being of the Slovak people, we urge you to reject this Treaty.

Sincerely,

Signatures:

Organizations listed for identification purposes only.

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