



European Court Again Ruled Against Slovakia in Case of Forced Sterilization – Third Time in a Year

Košice, Slovakia, 13 November 2012: Center for Civil and Human Rights (Poradna) welcomes today's decision of the European Court of Human Rights in case *I.G. and Others vs. Slovakia*. The case was lodged with the European Court already in 2004 by three applicants, who were forcibly sterilized in Krompachy Hospital under different circumstances in 1999-2002. The decision is already the third one, in a course of a year, when the European Court ruled against Slovakia for forced sterilizations of Romani women. Poradna calls on the Slovak Government to finally stop pretending that these serious violations of human rights were made up by the activists, to admit its responsibility and to compensate all victims.

"I am happy that after so many years, the European Court ruled in our favor and recognized what we have been claiming all the time: our sterilizations were done against our will. I thank the Court on my own behalf and on behalf of other Romani women. I only regret that nobody believed us in our own country and that we had to go all the way to Strasbourg to get justice" commented on the decision *I.G.*, one of the applicants.

All three applicants in the case were granted anonymity by the European Court and their names and identities cannot be revealed to the public.

"European Court yet again confirmed that forced sterilization – sterilization without an informed consent - represents a serious interference into women's fundamental human rights, guaranteed by the European Convention and other treaties. Slovakia is bound by these treaties and must respect them. It is about the time that the Slovak Government accepted its responsibility for this illegal practice," said Vanda Durbáková, legal counsel for the applicants.

"Today's decision is of a particular importance to us: the applicants in this case were the very first ones who decided to fight for justice and bring their cases forward. Their courage and determination empowered other Romani women to do the same and have motivated all of us in Poradna. However, we are asking how many decisions of the European Court must there be for the Slovak Government to stop denying its complicity in a whole matter and take action against it for once and for all," commented Barbora Bukovská, legal counsel for the applicants.

All applicants were forcibly sterilized in Krompachy Hospital; while applicants *I.G.* and *M.K.* were underage minors at the time of the interventions.

The applicant *I.G.* was sterilized in 2000, during the delivery of her second child. She was not informed about the intervention at the time and found out about it only three years later, after she examined her medical records in the Krompachy Hospital.

The applicant *M.K.* was sterilized in 1999, also during the delivery of her second child. She and her parents found about the intervention only after it was already performed on her.

The applicant *R.H.* was sterilized in 2002 without her informed consent.

Since 2003, all applicants were seeking the recognition of illegal nature of the interventions and compensations at the Slovak courts, including the Constitutional Court. They also acted as injured parties in the criminal proceedings, led by the Slovak law enforcement authorities from 2003 onwards.

Only the applicant M.K. received compensations from the District Court in Spišska Nova Ves in amount of EUR 1,593. The European Court, however, did not find this compensation adequate in the light of the seriousness of the violations.

The applicants brought their cases to the European Court already in 2004, claiming violations of several of their rights guaranteed by the European Convention on Human Rights (Convention).

In its decision from 13 November 2012, the European Court ruled in favor of the applicants I.G. and M.K. Since the third applicant, R.K., died during the course of the proceedings, the European Court did not consider her complaint.

The European Court declared that the sterilization without informed consent of their legal guardians violated the Slovak legislation valid at the time of the interventions. As such, it violated their right to be free from inhuman and degrading treatment, guaranteed by Article 3 of the Convention. The Court also found that the investigation led by the Slovak law enforcement authorities into the case did not meet the standards of effective investigation guaranteed by the Convention (procedural aspect of Article 3). Yet again, the European Court found that Slovakia also violated the positive obligation under Article 8 of the Convention to provide effective protection of reproductive right of Romani women, who are particularly vulnerable group in the population.

Apart of the violation of Articles 3 and 8 of the Convention, the Court ordered the Slovak Government to pay the compensations to the applicants in amount of 28,500 EUR and 27,000 EUR respectively and the reimbursement of their legal costs.

The full decision of the European Court is available at <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-114514>.

Poradna warmly congratulates the applicants to the victory in this case. We also wish to express our continuous admiration for their courage and strength in fighting for their rights and for the rights of Romani women in Slovakia at large.

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- **CONTACTS:** For more information, contact **Vanda Durbáková** at tel./fax: +421-55-68 06 180, +421-908-695 531, e-mail: poradna@poradna-prava.sk or **Barbora Bukovská** at: +44-789 684 5539 or E-mail: bbukovska@post.harvard.edu.
- The **Center for Civil and Human Rights** (Poradna pre občianske a ľudské práva) is a human rights organization, based in Košice, Slovakia, founded on 6 November 2001. It conducts advocacy, strategic litigation and educational activities to combat discrimination against Roma in the country. In 2002, the Center documented the practice of forced sterilization of Romani women. Since then, it has been litigating individual cases of forced sterilization in the domestic proceedings and at the European Court of Human Rights and advocating for the redress to the victims of this practice.
- The Center for Civil and Human Rights would like to express its appreciation for a generous support of MamaCash Foundation, Oak Philanthropy, the Open Society Institute, Fillia Frauenstiftung, DOEN Stichting, Slovak – Czech Women´s Fund that contributed to the Center´s legal and reproductive rights program. The Center also thanks INTERIGHTS for their assistance with the application to the European Court.