



PORADŇA PRE OBČIANSKE A ĽUDSKÉ PRÁVA

CENTER FOR CIVIL AND HUMAN RIGHTS

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New Victory of Forcibly Sterilized Romani Woman at the European Court

Košice, Slovakia, 13 June 2012: Center for Civil and Human Rights (Poradňa) welcomes the decision of the European Court of Human Rights (European Court) in *N.B. vs Slovakia* - yet another case of forcibly sterilized Romani woman. The applicant, N.B., was sterilized forcibly as an underage minor in the Gelnica Hospital in 2001. The decision comes only few months after the first decision in a similar Slovak case in November 2011. At this occasion, Poradňa calls on the Slovak Government to immediately change its longstanding position on the practice of forced sterilization of Romani women and adopt conceptual measures of response, including effective investigation of all cases and apology and compensations to all victims.

"This case represents another important milestone in our decade long struggle to obtain justice for forcibly sterilized Romani women in Slovakia. We are glad that the European Court sent a clear signal to the Slovak Government: forced sterilizations must not be tolerated. Pursuant the European Convention and other international human rights treaties, the Government has a responsibility to secure women's reproductive rights, to thoroughly investigate every case of violations and to provide compensations to all aggrieved woman", stated Vanda Durbáková, legal counsel to the Applicant.

"After this decision, it should be crystal clear that the stance of the Slovak Government on its responsibility for the practise of forced sterilization of Romani women is unacceptable and unsustainable. It seems that the Government is willing to face an international humiliation and condemnation every seven months rather than to admit its complicity in the whole matter - for once and for all. The Government must apologize to the victims and compensate them. Doctors who engaged in the practice must be brought to justice," added Barbora Bukovská, legal counsel of the Applicant.

Similarly as in an earlier case in a similar matter (*V.C. vs. Slovakia*), the European Court granted the applicant an anonymity and her name and identity cannot be revealed to the public.

"I thank the European Court for deciding in my favour. I do so not only for myself but also for all my Romani sisters who had been the victims of the same practice. It is sad that we, Romani women, have to go all the way to Strasbourg to seek justice," commented N.B., the applicant in the case.

The applicant, a Romani woman, was forcibly sterilized in the Gelnica Hospital, during the delivery of her second child via caesarean section on 25 April 2001. At the time of the

intervention, the applicant was 17 years old, a legal minor, and the sterilization was performed – in violation of the law - without the consent of her legal guardians. Moreover, the applicant was not informed about the intervention and no note on this was entered in the release report from the hospital. In fact, she found out about the sterilization only several months later, after her lawyers reviewed the medical records in the Gelnica Hospital. Since 2004, the applicant has been seeking redress for the illegal intervention at the Slovak courts, including the Constitutional Court, and she also initiated criminal proceedings against the doctors. In 2008, the District Court in Spišská Nova Ves granted the applicant compensations in amount of app. 1,590 EUR, which was inadequate in the view of the seriousness of the intervention. After the law enforcement authorities and the Slovak Constitutional Court rejected her complaints, she filed an application with the European Court in 2010 and claimed violation of her rights under the Convention.

In its decision of 12 June 2012, the European Court decided that sterilization performed on the Applicant was in violation with Article 3 of the Convention (guaranteeing the protection from cruel and inhuman treatment) and constitutes the violation of her rights for protection of private and family life under Article 8 of the Convention.

In its decision the European Court concluded that forced sterilization violated the applicant's physical integrity and was grossly disrespectful of her human dignity. It was found that the sterilization was performed on the applicant while she was in labour and she was made to formally agree to such a serious medical procedure when her cognitive abilities were affected by medication. Further, she was wrongly told that the procedure was indispensable for preserving her life. The Court also found Slovakia failed to comply with its positive obligation under Article 8 to secure through its legal system the rights guaranteed by that Article, by putting in place effective legal safeguards to protect the reproductive health of, in particular, women of Roma origin as a vulnerable group in the society.

Apart of the violation of Articles 3 and 8 of the European Convention, the Court ordered the Slovak Government to pay the compensations to the Applicant in the amount of 25,000 EUR as well as the reimbursement of her legal costs.

The decision of the Court is available (in English) at:

<http://cmiskp.echr.coe.int/tkp197/view.asp?item=1&portal=hbkm&action=html&highlight=N.B.&sessionid=99443044&skin=hudoc-en>.

The Center warmly congratulates Ms N.B. We really appreciate a trust of all forcibly sterilized Roma women whom we provide with legal support and we admire them for their ongoing and enormous courage and patience in standing for their rights.

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- The **Center for Civil and Human Rights** (Poradňa 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 thanks all its staff and members for their time, effort, dedication and persistence in the work to eradicate the practice of forced sterilization in Slovakia.
- 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 and many individuals to the strategic litigation program of the Center that contributed to bringing this and other cases to the European Court.