

Joint Statement of

Amnesty International, London, U.K.
Center for Reproductive Rights, New York, U.S.
European Roma Rights Center , Budapest, Hungary
Human Rights Watch, New York, U.S.
International Helsinki Federation for Human Rights, Vienna, Austria
Konzorcium Urobme to (Consortium Let's Do It), Bratislava, Slovakia
Ludia proti rasizmu (People Against Racism), Bratislava, Slovakia
Porad_a pre ob_ianske a ludské práva (Center for Civil and Human Rights), Ko_ice, Slovakia
Slovensk_ helsinsk_ v_bor (Slovak Helsinki Committee), Bratislava, Slovakia

on the Issue of Illegal Sterilization of Romani Women in Slovakia

Embargoed until:

Tuesday, 22 July 2003

16:00 Central Europe Time

22 July 2003

In January 2003, the Slovak Government Office of Human Rights and Minorities filed a criminal complaint to investigate illegal sterilization practices against Romani women. The complaint was in response to the testimonies contained in the report *Body and Soul: Forced Sterilization and Other Assaults on Roma Reproductive Freedom in Slovakia*, published by the Center for Reproductive Rights and Porad_a pre ob_ianske a _udské práva. A press release issued by the same office on January 28, 2003, also noted that criminal proceedings would commence against the authors of the report under the Slovak Criminal Code for failure to inform law enforcement authorities of criminal activities if the findings of the report were found to be true and for “spreading of false rumors and creating panic in society” if the findings of the report were found to be false.

On June 23, 2003, the Slovak government reported to the Parliamentary Assembly of the Council of Europe on the steps undertaken by the Slovak authorities to address these violations. The report informed the Parliamentary Assembly of the criminal and administrative investigations being conducted into allegations of forced and coerced sterilization in Slovakia and stated the Slovak government's assurance that it will not pursue criminal proceedings against the authors of *Body and Soul*.

The NGOs listed above urge the Slovak government to address key problems regarding the investigative process and recommend the formation of an independent commission of inquiry into allegations of illegal sterilization.

Complaint Against Human Rights Defenders

Amnesty International, the Center for Reproductive Rights, the European Roma Rights Center, Human Rights Watch, the International Helsinki Federation for Human Rights, Konzorcium Urobme to, Ludia proti rasizmu, Porad_a pre ob_ianske a _udské práva and Slovensk_ helsinsk_ v_bor (hereinafter “we”) welcome the Slovak government's recognition of the internationally protected right of human rights defenders to document and report violations and to engage in the promotion and protection of human rights, as evidenced by its decision not to pursue the criminal complaint against the authors of *Body and Soul*. By attacking those who defend the interests of Romani women and by implying that the Romani

women's testimonies in *Body and Soul* are false, the criminal investigation against the authors of *Body and Soul* had the effect of intimidating and threatening the Romani community. It is very likely that the criminal investigation may have inhibited or prevented victims of illegal sterilization from filing civil or criminal complaints or cooperating with investigators for fear of facing retribution.

We call on the Slovak government to ensure, through affirmative publicity, that the Romani community is fully aware that a criminal complaint against the authors of the report will not be pursued.

Criminal Investigation

The launch of the investigation into illegal sterilization practices is a positive response by the government. The manner in which the criminal investigation is being conducted, however, has been problematic in the following respects: it appears to have reached hasty conclusions before investigating all relevant crimes in connection with sterilization, ignored key evidence, including absence of informed consent, and has created an intimidating atmosphere for victims that has tended to dissuade them from coming forward. The investigation must be impartial and thorough and must respect the rule of law.

Thus, we call on the Slovak law enforcement authorities to:

- **Investigate all cases of alleged illegal sterilization throughout the post-communist period, including in all hospitals throughout the country;**
- **Investigate all relevant crimes in connection with cases of alleged illegal sterilization, including those violations related to the rights to health care, bodily integrity and reproductive self-determination;**
- **Examine the circumstances under which consent was given and not rely solely on a signature as evidence of consent. According to international standards and international medical associations, a signature alone is not *de facto* evidence of full and informed consent and there is no immediate threat to health that would require a doctor to perform sterilization without the full and informed consent of the patient; and**
- **Criminally prosecute those responsible for violations, including, but not limited to, all cases where sterilizations were performed on minors without the consent of the legal guardian as required by Slovak law.**

We welcome the commitment of the Slovak government to carry out the investigation with 'ethnic sensitivity,' as reported to the Parliamentary Assembly of the Council of Europe, and urge it to proceed with the investigation in a manner that respects the rule of law, including the rights of victims to be treated with dignity.

Commission of Inquiry

Slovakia must confront the past and present illegal sterilization practices in order to move towards a future that respects human rights. A commission of inquiry is needed to shed historical light on the specifics of why and how illegal sterilizations were and are being performed in Slovakia. Nations that have had similar policies and practices of forced and coerced sterilization have realized the need to acknowledge and address this issue or risk continuing harm to their societies. For example, Norway, Sweden, and the United States are confronting the truth with regards to past sterilization policies and practices which resulted in grave violations of reproductive rights of certain groups. They have set up or are setting up commissions to survey the extent of the practice, to offer recommendations for reform, and to compensate persons whose rights have been violated. In these countries, there had been virtually no present-day

allegations of such practices, yet responsible government officials understood the need to address past harms.

We call on the Slovak government to establish a commission of inquiry independent of the criminal investigation to inquire into past and present sterilization practices.

The body's mandate should be to investigate the full extent of the practice of coerced and forced sterilization in the communist and post-communist periods; propose legal and institutional measures to prevent the recurrence of the practice; and to recommend financial and other reparation for victims. The body should be comprised of independent and highly qualified medical and legal experts, as well as members of civil society and of the Romani community. Experts should be drawn primarily from Slovakia, but should include members of the international community.

Conclusion

The rights to have control over one's reproductive capacity and to bodily integrity are fundamental human rights that have been denied to many Romani women in Slovakia. Their rights to informed consent to sterilization, accurate and comprehensive health information, and non-discriminatory health services have been violated. As a member of the international community and party to international human rights treaties, Slovakia has a duty to rigorously investigate, end, and remedy the human rights violations committed within its borders.

###