



PORADŇA PRE OBČIANSKE A ĽUDSKÉ PRÁVA

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PRESS RELEASE

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Forcibly sterilized Romani woman achieved justice at the domestic court in Slovakia.

The District Court Košice II has decided that the Pasteur University Hospital v Košice, Slovakia, violated the rights of a Romani woman whom they sterilized without securing her informed consent. The court first instructed the hospital to apologize and, in a second verdict dated 19 February 2016, awarded the woman the right to financial compensation in the full amount requested of almost EUR 17 000. The part of the verdict concerning financial compensation has yet to take effect, as the hospital has appealed.

The woman was sterilized in 1999 while giving birth by Caesarian section to her second child, who was born premature. The doctor did not inform the woman that he planned to sterilize her until she was already in labor in the maternity ward, undergoing strong contractions, and very concerned for the life of her not-yet-born child. The next day she was informed that she had been sterilized, but was not provided with any other information about what the intervention had entailed or its consequences. Later the woman ascertained that a written "request" to be sterilized, with the date on which she had been delivered of her second child and signed by her, was in her medical records, apparently to give the impression that she herself had initiated the sterilization. Since that was not the case, in 2005 she sued the hospital. In her lawsuit, she woman asserted that the sterilization had been performed without her informed consent and without her having been provided with complete information about the nature of the sterilization intervention and its consequences, as well as without being given enough space and time in which to consider whether to undertake such a serious intervention into her reproductive capacity and rights. She requested the apology and compensation for non-pecuniary damages in the originally-requested amount of 500 000 Slovak crowns or not quite EUR 17 000.

The lower courts initially rejected the lawsuit, but the Slovak Constitutional Court decided in 2009 that those previous court decisions had violated her constitutional right to a fair trial and returned the case to the District Court for further proceeding. In 2011, that court decided that the Romani woman's rights had been violated and awarded her EUR 1 500 in compensation, which she then appealed.

The Regional Court, two years later, overturned that decision and returned the case back to the first-instance court, stating that the amount of the compensation was not proportionate to the seriousness of the violation of the woman's rights. In its ruling, the Regional Court pointed to a decision by the

European Court of Human Rights in Strasbourg, "[V.C. versus Slovakia](#)", which considered proportionate compensation for the illegal performance of sterilization to be EUR 31 000.

The hospital defended itself by claiming the sterilization was performed because the woman's life had been at risk during the course of delivery. The District Court confirmed, in accordance with previous Strasbourg court's verdicts, that **sterilization is never, under any circumstances a life-saving intervention and that a doctor cannot, therefore, perform it without a patient's informed consent.**

The illegal sterilization was performed upon the woman when she was 24 years old and negatively impacted her family life and psyche. She was awarded EUR 16 597 (the equivalent of the original request of 500 000 Slovak crowns) on 19 February 2016 as compensation for non-pecuniary damages, but the hospital is now appealing.

"I'm glad that after more than 10 years I have finally received satisfaction. No amount of money in the world can restore my health or make up for what I have suffered, but it is important, in my opinion, that women like me achieve justice. I would like to encourage all other Romani women to not be afraid and to defend themselves in cases where their rights have been violated. I am disappointed that the hospital has again appealed the verdict, but I believe the appeals court will decide my case fairly," the woman concerned said.

The Slovak based human rights NGO - [Center for Civil and Human Rights](#) has long provided free legal aid to the Romani woman who was harmed. Vanda Durbáková, an attorney working with the Center and the legal representative of the woman in this case, said the following about the decision: *"This ruling is in accordance with domestic and international human rights legislation. There is no doubt that the judgments of the Strasbourg court against Slovakia in previous similar cases were crucial to achieving this verdict. Unfortunately, it has taken an unbelievable 10 years for the domestic courts to award affected woman adequate compensation. From my point of view, this is a testament to the fact that our courts are still not able to guarantee effective access to equitable remedies in cases where fundamental human rights are violated. However, I believe this decision will send yet another signal to health care personnel that it is absolutely unacceptable for them to disrespect women's reproductive rights and their right to make a free, informed choice in this area."*

"The cases of this practice that we have documented to date and several other court decisions indicate that in independent Slovakia and the former Czechoslovakia many Romani women have been illegally sterilized in past decades. It is, however, an open question whether it is actually most effective for each individual woman to seek justice through the courts. I am convinced that other units of state power, in addition to the courts, should take responsibility in this direction. An independent commission should be created to effectively investigate this entire illegal practice and compensate the women harmed. Other countries such as Peru or Sweden have coped in a more comprehensive way with the practice of the illegal sterilizations of ethnic minority women. Also in the Czech Republic this way of compensating illegally sterilized women was recently profusely discussed at the Government level. However, the Slovak Government unfortunately has long ignored this question," Durbáková said.

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Information about the NGO:

The Center for Civil and Human Rights (*Poradňa pre občianske a ľudské práva*) is a non-governmental organisation based in Slovakia focused on the protection of human rights with particular emphasis on the rights of minorities and protection from discrimination. Poradňa has for a long time worked on the issue of discrimination against the Roma ethnic minority in various areas of public life. It has also been active in the protection of reproductive rights and protection from police brutality. Poradňa employs strategic litigation to combat discrimination and human rights abuses against minorities. Visit us at www.poradna-prava.sk.