



PORADŇA PRE OBČIANSKE A ĽUDSKÉ PRÁVA

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The UN Human Rights Committee calls on the Slovak Government to establish an independent body to investigate the past practice of forced sterilisation of Roma women

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The UN Human Rights Committee calls on the Slovak Government to acknowledge responsibility for the past practice of forced sterilisation of Roma women and establish an independent body to investigate its full extent. It results from concluding observations the Committee issued after the recent session with the Slovak government representatives in Geneva.

The Committee at the session held on 16-17 October 2016 considered the progress in the implementation of the International Covenant on Civil and Political Rights by Slovakia. The Slovak NGOs *Center for Civil and Human Rights (Poradna)*, welcomes its recent concluding observations that rightfully highlight many serious shortcomings in the protection of human rights in the country. The Committee draws particular attention to the shortcomings in the protection of women's rights as well as rights of different minorities living in Slovakia. Among others, it expressed concern over persistent discrimination and social exclusion of disadvantaged members of Roma minority and stressed the importance to prevent their school and residential segregation.

During the session with the government representatives, the Committee specifically raised the issue of forced sterilisations of Roma women that was documented in 2002 by Poradna and Center for Reproductive Rights (CRR) in a report *Body and Soul*.¹ The Committee has apparently reacted to judgments of the European Court of Human Rights that in 2011-2012 condemned Slovakia in three concrete cases and the Slovak Government subsequently compensated several forcibly sterilised women, who were applicants in those cases before Strasbourg's court. The Slovak Government noted that law enforcement agencies had conducted criminal investigation into reported cases in the past and did not find any violation of law. According to the Slovak Government, the cases of forcibly sterilised Roma women who achieved justice in civil courts should be considered only as individual failures that might happen in the past. In addition, any woman who might be affected by this practice, can initiate criminal investigation or bring claims to courts. Committee rejected the Slovak Government's standpoint and accentuated its prime responsibility in this regard. The Committee in its concluding observations expressly urges the Slovak Government to establish an independent body to investigate the full extent of the practice of forced sterilisations and to provide financial and other reparations to affected Roma women.

Over years Poradna has been representing a number of forcibly sterilised Roma women in criminal proceedings as well as before civil courts in Slovakia and provided the Committee with information

¹ *Body and Soul: Forced sterilization and other assaults on Roma reproductive freedom in Slovakia*. The report is available online at: <https://www.poradna-prava.sk/en/documents/body-and-soul-forced-sterilization-and-other-assaults-on-roma-reproductive-freedom-in-slovakia/>

about barriers these women are facing in access to justice in our country. Vanda Durbáková, attorney working with Poradna, and legal representative of a number of forcibly sterilised Roma women said in this regard: *"I am very pleased that the Committee in its concluding observations clearly translates the Slovak Government, what we have been promoting for a long time. I am convinced that court proceedings, indeed, may not every time be the most effective way to secure access to justice in cases of human rights violations, specifically when human rights violation seems to have systemic nature and could have affected considerable number of people. And that is just the case of forced sterilisations of Roma women, who have been documented in former communist Czechoslovakia as well as later in independent Slovakia. It is even more relevant when police and domestic courts fail to effectively resolve concrete cases in favor of affected women like in our country.*

"Over last 12 years, since I was engaged in these cases as an attorney, there is only one single decision of domestic courts, which is in line with the relevant jurisprudence of the European Court and granted forcibly sterilised Roma woman an adequate compensation. It took unbelievable 10 years to achieve it, and it is still only the first-instance one... In such conditions we cannot expect that affected Roma women are going to turn to the police or courts. In addition, the courts from its nature decide on individual cases of claimants - they are not able to document and describe overall character and extent of this practice," added Durbáková.

"It should be noted that in the past also countries like Sweden, Norway or Switzerland dealt with their own history of illegal sterilisations of women from ethnic minorities or persons with mental disabilities in a similar way. It is the highest time for Slovakia to start thoroughly dealing with this issue as well. The concrete institutional framework and competences of the extra-judicial body that the Committee asks to establish in this regard, should be thoroughly discussed now," concluded Durbáková.

Additional information:

Concluding observations of the UN Human Rights Committee on Slovakia:

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fMDA%2fCO%2f3&Lang=en

Relevant alternative reports to the UN Human Rights Committee:

<https://www.poradna-prava.sk/en/documents/together-with-partner-ngos-we-submitted-additional-information-to-the-un-human-rights-committee/>

<https://www.poradna-prava.sk/en/documents/we-submitted-the-written-comments-to-the-un-human-rights-committee/>

Recommended principles for the formation of a commission of inquiry into forced sterilization practices in Slovakia made by Center for Reproductive Rights and Poradna in 2003:

<https://www.poradna-prava.sk/en/documents/recommended-principles-for-the-formation-of-a-commission-of-inquiry-into-illegal-sterilization-practices-in-slovakia/>

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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.