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15-year journey to justice: The Appeal Court confirms financial compensation for an illegally sterilized Roma woman in Slovakia

The Regional Court in Košice as appeal court confirmed compensation for an illegally sterilized Roma woman in the full claimed amount of over EUR 16,000. The injured woman was sterilized without informed consent in 1999 in Krompachy hospital in Eastern Slovakia. She has been claiming justice in domestic courts for 15 years. Responsibility must therefore be assumed by the Slovak government to ensure access to justice for all survivors of this practice.

The damaged Roma woman was sterilized in 1999 during the birth of her second child by Caesarean section. She was not informed about the sterilization procedure by the hospital staff and did not give informed consent to this intervention. She became aware that she had been sterilized after the procedure.

Therefore, in 2005 she turned to the court to bring an action for the protection of personality and requested the court to order the defendant in the proceedings - the City of Krompachy (a legal successor of the abolished Hospital) to send her a letter of apology for unlawful intervention and financial compensation for non - pecuniary damages in amount of SKK 500 000 and legal costs.

The District Court in Spišská Nová Ves has repeatedly decided on the action of the injured Roma woman, and his judgments have been cancelled several times by the Court of Appeal. Finally, in 2011, the District Court ruled that unlawful sterilization violated the rights of the injured woman and ordered the defendant to send her written apology. That court decision has become final.

Subsequently, the courts only decided on the amount of compensation for non – pecuniary damage for illegal sterilization. In 2017, the district court ordered the defendant City of Krompachy to pay the damaged woman financial compensation in full. The defendant appealed the amount of compensation and the appeal was subsequently decided by the Regional Court in Košice.

By its current decision, the Court of Appeal upheld the judgment of the district court, confirming compensation for the injured woman in the full amount of more than EUR 16,000.

Since 2005, free legal aid for injured Roma woman has been provided by the Slovak grass-root NGO Center for Civil and Human Rights (Poradna).

This is the last case concerning unlawful sterilization of Roma women currently being decided by courts in Slovakia. In recent years, Poradna has provided legal assistance in court proceedings within its strategic litigation program to twelve illegally sterilized Roma women in total. Several of them have achieved justice and redress only at the European Court of Human Rights in Strasbourg.

Cases of unlawful sterilization were documented in 2003 in the published report [Body and Soul: Forced Sterilization and Other Attacks on the Reproductive Freedom of the Roma in Slovakia](#) in cooperation with the international NGO Center for Reproductive Rights. Its conclusions were based on 230 interviews with Roma women from socially marginalized communities in Eastern Slovakia, most of whom suspected that they had been sterilized without prior informed consent.

In recent years, several international human rights bodies have urged the Slovak government to take steps to effectively investigate this practice and to provide access to justice for survivors. In 2016, the UN Human Rights Committee recommended that the Slovak government to take responsibility and set up an independent body to investigate the whole practice. In 2018, the Slovak Public Defender of Rights also issued [an opinion](#) on this issue, which equally placed the responsibility of the executive and legislative authorities for its resolution. According to her, access to justice for survivors could be ensured by adopting specific legislation.

The damaged woman said after a decision: *“It has been a very long journey for me. I welcome the decision, but the money will not replace what they did to me in the hospital, that I can no longer have children.”*

“It is positive that the domestic courts finally awarded the injured woman adequate compensation. However, the entire trial lasted an unbelievable 15 years and the courts have made many mistakes during this period. That is also why I believe that in this case they have not been able to ensure a truly effective access to justice. At the same time, it should be emphasized that the courts may not be the only and most effective way to remedy allegations of serious systemic human rights violations of minorities, such as the forced sterilization of Roma women,” said Vanda Durbáková, a legal representative of the injured Roma woman.

Finally, the Slovak government should take responsibility and set up the independent commission to investigate the entire practice of unlawful sterilisations and to compensate injured women effectively and promptly. Such a solution is also required by the UN Human Rights Committee. Unlike the courts, the established commission could look at the whole practice more comprehensively and could explain what its overall nature and scope was in our society,” adds Durbáková.

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The Center for Civil and Human Rights is a Slovak based grass-root non-governmental organization dedicated to the protection of human rights and freedoms, focusing on the protection of minority rights and protection from discrimination. It has been giving attention to issues of discrimination of the Roma ethnic group in various areas of life in Slovakia. In 2002, the Center documented cases of forced sterilization of Roma women in Slovakia and since then has provided support to Roma women in litigation before domestic courts and at the European Court of Human Rights. Web: www.poradna-prava.sk

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