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For an immediate release

European Court for Human Rights Ruled in Favour of Forcibly Sterilized Romani Woman

Košice, Slovakia, 8 November 2011: Center for Civil and Human Rights (Center) welcomes the ground breaking decision of the European Court of Human Rights (European Court) in the case of *V.C. vs Slovakia*, in which a forcibly sterilized Romani woman sought compensations for her involuntary sterilization in the Slovak Hospital.

„We welcome the decision of the Court because it confirmed what the Center has been arguing for the last decade: the Romani women have been forcibly sterilized without their full and informed consent in the Slovak hospitals. The applicant in this case is one of the victims who bravely stood against this condemnable and horrendous practice,“ comments Vanda Durbáková, legal counsel to the Applicant.

„This case is an important breakthrough for Slovakia in dealing with the practice of forced sterilization. However, it is just a tip of the iceberg. The Center calls on the Slovak Government to finally stop denying its responsibility for the practice, apologize to all its victims and fully compensate them,“ stated Barbora Bukovská, legal counsel of the Applicant.

„I believe in justice and that is why I lodged this case. It is an incredible satisfaction to me that after so many years, the Court acknowledged that my rights have been violated“, stated V.C., the applicant in the case who had been granted an anonymity by the Court and her name and identity cannot be revealed to the public.

The Applicant, a Romani woman, was forcibly sterilized in the Prešov Hospital, a state hospital in Eastern Slovakia, on 23 August 2000, during the delivery of her second child. As attested by her medical records, shortly before this delivery was terminated by a caesarean section, while the Applicant was in labour and had contractions every three minutes, the medical personnel pressured her to sign one sentence in her medical file as “a request for sterilization”. The Applicant was told that unless she gave such signature, she or her baby would have died. The Applicant did not understand what sterilization meant but she signed the medical record nonetheless, as she was in fear for her life. Since 2004, the Applicant has been seeking damages from the Prešov Hospital at the Slovak courts, including the Constitutional Court. All her petitions were rejected in Slovakia. In 2007, the Applicant filed a complaint against the Slovak state with the European Court in which she complained of the violation of her rights under the European Convention.

In today’s decision, the first in the series of cases brought by forcibly sterilized Romani women, the European Court ruled in favour of the Applicant and declared a violation of her rights to freedom from inhuman and degrading treatment (under Article 3 of the

Convention) and the right to private and family life (under Article 8 of the Convention). The European Court rejected the claims of the Slovak Government that sterilization was "medically necessary" since sterilization is not a lifesaving surgery and the Applicant's informed consent was pre-requisite for the intervention. In the Court's view, the approach of the medical personnel of the Prešov Hospital was not compatible with the principles of respect for human dignity and human freedom embodied in the Convention as it did not permit the Applicant to take a decision of her own free will, after consideration of all the relevant issues.

„The way in which the hospital staff acted was paternalistic, since, in practice, the applicant was not offered any option but to agree to the procedure which the doctors considered appropriate in view of her situation,” noted the Court. *„[T]he sterilisation procedure grossly interfered with the applicant's physical integrity as she was thereby deprived of her reproductive function.....[Medical personnel] acted with gross disregard to her right to autonomy and choice as a patient. For the Court the treatment to which she was subjected as described above attained the threshold of severity required to bring it within the scope of Article 3 of the Convention [guaranteeing protection from inhuman and degrading treatment].”*

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 31,000 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=V.C.%20|%20Slovakia&sessionid=81473652&skin=hudoc-en>

The Center would like to express its gratitude to all its staff and members for their time, effort, dedication and persistence in the work to eradicate the practice of forced sterilization in Slovakia. We warmly congratulate V.C. and all other forcibly sterilized Romani women, who brought cases against Slovakia, for their enormous courage to stand up for their rights and fight against the practice of forced sterilization. We hope that this joint work will bring this shameful practice finally to the end.

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Notes:

- 1) **CONTACTS:** For more information, contact **Vanda Durbáková** at tel./fax: +421-55-68 06 180, +421-908-695 531, e-mail: poradna@poradna-prava.sk or **Barbora Bukovská** at: +44-789 684 5539 or E-mail: bbukovska@post.harvard.edu.
- 2) 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.
- 1) 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.