



**PORADŇA PRE OBČIANSKE A ĽUDSKÉ PRÁVA**

**CENTER FOR CIVIL AND HUMAN RIGHTS**

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8 January 2010  
Košice, Slovakia

Att.: The Committee on the Elimination of Discrimination against Women

Re: **Supplementary Comments of the Center for Civil and Human Rights on the Follow up report on Slovakia submitted to the Committee by the Slovak Government on 24<sup>th</sup> December 2009 as a response to the recommendations contained in the paragraph 45 of the Concluding Observation of the CEDAW following the examination of the 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> periodic reports of Slovakia from 14 July 2008**

Dear Committee Members:

This letter intends to supplement the Follow-up Report of the Government of the Slovak Republic (*hereinafter* “Follow-up Report”) on the performance of its obligations under the Convention on Elimination of All Forms of Discrimination Against Women (*hereinafter* “Convention”), set in paragraphs 45 and 55 of the Committee’s Concluding Observations (CEDAW/C/SVK/CO/4, *hereinafter* “Concluding Observations) issued during the 41<sup>st</sup> session on 18<sup>th</sup> July 2008, following the examination of Slovakia’s 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> periodic reports on 14 July 2008.

The Center Civil and Human Rights (*hereinafter* “Poradňa”), a Slovak independent non-governmental organization, hopes to further the work of the Committee by providing independent information concerning the implementation of the Committee’s recommendation contained in the paragraph 45 of the Concluding Observations by the Slovak Government.

We note that Poradňa provided the Committee with the supplementary information to the 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> Periodic Report during the examination of Slovakia during the 41<sup>st</sup> session. The information provided by Poradňa specifically focused on discriminatory practices violating the reproductive rights of Romani women in Slovakia, namely by the practice of forced and coerced sterilization. Since 2002, Poradňa has been providing legal and social support to victims of this practice. Hence, we have been closely monitoring the implementation of the Committee’s recommendations contained in the paragraph 45 of the Concluding observations.

Specifically, in the paragraph 45 of the Concluding Observations, the Committee recommended the Slovak Government to “*take all necessary measures to ensure that the complaints filed by*

*Roma women on grounds of coerced sterilization are duly acknowledged and that victims of such practices are granted effective remedies.”*

We regret to inform the Committee so far, the Slovak Government failed to implement the respective recommendation and did nothing to comply with its international obligations in this respect.

First of all, we stress out that **the Slovak Government has not adopted any special mechanisms to control the implementation of the legislation on performing sterilization<sup>1</sup>** by the health care providers (legislation that was adopted after the practice of forced sterilization was uncovered). In the Follow-up Report, the Government claims that the Ministry of Health has not received any petitions concerning misconduct in the performance of sterilisation procedures. However, we note that no awareness campaign has been conducted by the Government about the new legislation among the population and specifically among vulnerable groups, such as Romani women living in segregated Romani settlements, and about possible remedies in cases of misconduct. Subsequently, vulnerable groups often do not know how and where to complain against mal-practice of health care personnel. Moreover, due to long lasting discriminatory treatment of Romani women and due hostile environment in hospitals towards Romani women, these are also afraid to go forward with their possible complains.

In order to enable Romani women to go forward with possible complains in cases of violation of their reproductive rights, we find it is fundamental to raise awareness among them on their reproductive rights. In particular, the Slovak Government should develop and implement specific policies on this issue together with Romani organizations, particularly Romani women organizations. Such programs should include information on basic rights, such as the right to decide on the number and spacing of children and should also address the myths about sterilization and caesarean section. Women should be empowered to ask doctors for detailed information about their reproductive health and inquire about family planning.

As indicated above, the Government has failed to conduct such awareness raising exercise. So far, the Government only quote the legal provision on informed consent in the *National Programme on Care for Women, Safe Motherhood and Reproductive Health*, that however has not been adopted yet and the adoption of which is highly unlikely.

Moreover, the Government has **failed to introduce comprehensive guidance and training for medical personnel on obtaining informed consent and performance of sterilizations**. At the same time, **the Government has not introduced any comprehensive monitoring mechanisms to ensure that sterilizations are performed only upon provision of patients' full and informed consent** as mandated by international human rights standards.

Further, we would like to stress out that the Slovak Government has continued to downplay the seriousness of practice of forced and coerced sterilization of Romani women. It failed to respond to continuous complaints of Romani women on the practice and to calls for addressing the practice from domestic and international civil society and from international bodies.

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<sup>1</sup> Act No. 576/2004 Coll. on Healthcare, Services Related to the Provision of Healthcare, amending certain acts (hereinafter the “Healthcare Act”), effective from 1 January 2005.

As indicated in our earlier submission to the Committee in 2008, the Slovak Government has failed to conduct effective and impartial investigation in cases of forced and coerced sterilization and has not yet provided victims with the effective remedies. No efforts has been made by the Slovak Government to do so since the Committee's recommendations. .

Poradňa provides a legal and social support to the forcibly sterilized Romani women who are seeking justice. Some of the women, apart of taking part in the criminal proceeding which has been definitely ended by the conclusion that no crime was committed, filed also the civil lawsuits with the relevant courts against the hospitals whose employees performed the illegal sterilizations. In those, they are claiming damages to their health or non-pecuniary damages for unlawful interference with their personality. Several of the court proceedings are still pending. In most cases, the courts dismissed the complaints of Romani women reasoning their decision that performing the sterilization was necessary from the medical point of view. After exhaustion of domestic remedies some of the cases are now pending before the European Court of Human Rights in Strasbourg. Currently, Poradňa represents 5 Romani women in such proceedings. In two cases, the European Court declared the applications admissible and will be considering them on the merits.<sup>2</sup>

We find necessary to emphasize, significantly higher number of forcibly sterilized Romani women were identified in 2002. Our organization has been able to provide legal assistance only to very small number of victims. The number of victims is far higher that those currently represented by Poradňa domestically and at the European Court. Hence, we urge the Committee to make sure that the Slovak Government conducts independent action to trace and document the extent of this practice and to assure the moral satisfaction via formal apology as well as financial compensations to its victims.

We hope that this information is useful in the Committee's review of the Slovak government's compliance with the CEDAW. If you have any questions, or would like further information, please do not hesitate to contact us.

Sincerely Yours,

Vanda Durbáková  
On behalf of Poradňa

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<sup>2</sup> Application n.15966/04, in case *I.G. and Others vs Slovakia* and Application n. 18968/07, in case *V.C. vs Slovakia* available at <http://www.echr.coe.int/ECHR/EN/Header/Case-Law/HUDOC/HUDOC+database/> )