

Ref: CommHR/DM/sf 026-2021

**Mr Eduard HEGER**

Prime Minister of the Slovak Republic

**Ms Mária KOLÍKOVÁ**

Minister of Justice of the Slovak Republic

Strasbourg, 12 July 2021

Dear Prime Minister, Minister,

I am writing to call on you to take action to address the situation of victims of forced or coercive sterilisations in the Slovak Republic. Despite long-standing calls to address their situation, including ensuring access to compensation, remedies for these human rights violations remain elusive for many victims.

The issue of sterilisations that were forced, coercive or otherwise not subject to full and informed consent have by now been well-documented, both in regard of practices in communist-era Czechoslovakia, as well as in the 1990s and early 2000s in the Slovak Republic. While not the only victims, Roma women have been particularly at risk of such practices, seemingly driven by discriminatory attitudes against this minority.

Sterilisation has been recognised by the European Court of Human Rights (“the Court”) as a major interference with a person’s reproductive health status, bearing on manifold aspects of the individual’s personal integrity or physical and mental well-being and emotional, spiritual and family life. Making such an intervention without full and free consent has been found to be incompatible with the requirement of respect for human freedom and dignity. Furthermore, even in cases where consent had formally been sought, the Court found in specific individual cases relating to the Slovak Republic, including [V.C. v. Slovakia](#) (2011), that these had displayed gross disregard for the right to autonomy and choice as a patient, and that the manner in which consent was obtained was liable to arouse in the victim feelings of fear, anguish and inferiority and to entail lasting suffering. As such, in these cases the Court found a violation of the prohibition of torture or inhuman or degrading treatment or punishment contained in the European Convention on Human Rights (ECHR).

While the Slovak Republic has subsequently implemented these judgments in relation to individual measures for the applicants and general measures to ensure non-repetition, all available information points to the situation of many other victims who did not turn to courts, including the European Court of Human Rights, remaining unaddressed. It has become clear over the years, as also found by my predecessors and numerous other human rights bodies, that the possibility of bringing domestic civil claims for compensation has not provided an effective means of redress, due to the myriad obstacles faced by victims. In this respect, I recall that the Council of Europe’s Committee of Ministers 2011 [Guidelines on eradicating impunity for serious human rights violations](#) state that member states should take all appropriate measures to establish accessible and effective mechanisms which ensure that victims receive prompt and adequate reparation for the harm suffered.

Calls for such effective mechanisms to be set up have been made for many years by victims, civil society organisations, and domestic and international human rights bodies, including the [UN Human Rights Committee](#). My own Office's engagement with the Slovak Republic on this issue goes back almost two decades. In 2003, the first Commissioner for Human Rights addressed a [Recommendation](#) to the Slovak Republic, urging it to "undertake to offer a speedy, fair, efficient and just redress", which should "include compensation and an apology." Since then, successive Commissioners have addressed this issue, including in a follow-up report in [2006](#), and country visit reports in [2011](#) and [2015](#). While they welcomed certain progress, such as in amending health care legislation, in each of these instances they had to conclude that the issue of reparations was never comprehensively resolved, which is still the case today.

I have taken note of renewed calls on your government to address this situation. In this respect, I particularly wish to highlight the [Recommendation](#) by the Public Defender of Rights, published in 2018, making further recommendations to your government in this area. I wholeheartedly support these calls and recommendations on providing redress. That accessible and effective mechanisms for this can be established has been proven in other countries.

Neither apologies nor reparations can undo the harm inflicted on victims, both physically and mentally. However, such steps would provide a measure of justice that has eluded them for a long time, with many victims living with the consequences for many decades. I note that some have passed away before they could receive any redress. As a result, delivering justice can no longer wait.

Taking decisive action on this long-standing issue is not only necessary to deal with past injustices. It would also provide a clear sign of the Slovak Republic's commitment to its human rights obligations more broadly, in relation to women's rights, combating prejudice and discrimination against marginalised communities, and fostering social cohesion. In this respect, I recall that good community relations and trust cannot be built on a history of human rights violations that remain unaddressed.

As a result, I urge you to make concrete commitments to follow up on the recommendations already made to your government, including by the Public Defender of Rights, and to create effective forms of redress for these long-standing human rights violations. This would provide an important opportunity to turn the page on this dark chapter, both for the state and the victims. In this respect, I encourage you to work closely with the victims and civil society organisations supporting victims, national human rights bodies, and other experts in finding the best modalities for moving forward swiftly on this important matter.

I look forward to continuing my constructive dialogue with you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dunja Mijatović', with a large, stylized initial 'D'.

Dunja Mijatović