



COMMISSIONER FOR HUMAN RIGHTS
COMMISSAIRE AUX DROITS DE L'HOMME



Ref: CommHR/NS/sf 070-2015

Mr Bohuslav SOBOTKA

Prime Minister
Czech Republic

Strasbourg, 6 October 2015

Dear Prime Minister,

I have been following with interest the efforts made by the Czech Republic in recent years to provide reparation to Roma women who have been subjected to widely documented forced sterilisations for approximately four decades since the early 1970s.

As noted also by the European Court of Human Rights, such practices violated the victims' human freedom and dignity, thus constituting serious human rights violations. Under the 2011 Guidelines of the Council of Europe Committee of Ministers *on eradicating impunity for serious human rights violations*, states bear special obligations towards victims. In particular, under Guideline XVI *Reparation*, states "should take all appropriate measures to establish accessible and effective mechanisms which ensure that victims of serious human rights violations receive prompt and adequate reparation for the harm suffered. This may include measures of rehabilitation, compensation, satisfaction, restitution and guarantees of non-repetition." My predecessor had noted in his 2011 report on the Czech Republic that the majority of the Roma women who have been sterilised without full and informed consent have been left without an effective domestic remedy to obtain compensation for the harm they have suffered. Expert reports indicate that this situation persists to date.

The Czech government's general recognition and expression of regret in November 2009 for these serious human rights violations was an important step in the right direction. I was informed that a new Bill was prepared by your government earlier this year under which the Ministry of Health would establish an independent expert committee to review individual claims of involuntarily sterilised women and advise the Ministry on compensation. Reportedly the compensation would include an official apology, compensation and free-of-charge rehabilitation or artificial fertilisation treatment. The compensation would be valid for three years, during which time the affected women can make their claim. I believe that this piece of legislation, if adopted, has the potential, even belatedly, of providing adequate redress to the Roma women victims of forced sterilisations.

However, it is with deep regret that I was informed last week that your government decided not to proceed to the adoption of this Law.

Given the gravity of the human rights and rule of law issues that the above cases raise, I should like to request you to provide me with further information on your government's position on the aforementioned legislative plan which I urge you not to abandon.

Looking forward to receiving your reply, I remain,

Yours sincerely

Nils Muižnieks