

Mária Kolíková
Minister of Justice
of the Slovak Republic

Bratislava 15. July 2020

Dear Commissioner,

Let me begin by assuring you that the Ministry of Justice and the Prime Minister of the Slovak Republic take the issue of sterilizations performed without informed consent very seriously, as well as understand the importance of providing satisfaction to the victims who suffered this practice in the past.

I also wish to inform you that I am currently discussing options with the cooperation of relevant ministries, most notably Ministry of Health and Ministry of Finance and with the support of the Prime Minister, on how to examine claims of sterilization without informed consent prior to 2004 and how to provide reparations.

Further, I would like to point out that as part of the general measures taken to implement judgements of the ECHR mentioned in your letter, the Ministry of Health of the Slovak Republic formed a committee of experts in 2003 in order to investigate alleged illegal sterilizations with particular focus on cases involving Roma women. Based on its report, the Ministry of Health of the Slovak Republic submitted to the Committee of the National Council of the Slovak Republic for Human Rights, Nationalities and the Status of Women 3,500 medical records of sterilized women and approximately 18,000 medical records on caesarean sections over past 10 years, which were examined.

As a result, the institute of informed consent was established in 2004 and later in 2014 the necessary forms were translated into nine languages of national minorities, including the Romani language. In order to investigate sterilizations performed without informed consent after 2004 The Office for Health Care Supervision was established as a first instance authority for any claims of misconduct by health-care professionals. Training programs for health-care professionals on instruction and obtaining informed consent before sterilization of a person in the state language and in the languages of national minorities have taken place as well. Further, the medical practice of performing optional sterilizations during births was abolished. Unjustified sterilization was also included as a criminal offense in the Criminal Code of 2005.

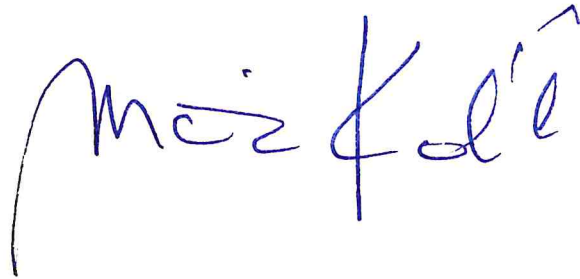
While I acknowledge the potential difficulty of seeking compensation through civil

proceedings in cases where the alleged sterilization has taken place many years in the past, it should be noted that there were successful cases decided by general courts involving women who underwent sterilization without informed consent prior to 2004, in which the courts referenced the *V.C. v. Slovakia* judgement of the ECHR. These were also acknowledged by the Public Defender of Rights in her recommendation, albeit with the caveat that civil proceedings are largely ineffective for other potential victims.

The ministries of justice and health of the Slovak Republic are therefore examining other possible forms of redress, which would however, also need to include an element of expert examination, including access to medical documentation and its assessment.

The Ministry of Justice is open to further dialogue with the Public Defender of Rights and other relevant actors as well as international organizations, including the Council of Europe, in order to successfully conclude this issue

Best regards,

A handwritten signature in blue ink, appearing to read 'mijatovic', with a large, sweeping initial 'm'.

Dunja Mijatović
Commissioner for Human Rights
Council of Europe