



**Petr FIALA**

Prime Minister of the Czech Republic

Prague, ~~10~~ December 2024

Dear Commissioner O'Flaherty,

Thank you for your letter of 3 December 2024, in which you expressed concerns about the compensation mechanism for victims of forced sterilization in the Czech Republic and asked me to address both its legislative and practical aspects, reflecting the various challenges some of which you have correctly pointed out. I am writing to you to provide you with an update on our ongoing efforts related to the issue.

First and foremost, let me assure you that I personally give this issue the utmost importance and priority since I genuinely believe it is, among others, our moral commitment to address effectively such gross historical human rights violation and injustice that so many, namely Roma women, victims suffered.

Indeed, there are various practical obstacles the applicants have faced since the Act No. 297/2021 Coll. (the Compensation Act), providing a one-time financial compensation to individuals who were unlawfully sterilized, entered into force. However, relevant state authorities and courts have been continuously responsive, improving both the decision-making practice as well as raising awareness about the matter among victims and wider public.

In particular, the compensation mechanism has been closely monitored by the Government Commissioner for Roma Minority Affairs, Ms. Lucie Fuková, the Government Commissioner for Human Rights, Ms. Klára Šimáčková Laurenčíková, and the Government Council for Roma Minority Affairs which I have the honour to chair. Already in 2022, the latter council adopted a resolution (no. 3/2022) urging the Ministry of Health to remove existing barriers and expand the range of acceptable evidence. It has also repeatedly requested the same Ministry to ensure adequate staffing for the compensation agenda, to be more communicative with applicants, and to prioritize older applicants.

In response, the Ministry of Health made efforts to enhance its staffing capacity and to improve communication, it set up a special hotline and email address to which applicants could address their questions. In addition, it has published on its website information on the rights and

obligations of claimants in the compensation procedure, as well as a list of the most common questions asked by applicants. The courts' case-law has further led to important developments in the Ministry's decision-making practice.

Furthermore, already in April 2024, the Department of Human Rights and Minority Protection of the Office of the Government launched a subsidy program with a financial allocation of 6,750,000 CZK (270,000 EUR) to support activities that assist applicants with their applications and conduct educational and informational campaigns for the public on the topic of compensation for unlawful sterilizations, recognizing the complexity of the compensation application process.

Also in April 2024, the Committee against Torture and Inhuman Treatment of the Government Council for Human Rights adopted a resolution on this matter calling upon the Minister of Health to ensure uniform assessment of applications, evaluate evidence in accordance with current case law, and consider applicants' circumstances, particularly their age or serious illnesses, when determining the order of processing applications. Later, in October 2024, the Committee suggested the extension of the deadline for compensation claims, followed by the Working Group on Issues of Roma Women of the Government Council for Gender Equality and the Government Council for Roma Minority Affairs which joined the Committee's resolution on 7 November and 4 December 2024, respectively.

Finally and most importantly, with my personal support, on 4 December 2024, MPs Eva Decroix and Minister of Justice Pavel Blažek submitted an amendment to the Compensation Act, with a view to extending the deadline for claiming the compensation for additional 2 years. It is now for the Parliament to adopt the amendment. In the meantime I, with the Office of the Government, Ministry of Health and other partners, will monitor the process and remain committed to address all further practical challenges.

Dear Commissioner, I appreciate your attention to this matter and look forward to your continued support.

Yours sincerely,

*Mr Michael O'Flaherty*  
Commissioner for Human Rights  
Council of Europe



STRASBOURG