

To: Health Professionals
From: Medical Office/Europe Program
Date: 19 December 2003

MEDICAL ACTION UPDATE 1
SLOVAK REPUBLIC
Allegations of illegal sterilization of Romani women

Related documents:

- Medical Action EUR72/004/2003, 22 September 2003
- External report: *Slovakia: Failed investigation into allegations of illegal sterilization of Romani women*, (AI index number: EUR 72/005/2003, 26 November 2003)

Recent developments

AI is renewing its concerns to the Slovak authorities about allegations of illegal sterilization of Romani women following the conclusion of two official investigations¹ in October 2003 that no criminal offence had been committed. At the same time that the findings were released the government announced that it would revise legislation and regulations concerning sterilization procedures. While AI welcomed the announcement, it remains concerned that the investigations were not conducted independently, thoroughly and impartially, as required by international law and at the government's refusal to accept responsibility for failing to ensure that no sterilizations were performed without free and informed consent.

A report issued by Alvaro Gil-Robles, Commissioner for Human Rights of the Council of Europe, who sent a delegation to the Slovak Republic in September to look into the issue of sterilizations, confirmed AI's concerns and concluded that it could reasonably be assumed that Romani women in Slovakia were sterilized without their informed consent. The Commissioner noted that it was unlikely that the investigations by the Slovak government would shed light on sterilization practices.²

AI's concerns in relation to the investigations by the Slovak authorities:

- Many of the women interrogated during the investigations were reportedly threatened and harassed by the police and investigators at various stages of the investigation.
- NGOs and others who reported the alleged forced sterilization were intimidated and harassed. The government filed a complaint against non-governmental organizations working on the issue. Although this was eventually not pursued, there was no public retraction of the charges. Consequently, the Romani women have reportedly continued to feel intimidated and other human rights defenders fear that they may also be prosecuted for their activities.

¹ At the beginning of the year an administrative investigation by the Ministry of Health and a criminal investigation by the Prosecutor's office were initiated.

² Reference number CommDH (2003)12 at:
[http://www.coe.int/T/E/Commissioner_H.R/Communication_Unit/Documents/CommDH\(2003\)12_E.asp#TopOfPage](http://www.coe.int/T/E/Commissioner_H.R/Communication_Unit/Documents/CommDH(2003)12_E.asp#TopOfPage).

- Investigators apparently examined only the existence and authenticity of the signature on the form consenting to the sterilization procedures as proof that free and informed consent had been obtained³, rather than sufficiently examine the circumstances under which consent was given.
- Investigators based their findings on Slovak medical policy and opinion which is at variance with internationally recognized best professional practice that there are no situations which would require a sterilization procedure to be carried out without obtaining the patient's free and informed consent.
- The government report confirms that some minors were indeed sterilized without parental consent and that other women were misled into believing that sterilizations which were performed at the time of their caesareans were necessary to save their lives.
- According to information provided by the New York-based Center for Reproductive Rights (CRR) and *Poradňa pre občianske a ľudské práva* (Center for Civil and Human Rights) in Slovakia, of the 36 women who were interrogated in the criminal investigation, 12 women were reportedly not aware that what they were signing was a consent form to undergo sterilization or they did not remember signing it at all.
- A medical expert involved with the Ministry of Health's administrative investigation, which concluded that there had been no illegal sterilizations in Slovakia, was commissioned by the Prosecutor to provide his opinion in the criminal investigation, raising doubts about the impartiality of the criminal investigation.

Main observations from the Commissioner for Human Rights of the Council of Europe:

- The Commissioner stated his concern that although people from other ethnic backgrounds have "been exposed to the risk of sterilization without proper consent", he "was convinced that the Roma population of eastern Slovakia has been at particular risk" due to the indifferent attitude of the police towards crimes committed against the Roma in the region. He was also concerned at the intimidating manner in which the police went to Roma settlements without prior notice looking for potential victims: they were warned by the police that the consequence of giving false information was up to three years' imprisonment and fathers of children from under-aged girls were threatened with prosecution for sexual assault. Consequently, very few women came forward and very little evidence was gathered.
- The Commissioner doubted whether "the consent given in a number of cases can be considered as valid, due to the circumstances under which the consent was apparently given, such as under severe labour pain or already under the impact of anaesthesia". He is concerned that the women were not asked before a caesarean whether they agreed to be sterilized. The Commissioner further stressed that the requirement of informed consent "is not clearly laid out in the regulations on sterilizations, which refer only to the necessity for consent".
- The Commissioner found that the sterilized women have difficulties in accessing their medical files, which makes it difficult to bring their cases to court.
- The Commissioner concluded that the Slovak government should bring legislation relating to informed consent for medical procedures, such as sterilizations, in line with international standards and to adopt specific regulations guaranteeing the patients' right to access their medical files. He also called on the Slovak government

to accept “responsibility for failing to ensure that no sterilisations were performed without free and informed consent, as required by international human rights instruments” and to offer remedies which should include compensation and an apology.

Recommended Actions

Please write letters in your own words and in your professional capacity to the Slovak Minister of Interior and The General Prosecutor using the following points as guidelines. You may also refer to the findings of the Commissioner for Human Rights of the Council of Europe.

- Say that you are writing [again] as a concerned health professional about allegations of involuntary sterilization of Romani women in Slovakia
- Welcome the government’s announcement that it would revise legislation and regulations concerning sterilization procedures.
- Urge them to ensure that these are fully in line with international legal and professional standards
- Say that you remain concerned that the official investigations were not conducted independently, thoroughly and impartially, as required by international law.
- Urge them to accept responsibility for failing to ensure that no sterilizations were performed without free and informed consent and to ensure that the victims receive appropriate compensation;
- Express concern at the findings of the Commissioner for Human Rights of the Council of Europe that it could reasonably be assumed that Romani women in Slovakia were sterilized without their informed consent.
- Urge them to reopen the investigation into allegations of forced sterilization of Romani women and to ensure that it is carried out impartially, thoroughly and effectively and that victims are not subjected to any harassment and intimidation.
- Urge them to enact laws that will guarantee that the patients and their legal representatives have the right to access their medical files and other appropriate information without which they are not able to file compensation claims;
- Urge them to enact a new law requiring free and informed consent for medical interventions, including sterilizations;
- Urge them to set up an independent commission of enquiry to investigate past and present sterilization practices and to bring to justice anyone found responsible for human rights violations.

Copies:

Please send copies of your letters to the Minister of Health, Rudolf Zajac, the Slovak Medical Association and to diplomatic representatives of the Slovak Republic in your country.

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If you receive no reply within two months of dispatch of your letter, please send a follow-up letter seeking a response, referring to your previous letter(s).

Please check with the medical team if you are sending appeals after 28 February 2004, and send copies of any replies you do receive to the International Secretariat (att: medical team, medical@amnesty.org).

Monitoring of actions

If you have access to e-mail you can help our attempt to monitor letter writing actions. If you write one, two or more letters please send us an e-mail and let us know. Please write in the subject line of your e-mail the index number of the action and the number of letters you write e.g. EUR 72/007/2003 – 3

Please send your message to medical@amnesty.org

Thank you for any actions you are able to organise.