

6 March 2012

TO

Mr Petr NEČAS

Prime Minister of the Czech Republic,

Mr Jiří POSPÍŠIL

Minister of Justice

Mr Leoš HEGER

Minister of Health

Miroslav KALOUSEK

Finance Minister

Monika ŠIMŮNKOVÁ

Government Commissioner for Human Rights

Re: Human Rights' Council Recommendation on Sterilisation

The European Roma Rights Centre (ERRC), the Group of Women Harmed by Forced Sterilization ('the Group') and Life Together are writing to welcome the Czech Government's Human Rights Council recommendation to compensate women who were illegally sterilised. We are writing to encourage further timely implementation of the measures to tackle cases of involuntary sterilisation in the Czech Republic.

On 17 February 2012, the Council passed the decision urging the Czech Government to introduce a mechanism of adequate financial redress for victims of involuntary sterilisation.

The current motion, which was drafted by the Council's Committee against Torture, is already the third motion concerning the practice of sterilisation in the Czech Republic which the Council has discussed since 2003, when the European Roma Rights Centre initially drew attention to cases of Romani women who were forcibly sterilised.

Although in 2009, the Czech Prime Minister Jan Fischer officially acknowledged individual failures and expressed regret¹ for involuntary sterilisation cases, the governmental response did not go any further. In November 2011, the ERRC and its partners - the Group of Women Harmed by Forced Sterilization, Life Together, and the League for Human Rights - expressed their concern about the Czech government's willingness to implement effective measures providing victims with adequate compensation.²

In this regard, the ERRC, the Group and Life Together welcome the recent Council recommendation to introduce a systematic and transparent compensation mechanism for women subjected to sterilisations

¹ Czech Prime Minister Apologises to Victims of Coercive Sterilisation: <http://www.errc.org/cikk.php?cikk=3056>.

² Still No Answer for Forcibly Sterilised Romani Women in the Czech Republic: <http://www.errc.org/article/still-no-answer-for-forcibly-sterilised-romani-women-in-the-czech-republic/3947>.

between January 1972 and May 1991. This decision corresponds with the previous Czech Ombudsman recommendation from 2005.³

The ERRC, the Group and Life Together believe that this is a decisive moment in the long history of tackling this controversial issue. The Czech government has the opportunity to fully rehabilitate those citizens whose rights have been violated. By doing so, the Czech Republic would also comply with the recommendations of the Committee on the Elimination of Discrimination against Women (CEDAW). In November 2010, CEDAW noted in its final report that the state party has “not implemented the 2005 recommendations of the Ombudsman, endorsed by the Committee in 2006, to adopt without delay legislative changes with regard to sterilization, including a clear definition of free, prior and informed consent in cases of sterilization and to financially compensate the victims of coercive or non-consensual sterilizations performed on, in particular, Roma women and women with mental disabilities.”⁴

Furthermore, with the intended introduction of a robust compensation mechanism, the Czech Republic can set an example of good practice for other countries in the region which have been dealing with the same problem.⁵

The ERRC, the Group and Life Together encourage the Czech government to grant compensation to all potential victims of unlawful sterilisation in the Czech Republic irrespective of their age, ethnicity, nationality or the particular period when they underwent sterilisation.

The ERRC encourages the Czech Government to ensure that:

- the Council’s recommendation will be adequately and timely implemented
- all women involuntary sterilised in the Czech Republic will be adequately compensated regardless of their ethnicity, nationality or age
- the form of informed consent to sterilisation is standardized
- the planned Commission for compensation will contain independent representatives, as well as representatives of ministries and health services
- the compensation mechanism will recognise entitlements regardless of the specific period when the sterilisation was conducted
- the victims of the involuntary sterilisation will be provided with free legal aid
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Sincerely

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Executive Director
ERRC

Kumar Vishwanathan
Director
Life Together

Elena Gorolová,
Coordinator
Group of Women Harmed by Forced Sterilization

³ Final Statement of the Public Defender of Rights in the Matter of Sterilisations Performed in Contravention of the Law and Proposed Remedial Measures:

http://www.upr-info.org/IMG/pdf/PDR_CZE_UPR_S1_2008anx_MatterofSterilisation.pdf

⁴ Concluding observations of the Committee on the Elimination of Discrimination against Women, Czech Republic:

<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/465/46/PDF/G1046546.pdf?OpenElement>, p. 9.

⁵ For a comprehensive summary of the ERRC activities on the involuntary sterilization of Romani women, see: <http://www.errc.org/cms/upload/media/03/4F/m0000034F.pdf>.

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