



Permanent Mission of the Slovak Republic
to the International Organizations
in Vienna

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ENGLISH only

**Statement of Ambassador Marcel Peško
Permanent Representative of the Slovak Republic to International Organisations in Vienna
in response to the statement of the United States of America
at the OSCE Permanent Council
(15 December 2011)**

Mr. Chairman,

Slovakia thanks the United States for drawing attention of the OSCE Permanent Council to the respective ruling of the European Court of Human Rights. As a strong advocate of the comprehensive approach to security, of which the respect of human rights and fundamental freedoms represents the essential component, we welcome candid and productive exchange of views both on bilateral and multilateral levels on this and any other human dimension issue with the view to achieve progress in this important area. In this context, we are pleased to note that the US recognized that Slovakia had taken all necessary legal steps and pursued strict policy to prevent the occurrence of similar cases in the future. We stand ready to continue direct communication on the matter in a cooperative manner.

The Slovak Government took note of the ECHR judgment of 8 November 2011 in the case of V. C. against Slovakia. The Court referred to the material breach of the Article 3 and Article 8 of the Convention on Human Rights and Fundamental Freedoms. It pointed to the gaps in the legislation in force at the time with respect to the informed consent and sterilizations. It should to be stressed, however, that the ECHR ruled out the need to deal with the serious allegations of organised policy of sterilization of Roma women in Slovakia. In addition, the Court concluded that on the basis of the available information it was not possible to sufficiently prove that the respective physicians acted in a bad faith (*mala fide*) and that their behaviour was intentionally racist nor that the sterilisation was in fact a part of wider organized policy. In relation to this individual case, which took place in August 2000, and to the respective judgment of the European Court of Human Rights, Minister of Justice of the Slovak Republic, Mrs. Lucia Žitňanská, publicly regretted lack of respect of the plaintiff's rights.

In conclusion, let me remind that the Slovak Republic, drawing lessons from this and other similar cases, already in 2004 adopted new legislation, which guarantees unbiased access to the provision of health service and respective documentation for all citizens on equal footing. At the same time it defines conditions for voluntary and informed consent with regard to sterilization and all other medical treatments. In addition, unlawful sterilization clause was incorporated into the Criminal Code of the Slovak Republic in the same year and thus constitutes a criminal offence. With effect as of 1 January 2005 the patients' rights in Slovakia were brought fully into the line with the international standards. The Government of Slovakia remains seized of this matter.

Thank you, Mr. Chairman.