

Statement by Christine McCafferty on reproductive health rights and alleged sterilisation of Roma women in the Slovak Republic

Bratislava, 13 May 2003 - On behalf of the Parliamentary Assembly of the Council of Europe, I visited the Slovak Republic from 9 to 13 May 2003 to look into the human right issues raised in the "Body and Soul" report on the alleged sterilisation of Roma women in eastern Slovak Republic. I visited hospitals and Roma settlements near Košice and met with Deputy Prime Minister Pál Csáky, the head of the EU delegation in Bratislava, members of the Slovak Parliament, the Office of the Attorney General, the Ministry of Interior, the head of the criminal investigation team, health experts, lawyers involved in court cases, Roma NGOs and human rights activists. I drew the following conclusions:

EU enlargement represents an opportunity to address and improve Roma rights, not only in Slovakia but also in all accession countries and generally throughout Europe. The rights of Roma are a Europe-wide issue: three million Roma will be living in the European Union of "the 25", and eight million live in Greater Europe represented by the 45-nation Council of Europe.

It appears that Roma populations remain subject to institutional racism and populist assumptions. This is unacceptable. Discrimination and repression cannot be a way forward. Roma must be treated as citizens with equal rights. We need to overcome the mutual prejudice between Roma and non-Roma populations.

I discussed with Mr van der Linden, Head of EU delegation in the Slovak Republic, the possibility of creating a specific EU budget line for improving the living conditions of Roma in Europe and the monitoring role of the Council of Europe for the protection of their human rights.

On the eve of the referendum on the Slovak Republic's accession to the EU, the Slovak Government needs to send a positive message to Slovak citizens, the European Union and the Council of Europe.

The "Body and Soul" report raises some serious questions regarding respect for the bodily integrity of women and their reproductive rights. The fact-finding mission indicates that whilst there is no apparent government policy of the sterilisation of Roma, discrepancies do occur in some hospitals caused by, for example, the lack of guidance for doctors and the fact that there are no standardised consent forms. I therefore hope that the two investigations undertaken by the Slovak Government will seriously address those problems and, in parallel, highlight some of the shortcomings in Slovak legislation and institutional practice towards Roma, particularly lack of access to reproductive information and services.

I raised the following issues with the Deputy Prime Minister and the Office of the Attorney General:

- The criminal investigation should encompass all crimes implicated in cases of forced or coerced sterilisation, including violations of health and bodily integrity and autonomy.
- The Ministry of Health investigation should be more thorough and comprehensive, including investigations of all maternity wards throughout the country and interviews with Roma and non-Roma population for comparable data.
- Investigators should base their findings of whether full and informed consent was present in a given case on a comprehensive examination of the circumstances under which consent was given. In December 1999, the Slovak Republic ratified the Council of Europe Convention on Human Rights and Biomedicine, which provides a definition of full and informed consent (Chapter 2, Article 5). The text appears on the Council of Europe website at: <http://conventions.coe.int/Treaty/en/Treaties/Html/164.htm>

We also discussed measures that are needed to improve the situation in the future:

- The development of a code of medical ethics and standardised procedures regarding the treatment of, and information provided to, patients, including access to their medical files, etc.

- The training of field nurses who would visit Roma settlements to provide regular ante-natal care, childcare information, as well as information and services on reproductive health.
- Amendment of the 1972 law on healthcare and sterilisation to bring it into line with European standards.
- The drafting and adoption of an anti-discrimination law in compliance with European human rights standards.
- The development of joint activities with Roma NGOs and dialogue in drafting policies and legislation concerning Roma, in project development at regional levels, and in monitoring.
- Avoiding segregation in schools by introducing changes in selection tests to assess IQ and creativity rather than factual knowledge.
- The development of training and education for Roma, appropriate for the needs of adults, and if possible in parallel with employment schemes.
- Consideration of the example of a successful UK initiative to 'make work pay' through working families' tax credits rather than welfare benefits.
- The use of success stories to promote a positive image of Roma in the media.
- The adoption by the media of a code of ethics to promote racial harmony (similar, for example, to the BBC code of ethics).

I therefore welcome the following proposals, which have been made to the Ministry of Health by Professor Holoman, chief expert in gynaecology:

- to train visiting nurses in reproductive health
- to train Roma women to assist Roma communities in health matters
- to amend the 1972 sterilisation law so that sterilisation operations are kept separate from caesarean section operations
- to develop a code of conduct and practice for medical staff
- to introduce standardised informed consent forms both in the Slovak and Roma languages

The ten-year strategy for inclusion of Roma, prepared by the Slovak Government, represents an opportunity to address some of these issues. I suggested that the Slovak Government undertake a cost-benefit analysis of the Roma situation; seek an all-party consensus on proposed policies to ensure continuity; reinforce the status of Plenipotentiary by upgrading it to the level of Minister without Portfolio with powers to implement policies; and to establish a more open dialogue with Roma NGOs.