



prof. JUDr. Mária Patakyová, PhD.
Public Defender of Rights

Special Rapporteur on Violence against Women
OHCHR-UNOG,
8-14 Avenue de la Paix
1211 Geneva 10,
Switzerland

MISTREATMENT AND VIOLENCE AGAINST WOMEN DURING REPRODUCTIVE HEALTH CARE WITH A FOCUS ON CHILDBIRTH

Slovak Republic

The Public Defender of Rights of the Slovak Republic, Mrs. Mária Patakyová, hereby provides a submission to the United Nations Special Rapporteur on violence against women on the topic “Mistreatment and violence against women during reproductive health care with a focus on childbirth”.

- 1. Please indicate whether in your country there are cases of mistreatment and violence against women during reproductive health care, particularly facility-based childbirth. If so, please specify what kind of cases and describe your country’s response and any good practices, including protection of human rights;**

The Public Defender of Rights has received reports from NGOs about systematic violation of women's fundamental human rights during facility-based childbirth. In particular, violation of the right to privacy, the right to human dignity, the right to benefit from scientific progress, the right to information and informed consent and the right not to be tortured or treated in an inhuman or degrading way. The Public Defender of Rights has focused mainly on two issues related to reproductive health care:

- a. Practices causing unnecessary serious suffering to women

According to reports received from NGOs, childbirth facilities in Slovakia apply outdated and obsolete practices and procedures causing serious suffering to women, often performed routinely, such as a routine use of episiotomies or suturing without an adequate anaesthesia. In this regard, health professionals in Slovakia often fail to comply with the internationally accepted medical standards.

- b. Forced sterilization of Roma women

Reports of NGOs documented numerous cases of forced sterilizations of Roma women in Slovakia that occurred mainly in the 1990s. The women concerned were sterilized during their C-section

without providing a free and informed consent. The Public Defender of Rights is deeply concerned that the Slovak government fails to acknowledge the systemic nature of this problem and to redress all the victims. The Public Defender of Rights expressed concerns about the existing legislation which does not provide for efficient compensation and called for a creation of a special mechanism to ensure a proper investigation of these abusive practices and a victim compensation.

2. Please specify if full and informed consent is administered for any type of reproductive health care and if these include childbirth care;

Slovak law requires to obtain a full and informed consent for any type of health care. In certain cases, e. g. interruption or sterilization, the informed consent is governed by specific, stricter rules. However, reports of NGOs show that this institute is sometimes perceived very formally in the practice - it is reduced to a mere signature of a form, while women are provided only very little or no information about medical procedures. In some cases (including the already mentioned forced sterilizations), the health personnel has even omitted to obtain the consent or performed particular procedure against women's will.

3. Please specify whether there are accountability mechanisms in place within the health facilities to ensure redress for victims of mistreatment and violence, including filing complaints, financial compensation, acknowledgment of wrongdoing and guarantees of non-repetition. Please indicate whether the ombudsperson is mandated to address such human rights violations;

There are a few complaints mechanisms in place – a patient may turn to the health facility itself, the competent public authority (a self-governing region and the Ministry of Health) or the Health Care Surveillance Authority. Powers of the Public Defender of Rights (ombudsperson) to address human rights violation in this area are only limited – he/she has no competence to review medical questions. Financial compensation can be only claimed in judicial proceedings. The Public Defender of Rights considers it inefficient in cases of systemic violations, such as forced sterilizations.

4. Does your health systems have policies that guide health responses to VAW and are these in line with WHO guidelines and standards on this issue?

In 2015, in its Concluding observation on Slovakia, the Committee on the Elimination of Discrimination against Women recommended that Slovakia "put in place adequate safeguards to ensure that women have access to appropriate and safe childbirth procedures that are in line with adequate standards of care, respect for women's autonomy and the requirement of free, prior and informed consent".

In 2018, the Ministry of Health of the Slovak Republic was in the process of development of standards in the area of gynaecology, obstetrics and neonatology. The Public Defender of Rights is planning to analyse these standards with respect to human rights and WHO guidelines and standards.