

## **Coping with Coercive Sterilisation**

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Romani women's struggle in the Czech Republic during July and August 2006.

### Introduction

The concept of Romani women's rights is relatively new in the history of Roma rights in the Czech Republic, and as such, it can appear vague and hard to define. The issue of the access of Romani women – traditionally embedded within their traditional social position in the Romani community – to the Czech education and social service systems, is the subject of the latest ERRC/Númena research study, which assesses the impact of the Czech National Action Plan on Social Inclusion 2004-2006 on Romani access to social services in the Czech Republic. This article, however, does not have as its goal the examination of the outcomes and possible implications of this research.

As suggested above, Romani women's rights (along with their projection into the field of the social service system, education and/or other systems) could be said to be influenced by their position in society to a considerable extent (i.e., their traditional social status in the Romani community combined with their position within the mainstream population). This could result from their inability to take full advantage of the aforementioned systems due to the understanding and application of the Romani concept that closely links womanhood, motherhood and wifehood both at a younger and/or older age. Some people might claim that this is a predetermined "quality" in most Romani women and that the issue of discrimination is therefore not at issue: for these people, it would appear pointless to discuss this subject at all. Public debate would simply end at this stage. Ultimately, then, real discrimination against Romani women by members of the mainstream population would continue to be hidden in and justified by the maze of "traditional mechanisms functioning in Romani communities."

However, a change occurred approximately two-and-a-half years ago. It began in the northern Moravian city of Ostrava. The local Romani community sent out signals to the mainstream population, suggesting that public debate should not end at this stage: the issue of coercive sterilisation had been voiced for the first time in the history of the Czech Roma rights movement and entered the debate as perhaps the most manifest of all of the expressions of discrimination against Romani women.

Since the emergence of the Ostrava-based Group of Women Harmed by Sterilisation towards the end of 2004, the fight for Czech Romani women's rights has acquired a new dimension. At present, the Group is a unique identity group, possibly the only one of its kind in the Czech Republic, which brings together Romani victims of coercive sterilisation practices carried out both before and after the 1989 Velvet Revolution. At regular monthly meetings, their legal representative informs the members of the Group of the latest developments in the cause; the women support each another by sharing their stories, talking about the personal or health problems caused by unwanted surgery, as well as sharing any good news, which unfortunately tends to be rare. Needless to say, like other Romani-related issues, the issue of coercive

sterilisation is still seen as unpopular and is very much ignored by most members of the mainstream population in the Czech Republic, not to mention by high-level Czech authorities.

However, negative responses by members of the mainstream population are something civil society or awareness-raising organisations must be ready to face: it is a permanent condition of their work and as such, it ought not to become an obstacle hindering their mission. Instead of succumbing to the supposed weaknesses that the general public tends to associate with Roma at large, in their strategic fight for justice, these women have decided to focus on their strengths and assets: the final report by the Ombudsman and the 2005 decision by the court in Ostrava, ordering the Vítkovice hospital to apologise to Ms Helena Ferencíková, who had been coercively sterilised (both the plaintiff and the respondent appealed against the decision).

Possibly the only groundbreaking report published up to the present day by a Czech authority in favour of the victims of coercive sterilisation, which has condemned sterilisation practices as unlawful is the Final Statement of the Public Defender of Rights in the Matter of Sterilisations Performed in Contravention of the Law and Proposed Remedial Measures, issued in December 2005. In this report, the Public Defender of Rights concludes, on the basis of almost a year of research into the matter, that "(...) the problem of sexual sterilisations carried out in the Czech Republic, either with improper motivation or illegally, exists, and Czech society has to come to terms with this." 2

Even though the 2005 report makes numerous legislative, methodological and compensational recommendations to the Czech Government, so far there has been no follow-up action taken by the Czech authorities, and especially not by the Ministry of Healthcare, which has remained silent. In the course of the first six months of 2006, the Ombudsman's report began to slowly lose its urgency. Once again, the issue of forced sterilisation disappeared from the Czech media: Czech society started to simply ignore it again.

#### Preparations for Changes in the Strategy

In order to revive public interest in the issue, several strategic meetings were held towards the end of June 2006 and during July and August 2006 in order to discuss the direction of the Group's future work. 3 It was generally agreed that it was necessary to continue with the Group's work in order to put an end to Czech authorities' reluctance to acknowledge the unlawful nature of sterilisation practices, as well as to emphasise the significance of the Ombudsman's report and hopefully attain legislative changes. However, it became clear that there was a need for a slight adjustment in the long-term strategy. It was high time for the victims to come to the foreground and start being more visible to the public. In order to do so, their personal testimonies would have to become more "tangible" and easier for members of the general public to access. In the short term, the goal was to be attained by:

#### Holding an exhibition:

With the help of the Human Rights Team at Life Together, several disposable Kodak cameras were distributed among the members of the Group. The photographs taken by the women were to become the cornerstone of a major photographic exhibition, offering an insight into the lives of the victims of coercive

sterilisation.

Organising a peaceful meeting: With the help of the Human Rights Team at Life Together, a meeting of the women who had been sterilised was to take place in front of one of the hospitals in Ostrava that had sterilised Romani women in the past without obtaining their fully informed consent.

Publishing a brochure on the topic of coercive sterilisation:

Books, brochures and leaflets represent a useful tool for raising awareness among various groups of stakeholders, including regional and local governments, state institutions, health facilities, as well as secondary schools, universities and other NGOs. As no such material had ever been made available in the Czech Republic, there was clearly a need for such a publication as it would focus on the issue of coercive sterilisation in an unbiased, balanced and objective manner. Not only would it introduce the work of the Group and describe the personal lives of some of the victims after surgery, it would also attempt to depict the problem of forced sterilisation within the broader context of two major areas that tend to be somewhat ignored by the Czech healthcare system: informed consent and patients' rights.

Creating a website:

Today's world of personal computers, the Internet and advanced technology determined the need for another way of addressing the general public: a website presenting the work of the Group and featuring the victims' personal testimonies on the consequences of surgery.

Participating at international seminars and conferences:

The aforementioned efforts were to symbolically culminate at the 36th session of UN Committee on the Elimination of All Forms of Discrimination against Women; Elena Gorolová, one of the coercively sterilised Romani women, the spokesperson for the Group and one of the three delegates for Czech NGOs, presented her testimony to the members of the Committee.

Involuntary sterilisations: Your life too, can be changed by a medical intervention

After a series of consultations with the members of the Group of Women Harmed by Sterilisation, the Human Rights Team of Life Together published the first brochure of its kind. The original version is in Czech and the Romani version is about to be published.

This brochure contains a body of texts that outline the history of the case, cites the most important parts of the Ombudsman's final report, quotes testimonies by some of the women damaged by sterilisation, compares the situation in the Czech Republic to that in Sweden and places emphasis on the importance of informed consent, as well as that of patients' rights.

The brochure is meant for lay-readers both Romani and non-Romani, Romani advisors and coordinators in local and regional governments, state officials, Romani and non-Romani civil society organisations, domestic and international NGOs, as well as professional readers such as students of medicine, physicians, GPs, gynaecologists, etc.

## Events

Elena Gorolová, a member of the Group of Women Harmed by Sterilisation, participated in the 36th session of the UN Committee on the Elimination of All Forms of Discrimination against Women on 14th and 17th August 2006. She presented her testimony to the members of the Committee in the framework of the presentation of the Shadow Report on the Discrimination of Women in the Czech Republic by the ERRC, the League of Human Rights and Gender Studies in response to the Czech Government's Third Periodic Report. The Shadow Report concludes that legal protection from discrimination is insufficient in the Czech Republic, given the fact that to the present day, the Czech Government has not ratified the anti-discrimination law and the relevant state authorities have not taken into consideration the issue of coercive sterilisation.

On the occasion of Elena Gorolová's presentation in the UN Committee on 17th August, the Human Rights Team at Life Together organised two significant events: a peaceful meeting in Ostrava and an opening ceremony at the Brno-based Museum of Romani Culture.

Before the official beginning of the meeting at 9AM, approximately fifty people convened in front of the Fifejdy City Hospital in Ostrava. The event, which received a lot of media attention, was launched by Ms Nataša Botošová, a member of the Group of Women Harmed by Sterilisation. She spoke to the public about the overall goals of the Group, as well as the painful impact of the surgery on her personal life. Ms Michaela Kopalová, the legal representative, then pointed out the goal of the meeting: the Czech government should, at the very least, issue a public apology to the victims whose physical and mental integrity was unlawfully violated by the surgery. Mr Karel Holomek, the chairman of the Brno-based Association of Roma in Moravia, emphasised the fact that the issue of coercive sterilisations is one of the reflections of mainstream, prejudiced Czechs' deep-rooted, conservative attitude to members of the Romani community. Claude Cahn, the ERRC programmes director, highlighted the Romani dimension of sterilisation practices before 1991, as well as the absurdity of the fact that Elena Gorolová had had to travel across the ocean to the UN headquarters to remind the international public of past wrongs, as well as to comment on the present injustice to which coercively sterilised women are systemically subjected.

Immediately after the end of the meeting, all the participants travelled to Brno in a hired bus to take part in the opening ceremony at the Museum of Romani Culture. Jana Horváthová, the director of the Museum, opened the exhibition and welcomed all the guests, including Czeslaw Walek, the director of the Office of the Government Council for the Roma Community Affairs and Helena Křištofová, the Romani advisor working for the Brno City Council. She also emphasised the fact the Museum of Romani Culture was proud to host the exhibition in the newly opened premises of the museum café. Michaela Kopalová, Claude Cahn, Lucie Fremlová and two members of the Group, Nataša Botošová and Vlasta Holubová, also addressed the visitors. As soon as the formal opening was over, everyone present had the opportunity to view the exhibition, as well as the permanent exhibition of the museum.

The atmosphere of the opening ceremony, accompanied by traditional Romani food and the sound of a traditional Romani dulcimer music band, was very cheerful and friendly, even though the photographs in the exhibition had been taken in order to raise awareness of an important issue: coercive sterilisation.

## The World Seen by the Victims of Coercive Sterilisation

The goal of the exhibition, which consists of twenty-one photographs, is not artistic. Instead, the individual photographs should be understood as "photographic probes" or insights that capture the immediate surroundings of the victims of coercive sterilisation as they perceive it themselves. Its mission is to make the members of the Group of Women Harmed by Sterilisation visible, to portray them as human beings whose lives were permanently changed by medical surgery carried out without the physicians' having obtained the fully informed consent of the women. Its objective is to remind the public that the creators of the photographs are not only women who are suing Czech hospitals, but are, first and foremost, people whose lives resemble those of ordinary people with one important distinction: their physical and mental integrity has been breached by unwanted surgery. The collection of the twenty-one photographs represents just a fraction of what their creators captured through the lens of their disposable cameras. As a result, they may not portray every single emotion that the women have experienced since the day they were sterilised.

Last but not least, the exhibition can be understood of as the bearer of a social message to Czech institutions, authorities and politicians to remind them of their failure to publicly acknowledge the unlawful nature of sterilisations carried out before and after the year 1991, and to remind them of the need to take legislative, methodological and compensational measures to ensure justice for each and every single victim of these practices. 5

## The Aftermath

The immediate reaction by the members of the Group was more or less very positive since the two events attracted a large number people (approximately 150 people in total). However, they were all waiting to hear the outcome of the UN Committee's session in New York.

After Elena Gorolová's return, the atmosphere grew rather sombre. This was due to the information published by the Czech media that focused predominantly on the Czech Government's report (the government delegation was led by Mr Čestmír Sajda). The report argued that the Shadow Report was extremely unreliable and the information on coercive sterilisation could not be trusted. Elena Gorolová herself was very disappointed by the fact that the delegation of the Czech Government did not attend their presentation: as a result, Mr Sajda allegedly claimed no Romani woman had attended the session. According to Elena Gorolová, the delegation of the Czech Government was very unrepresentative as its members were there to represent the former government of Jirí Paroubek. When describing the situation of the Czech Roma, Mr Sajda reportedly said that the social welfare system in the Czech Republic was very generous towards the Roma and that there was no segregation of Romani pupils in the Czech school system. This was, understandably, not good news for the Group.

About ten days after Elena Gorolová's return from the USA, the UN Committee issued a series of recommendations to the Czech Government. On 25th August 2006, the UN Committee urged the Czech government to "take urgent action to implement the recommendations of the Ombudsman/ Public Defender with regard to involuntary or coercive sterilisation, and adopt without delay legislative changes with regard to

sterilisation." The Committee further told the Czech government that it should, "elaborate measures of compensation to victims of involuntary or coercive sterilisation" and "provide redress to Roma women victims of involuntary or coercive sterilisation and prevent further involuntary or coercive sterilisations."

#### Response of the Czech Media

Both the meeting in Ostrava and the opening of the exhibition in Brno received a lot of attention from the Czech media. The serious press, Romani newspapers and radio stations provided very good, unbiased and well-balanced media coverage of the two events, whereas Czech commercial TV channels attempted to cast a shadow of doubt on the unlawful nature of coercive sterilisations. 6

After about a week, one of the local newspapers, the daily *Moravskoslezská deník* (published by the Vltava-Labe Press which also publishes a tabloid called *Síp* [Arrow]), launched a ruthless campaign against one of the most outspoken members of the Group, Ms Nataša Botošová. Two reporters working for the paper managed to find a number of her former neighbours who claimed that she neglected and maltreated her children, was a gambler, got divorced from her husband in order to receive higher social security benefits, threatened to kill her neighbours' children and told her neighbours she was happy that she had been sterilised because she would then not have any more children. 7

In another article published on 29th August, the same newspaper quoted the owner of a dogs' home. She had been allegedly cheated out of a considerable sum of money by Mrs Helena Bandyová whom she allegedly saw at the meeting in front of the Fifejdy hospital on 17th August. The fact that Mrs Bandyová did not attend the meeting (and therefore could not possibly have been seen there) only serves to highlight the fact that the newspaper was reporting nonsense and trying to whip up mass hysteria. This view is also supported by the fact that the reporters concerned intentionally omitted the Ombudsman's final report; moreover, they did not refrain from using some very racist slogans and suggestions, such as: "A Romani woman fights for justice; a white woman with a similar story said to the doctors: No sterilisation!" 8 By means of lies, manipulated and unsubstantiated information and hypotheses, the newspaper attempted to publicly discredit and ridicule the members of the Group in order to damage their reputations and discourage them from further action.

Since the release of the articles, the Group has been offended and hurt by the cruelty of this tabloid gossip. Some of the women have become more stubborn in their fight for justice but the majority of them have been intimidated by the content of these articles.

For this reason, the League of Human Rights immediately contacted Mrs Anna Lábatová, the deputy of the Ombudsman. Life Together and other NGOs intend to negotiate a long-term strategy with her. However, legal action on behalf on the Ombudsman is currently hindered by the uncertain and unstable political situation in the Czech Republic, which has continued since the general election in June.

Ms Botošová has also written to the chief-ineditor of the newspaper, asking him for a public apology. The newspaper has not as yet published any apology. Ms Nataša Botošová is considering filing a complaint.

Also, on 18th August, Life Together, the ERRC and the League of Human Rights sent a joint letter of concern to the newly appointed Prime minister, Mr Mirek Topolánek. However, none of the organisations has as yet received an answer: probably due to the current, highly unstable, political situation. The letter included the following statement:

We believe the inaction of the Czech government with regard to these matters – and in particular the failure to date by any high-level Czech authority publicly to issue an apology to the victims for these practices – has fostered an atmosphere in which the reputations of the persons concerned are vulnerable to defamation by various members of the general public, including the media. The continued silence of high-level officials in the Czech Republic on this matter sends a signal to the Czech public at large that the claims of victims of coercive sterilisation are legitimate targets for public ridicule.

We urge you, without delay, as a matter of the highest priority, early in your term of office to exercise any and all powers available to your office to undertake the following measures:

Implement the recommendations of the Czech Public Defender of Rights and the UN Committee on the Elimination of Discrimination Against Women in the matter of coercive sterilisation issues in the Czech Republic;

Issue, as a decision of government, public apology to all victims of coercive sterilisation in the Czech Republic;

Speak out to condemn further public humiliation of the victims for their acts and to challenge the injustices that the victims have been subjected to.

What Should Happen Next?

The members of the Group of Women Harmed by Sterilisation have "stepped out of the closet of anonymity" for the first time. They have told their story in public and, as a result, have been fiercely attacked and viciously ridiculed by the Czech media. Apparently, further victimisation of the victims of coercive sterilisation by the mainstream population is permissible in the absence of a complex anti-discrimination law. The current social climate allows this to happen without any severe repercussions for those persons resolved to undermine the victims of coercive sterilisation.

The current situation in the Group is very critical, comparable to a disaster in each of the women's personal lives. Some of the members are thinking of giving up their struggle.

Catastrophes, in the true sense of the word, can have a powerful effect: while they last, every single individual involved in the process is obliged to gather all their strengths, to exert an incredible amount of energy, personal courage and stamina, and to make incredible efforts in order to keep on fighting. However, as soon as the worst is over, catastrophes have the capacity of purifying the atmosphere and, ultimately, can bring about change. Let us hope we can achieve this together.