

EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

FIFTH SECTION

DECISION

Application no. 21826/10
by Helena FERENČÍKOVÁ
against the Czech Republic

The European Court of Human Rights (Fifth Section), sitting on 30 August 2011 as a Chamber composed of:

Dean Spielmann, *President,*
Elisabet Fura,
Karel Jungwiert,
Boštjan M. Zupančič,
Mark Villiger,
Ganna Yudkivska,
Angelika Nußberger, *judges,*

and Claudia Westerdiek, *Section Registrar,*

Having regard to the above application lodged on 13 April 2010,

Having regard to the formal declarations accepting a friendly settlement of the case,

Having deliberated, decides as follows:

PROCEDURE

The applicant, Ms Helena Ferenčíková, is a Czech national who was born in 1982 and lives in Ostrava. She was represented before the Court by Mr D. Zahumenský, a lawyer practising in Brno. The Czech Government ("the Government") were represented by their Agent, Mr V.A. Schorm from the Ministry of Justice.

The applicant complained, under Articles 3, 8, 12, 13 and 14 of the Convention and Article 1 of Protocol No. 1, of her involuntary sterilisation in a public hospital in the course of her second delivery.

THE LAW

On 30 June 2011 the Court received the following common declaration signed by both parties:

> "The Government of the Czech Republic, represented before the European Court of Human Rights by their Agent Mr. Vít Alexander Schorm ("the Government"), and Mrs. Helena Ferenčíková ("the Applicant"), represented by her counsel Mr. David Zahumenský, declare that:
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> 1. they have reached a friendly settlement of case no. 21826/10 – *Ferenčíková v. the Czech Republic* ("the Application"),
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> 2. the Government will pay to the Applicant a total amount of 10 000 Euros (in words "ten thousand Euros"), within two months from the date of the notification of the decision striking out the application out of the list of cases, adopted by the European Court of Human Rights ("the Court") pursuant to Article 37 § 1 of the European Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention"), to a bank account that the Applicant will specify to the Ministry of Justice without undue delay upon request; the above-mentioned amount will be converted into Czech crowns at the rate applicable on the date of payment,
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> 3. the above-mentioned amount is to cover any damage that might have been caused to the Applicant by the Czech Republic through its authorities, including legal expenses,
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> 4. if the above-mentioned amount is not paid within the designated time, then from the expiry date, a simple interest on the amount shall be paid at an annual rate equal to the marginal lending rate of the European Central Bank plus three percentage points,
>
> 5. the above-mentioned amount, including any interest accrued on it, shall not be subject to natural persons' income tax under Section 3, subsection 4(d), of Act no. 586/1992 on income taxes, as amended;
>
> 6. the Applicant waives any further claims against the Czech Republic based on the facts of the proceedings before the Court on the basis of the Application, and regards this friendly settlement as the final settlement of the Application,
>
> 7. the Applicant's counsel declares that he has been authorised to reach a friendly settlement of the case, and submits the Applicant's power of attorney."

The Court takes note of the friendly settlement reached between the parties. It is satisfied that the settlement is based on respect for human rights as defined in the Convention and its Protocols and finds no reasons to justify a continued examination of the application (Article 37 § 1 *in fine* of the Convention).

In view of the above, it is appropriate to strike the case out of the list.

For these reasons, the Court unanimously

Decides to strike the application out of its list of cases.

Claudia Westerdiek
Registrar

Dean Spielmann
President