



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

FIFTH SECTION

DECISION

Application no. 7883/08
R.K.
against the Czech Republic

The European Court of Human Rights (Fifth Section), sitting on 27 November 2012 as a Committee composed of:

Angelika Nußberger, *President*,

André Potocki,

Aleš Pejchal, *judges*,

and Stephen Phillips, *Deputy Section Registrar*,

Having regard to the above application lodged on 29 January 2008,

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

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Ms R.K., is a Czech national, who was born in 1970 and lives in Most. The President granted the applicant's request for her identity not to be disclosed to the public (Rule 47 § 3). She was represented before the Court by Ms B. Bukovská, a lawyer practising in Brno.

The Czech Government ("the Government") were represented by their Agent, Mr V.A. Schorm, of the Ministry of Justice.

The applicant complained under Articles 3, 8 and 13 of the Convention that she had been sterilised in a public hospital without her informed consent and that no effective investigation had been carried out into her case.

On 16 and 23 October 2012 respectively the Court received friendly settlement declarations signed by the parties under which the applicant agreed to waive any further claims against the Czech Republic in respect of the facts giving rise to this application against an undertaking by the Government to acknowledge that the applicant's unlawful sterilization constituted a violation of her rights protected by the Convention and pay her 10,000 euros to cover any pecuniary and non-pecuniary damage as well as costs and expenses, which will be converted into Czech korunas at the rate applicable on the date of payment, and will be free of any taxes that may be applicable. It will be payable within three months from the date of notification of the decision taken by the Court. In the event of failure to pay this sum within the said three-month period, the Government undertook to pay simple interest on it, from the expiry of that period until settlement, at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points. The payment will constitute the final resolution of the case.

THE LAW

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. 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 in accordance with Article 39 of the Convention.

Stephen Phillips
Deputy Registrar

Angelika Nußberger
President