



Declassified (*)

AS/Soc (2013) PV 03 add 2

25 April 2013

Asocpv03add2_2013

Committee on Social Affairs, Health and Sustainable Development

Minutes

of the hearing on “Putting an end to coerced sterilisations and castrations” held in Strasbourg on Tuesday, 23 April 2013, from 2.15 pm to 3.15 pm

The Committee **organised** a hearing with the participation of:

- Mr Maciej Zaremba, journalist (Sweden)
- Ms Veronica Pimenoff, Psychiatrist, Head of Department of Helsinki University Psychiatric Hospital (Finland)

Mr Ghiletschi, first Vice-Chairperson, opened the hearing and welcomed the experts.

Ms Maury Pasquier briefly presented her draft report. She recalled that the Committee had been dealing with the issue at practically each one of its meetings for more than two years. She wanted to keep her introduction short, as she wanted to leave more time for the experts. During her fact-finding visit to Sweden, she had been most impressed by Mr Zaremba’s explanations and was very happy that he had found the time to share these also with the full Committee. She was equally happy to have such an eminent expert as Ms Pimenoff present in Strasbourg to explain her evidence-based position on castration to the Committee.

Mr Zaremba reminded the Committee that state screening of “inferior” individuals had been very widely suggested in the 1920s, but that only some states had practiced it. He had come to try and respond to the Rapporteur’s question of how such a modern welfare state as Sweden had come to engage in such a large eugenic sterilisation programme, and how it could continue the programme even following the total discredit of the Nazi programme after the Second World War. In fact, the legislation upon which the eugenic sterilisation programmes had been based in Nazi Germany and Sweden, indeed nearly all Nordic countries, was more or less the same. The first German law on the matter had actually been prepared by the Social Democrats in the Weimar Republic, and Hitler had only added one distinguishing feature: the article on coercion. The idea in Germany and in the Nordic countries had been the same: the idea was to “clean your own stock” from “inferior” (“*minderwertig*”) elements. The Nazis had actually taken the letter of the law more seriously than the Swedes: the Swedish eugenic sterilisation programme had mainly targeted poor people, while the Nazis had also targeted Nazi officers or party dignitaries. Nazi Germany had also sterilised about as many men as women – the victims of the Swedish programme had been 90% female.

How had the Swedes been able to continue their programme after the Second World War? **Mr Zaremba** underlined that the Nuremberg trials had not dealt with the Nazi crimes of sterilisation, since the same (or similar) programmes had existed in many US states. However, most of these states quickly realised that the label of “inferior” was the first step to genocide, and thus abolished their laws quite soon after the war. Not so in Sweden and other Scandinavian countries which continued the

* Declassified on 25 April 2013.

practice for another 30 years. Why was this possible? The insidious character of the law played an important role. On paper, the sterilisation was “voluntary” – a person had to apply to be sterilised. In reality, of course, the sterilisation was anything but voluntary: the victims were under irresistible pressure to sign the consent forms. They were threatened with losing custody of their children, or their discharge from an institution was made dependent on their agreement to be sterilised. The stigma of being labelled an “inferior” human being was immense: most victims stayed silent about their fate until the scandal broke in 1997. Poor single mothers, vagabonds, gypsies and travellers, the mentally sick and the “feeble-minded” (people who broke social norms) were targeted as “undesirable human material” (contemporary citation). There had been a complete lack of transparency, a commission decided on the sterilisation, and there was no possibility to appeal that decision.

Mr Zaremba explained that the Swedes had believed the Nazi programme to be irrational, violent, and evil; they had believed their own programme to be the opposite: rational, good for the patient, good for the welfare state. In reality, both programmes were intolerable human rights violations. When the Swedes had talked about creating equality for “us”, this “we” already excluded those who were undesirable because they were unproductive. Swedes defined themselves as productive, defined themselves morally rather than politically at the time, thus access to rights (even human rights, a concept the Swedes had recognised in any case only in 1995) could be dependent on your conduct, your productivity. It was even seen as a democratic, economic argument. He ended with the application of a social worker to have “Mathilde” sterilised in 1950. Mathilde was 22 years old, described as healthy and intelligent, but an orphan and pregnant. Her father was “probably a traveller”, she “hangs around in amusement parks”, “is sexually unreliable – and her nails are painted red”.

Ms Pimenoff¹ presented a power-point presentation. She explained the different types of sexual crimes and possible related psychiatric disorders of offenders, as well as the different possible treatments available. She stressed that for the successful treatment of sexual offenders with psychiatric disorders, the motivation of the offender was crucial. In the 20th century, some countries had engaged quite heavily in surgical castration of sexual offenders: Switzerland, Denmark, Germany and Czechoslovakia. Only two countries still engaged in the practice in the 21st century: Germany (rarely) and the Czech Republic (more frequently). There were few follow-up studies on the effect of surgical castration; those which did exist were polluted by the inclusion of Nazi German data (1933-1945), or by the impossibility of separating out the effects of castration from psychotherapy, which had been routinely offered to castrated sex offenders from the 1970s onwards. The numbers of surgically castrated were also simply too small; and a modern, scientific, double-blind study impossible to undertake.

From the available scientific evidence, **Ms Pimenoff** concluded that surgical castration of a sexual offender offered no guarantee that the person would not re-offend, in particular if the offender was in denial (as was frequently the case), since a simple injection of testosterone could bring his hormone levels to pre-castration levels. The only guaranteed result of surgical castration was a definite loss of reproductive ability, as well as a very likely loss of self-esteem. She cited the definition of the European Court of Human Rights on what constituted degrading treatment (or punishment) in the sense of Article 3 of the European Convention of Human Rights. She believed that surgical castration fitted this description, although the European Court of Human Rights had yet to rule on such a case. She emphasised that the right to be protected from degrading treatment or punishment was an absolute right which could not be derogated from, no matter how heinous the crime of the offender. She believed that learning-disabled sexual offenders ran a higher risk of surgical castration in the Czech Republic, and underlined that there could be no free consent to surgical castration in such circumstances.

Ms Pimenoff then turned to “chemical” castration, which was used on men only in Europe (particularly widely in Denmark). As with surgical castration (to which it was very similar, with similar side-effects plus a toxic effect on the liver), there was no demonstrable evidence-based effect on reoffending rates. However, in combination with psychotherapy amongst motivated patients, it could perhaps be regarded as a valuable supplement. However, was this treatment not degrading simply because it could be stopped? In particular, as there was no guarantee that all sexual functions could be restored after longer-term-use? This was why the Council of Europe’s Lanzarote Convention protected offenders from mandatory castration, and only allowed for “chemical” castration on a voluntary basis with the free and informed consent of the offender.

¹ Ms Pimenoff’s power-point presentation is available on the Committee’s extranet page.

Turning to the only group of people with legally prescribed sterilisations, transsexuals, **Ms Pimenoff** explained the history of the regulation of legal sex change recognition in Europe (starting in Sweden in 1972 and in Germany in 1980). In 1993, the Council of Europe had even proclaimed a consensus that proof of irreversible sterilisation was a *sine qua non* condition of legal sex change recognition. However, transsexualism did not preclude the wish for children, which was a right protected by the European Convention of Human Rights. In 2002, the European Court of Human Rights had reversed its previous position in the judgment *Christine Goodwin vs the United Kingdom*, and had thus recognised the rights of transsexuals not to be subjected to legally prescribed sterilisations. The United Nations, the Council of Europe Human Rights Commissioner, and even the German *Bundesverfassungsgericht* had since taken the same line, leading to a change of laws not just in the United Kingdom, but also, more recently, in Germany and in Sweden. Unfortunately, many other countries had not yet changed their laws, and needed to do so urgently. She concluded that no sterilisation and no castration should ever be prescribed for any group of people.

Ms Maury Pasquier agreed with the experts' conclusion that coerced sterilisations and castrations were a human rights violation no matter which group of people was targeted. What could be done to avoid falling into the same trap again?

Mr Zaremba emphasized that he was a journalist and writer, not a politician or a scientist. His feeling was that eugenics was becoming privatised. He doubted that a state would produce this kind of legislation again. But insurance companies could withhold cover from pregnant women, for example, who ran the risk of bearing a disabled child (who could become a "burden" to society if the mother "could not cope"). He had heard of cases where medical staff – in good faith – had put pressure on young girls to have an abortion in such cases.

Ms Pimenoff pointed out that there was less "need" for sterilisation these days because of the wider availability of contraceptives. She was worried that institutionalised learning-disabled women were even now already automatically being given contraceptives – without their consent or without their knowledge – without medical supervision. She was also worried that "chemical" castrations might increase, as politicians were under heavy public pressure. In Poland, an experiment was currently going on: the Prime Minister had recently been reported to have said that "human rights don't count for these people" (meaning sexual offenders).

Ms Maury Pasquier agreed. There was always a risk of a slippery slope to past abuses when a category of people were deprived of their rights.

The Chairperson presented the timetable for the further discussion of the report in the Committee and the Plenary Assembly.

Ms Konečná stated that she would not be able to be present on Thursday when the report was scheduled to be adopted in Committee. She was not asking for a postponement of the vote, but she wanted to take the opportunity already today to ask the Committee to agree to allow the Czech delegation to present a dissenting opinion on the report, in particular on the definition of coercion.

Ms Maury Pasquier thanked the Czech delegation for having informed her of this request before the meeting, which she did not oppose. However, she profoundly regretted that after all the efforts made (including her acceptance of multiple comments of the Czech delegation in the report), it continued to feel attacked. It was not usual for Committees to accept dissenting opinions on reports which were general in nature (as opposed to country-specific), and she had been careful not to mention any country in the draft resolution. Indeed, the victim of forced sterilisation whom the Committee had heard at its first hearing in 2011 had been from her own country, Switzerland.

Mr Ghilechi summed up that the Committee would thus adopt the draft resolution at its meeting on Thursday and would allow the Czech delegation to table a short dissenting opinion to the report. The Plenary would debate the report during the June part-session.

Committee on Social, Health and Sustainable Development
Commission des questions sociales, de la santé et du développement durable

List of presence / Liste de présence
Strasbourg, 23 April 2013

Chairperson / Présidente :

Mme Liliane **MAURY PASQUIER** Switzerland / Suisse

Vice-Chairpersons / Vice-Présidents :

Mr Valeriu **GHILETCHI** Republic of Moldova / République de Moldova

Mr Dimitrios **PAPADIMOULIS**..... Greece / Grèce

Mr Igor **KOLMAN**.....Croatia / Croatie

Members / Membres			Alternates / Remplaçant(e)s
Mr Arben AHMETAJ		Albania / Albanie	ZZ ...
Ms Sílvia Eloïsa BONET PEROT		Andorra / Andorre	M. Gerard BARCIA DUEDRA
Mr Vahe HOVHANNISYAN		Armenia / Arménie	Ms Naira KARAPETYAN
Mr Karl DONABAUER		Austria / Autriche	Mr Fritz NEUGEBAUER
Mr Stefan SCHENNACH		Austria / Autriche	Ms Karin HAKL
Ms Sevinj FATALIYEVA		Azerbaijan / Azerbaïdjan	Mr Aydin ABBASOV
Mr Rovshan RZAYEV		Azerbaijan / Azerbaïdjan	Mr Fazil MUSTAFA
M Philippe BLANCHART		Belgium / Belgique	M. Roel DESEYN
Ms Cindy FRANSSSEN		Belgium / Belgique	Mr Danny PIETERS
Mme Milica MARKOVIĆ		Bosnia and Herzegovina / Bosnie-Herzégovine	Ms Borjana KRIŠTO

Mr Desislav CHUKOLOV		Bulgaria / <i>Bulgarie</i>	ZZ...
Mrs Dzhema GROZDANOVA		Bulgaria / <i>Bulgarie</i>	Ms Milena HRISTOVA
Mr Igor KOLMAN		Croatia / <i>Croatie</i>	Mr Ivan RAČAN
Ms Stella KYRIAKIDES		Cyprus / <i>Chypre</i>	Ms Athina KYRIAKIDOU
Mme Daniela FILIPIOVÁ		Czech Republic / <i>République tchèque</i>	Mr Pavel LEBEDA
Ms Kateřina KONEČNÁ		Czech Republic / <i>République tchèque</i>	Mr Tomáš ÚLEHLA
Ms Sophie LØHDE		Denmark / <i>Danemark</i>	Ms Mette REISSMANN
Mr Margus HANSON		Estonia / <i>Estonie</i>	Ms Maret MARIPUU
Mr Jouko SKINNARI		Finland / <i>Finlande</i>	Ms Sirkka-Liisa ANTTILA
Mme Maryvonne BLONDIN		France	M. Gérard BAPT
M. Jean-Claude FRÉCON		France	M. Christophe LÉONARD
M. Denis JACQUAT		France	M. Jean-Louis LORRAIN
Mme Danielle AUROI		France	Mme Estelle GRELIER
Mr Guguli MAGHRADZE		Georgia / <i>Géorgie</i>	ZZ...
Ms Doris BARNETT		Germany / <i>Allemagne</i>	Ms Marlene RUPPRECHT
Mr Axel E. FISCHER		Germany / <i>Allemagne</i>	Mr Bernd SIEBERT
Mr Erich Georg FRITZ		Germany / <i>Allemagne</i>	Mr Michael GLOS
Mr Andrej HUNKO		Germany / <i>Allemagne</i>	Mr Thomas NORD
Mr Miltiadis VARVITSIOTIS		Greece / <i>Grèce</i>	Ms Eleni RAPTI
Mr Dimitrios PAPANIMOULIS		Greece / <i>Grèce</i>	Mr Ioannis DRAGASAKIS

Mr Márton BRAUN		Hungary / <i>Hongrie</i>	Mr Ferenc KALMÁR
Mr Gábor HARANGOZÓ		Hungary / <i>Hongrie</i>	Mr László KOSZORÚS
Ms Þuríður BACKMAN		Iceland / <i>Islande</i>	Ms Álfheiður INGADÓTTIR
Mr Joseph O'REILLY		Ireland / <i>Irlande</i>	Ms Deirdre CLUNE
Mr Mario BARBI		Italy / <i>Italie</i>	Mr Paolo GIARETTA
Mr Roberto COMMERCIO		Italy / <i>Italie</i>	M. Giacomo STUCCHI
Mr Oreste TOFANI		Italy / <i>Italie</i>	Mr Giuseppe CIARRAPICO
Mr Luca VOLONTÈ		Italy / <i>Italie</i>	Mr Gianni FARINA
M. Andris BĒRZIŅŠ		Latvia / <i>Lettonie</i>	Ms Lolita ČIGĀNE
Mr Gerold BÜCHEL		Liechtenstein	Mr Rainer GOPP
Ms Dangutė MIKUTIENĖ		Lithuania / <i>Lituanie</i>	Mr Arturas SKARDŽIUS
M. Marc SPAUTZ		Luxembourg	M. Fernand BODEN
Mr Deo DEBATTISTA		Malta / <i>Malte</i>	Mr Charlò BONNICI
Ms Liliana PALIHOVICI		Republic of Moldova / <i>République de Moldova</i>	Mr Valeriu GHILETCHI
M. Jean-Charles ALLAVENA		Monaco	M. Christian BARILARO
Mr Predrag SEKULIĆ		Montenegro / <i>Monténégro</i>	Mr Zoran VUKČEVIČ
Mr Joris BACKER		Netherlands / <i>Pays-Bas</i>	Ms Ankie BROEKERS-KNOL
Mr Tuur ELZINGA		Netherlands / <i>Pays-Bas</i>	Mme Khadija ARIB
Ms Karin ANDERSEN		Norway / <i>Norvège</i>	Ms Magnhild Melveit KLEPPA

Mr Łukasz ZBONIKOWSKI		Poland / <i>Pologne</i>	Mr Henryk CIOCH
Mr Stanisław HUSKOWSKI		Poland / <i>Pologne</i>	Mr Zbigniew GIRZYŃSKI
Ms Mirosława NYKIEL		Poland / <i>Pologne</i>	Mr Maciej ORZECOWSKI
Mr José MENDES BOTA		Portugal	ZZ...
Ms Maria de Belém ROSEIRA		Portugal	ZZ...
Mr Ionuț-Marian STROE		Romania / <i>Roumanie</i>	Mr Ioan GHISE
Mr Marian NEACȘU		Romania / <i>Roumanie</i>	Mr Florin Costin PÂSLARU
Mr Cezar Florin PREDA		Romania / <i>Roumanie</i>	Mr Attila Béla-Ladislau KELEMEN
Ms Olga BORZOVA		Russian Federation / <i>Fédération de Russie</i>	Mr Anton BELYAKOV
Ms Svetlana GORYACHEVA		Russian Federation / <i>Fédération de Russie</i>	Mr Vyacheslav TIMCHENKO
Mr Sergey KALASHNIKOV		Russian Federation / <i>Fédération de Russie</i>	Mr Yury SHAMKOV
Mr Guennady GORBUNOV		Russian Federation / <i>Fédération de Russie</i>	Mr Valeriy SUDARENKOV
M. Paride ANDREOLI		San Marino / <i>Saint-Marin</i>	Mr Gerardo GIOVAGNOLI
Mr Radojko OBRADOVIĆ		Serbia / <i>Serbie</i>	Mr Vladimir ILIĆ
Mr Djordje MILIĆEVIĆ		Serbia / <i>Serbie</i>	Ms Vesna MARJANOVIĆ
Ms Darina GABÁNIOVÁ		Slovak Republic / <i>République slovaque</i>	Mr Ľuboš BLAHA
Mr Jakob PRESEČNIK		Slovenia / <i>Slovénie</i>	Ms Andreja ČRNAK MEGLIČ
Mr Rubén MORENO PALANQUES		Spain / <i>Espagne</i>	Mr Ángel PINTADO

Mme Eva PARERA		Spain / <i>Espagne</i>	M. Gabino PUCHE
M. Ramón JAÚREGUI		Spain / <i>Espagne</i>	Mr Pedro AZPIAZU
Ms Carina OHLSSON		Sweden / <i>Suède</i>	Mr Lennart AXELSSON
Mr Mikael OSCARSSON		Sweden / <i>Suède</i>	Ms Marietta de POURBAIX-LUNDIN
M. André BUGNON		Switzerland / <i>Suisse</i>	Mr Luc RECORDON
Mme Liliane MAURY PASQUIER		Switzerland / <i>Suisse</i>	Ms Urs SCHWALLER
Mr Igor IVANOVSKI		« The former Yugoslav Republic of Macedonia » / “L'ex-République yougoslave de Macédoine”	Mr Imer ALIU
Ms Pelin GÜNDEŞ BAKIR		Turkey / <i>Turquie</i>	Mr Mevlüt ÇAVUŞOĞLU
Mr Burhan KAYATÜRK		Turkey / <i>Turquie</i>	Mme Tülin ERKAL KARA
Mr Ertuğrul KÜRKÇÜ		Turkey / <i>Turquie</i>	Ms Mülkiye BİRTANE
Mr Volodymyr VECHERKO		Ukraine	M. Ivan POPESCU
Mr Serhiy SOBOLEV		Ukraine	Ms Olena KONDRATIUK
Mr Lev MYRYMSKYI		Ukraine	Mr Serhiy LABAZIUK
Mr Jim DOBBIN		United Kingdom / <i>Royaume-Uni</i>	Mr Robert NEILL
Mr Jeffrey DONALDSON		United Kingdom / <i>Royaume-Uni</i>	Mr Edward LEIGH
EARL of Alexander DUNDEE		United Kingdom / <i>Royaume-Uni</i>	Mr Mike HANCOCK
Sir Alan MEALE		United Kingdom / <i>Royaume-Uni</i>	Mr John PRESCOTT

Special Guests / Invités spéciaux

Ms / *Mme* Veronica Pimenoff, Psychiatrist, Head of Department of Helsinki University Psychiatric Hospital (Finland) / *Psychiatre, Chef de département de l'hôpital universitaire psychiatrique d'Helsinki (Finlande)*
Mr / *M.* Maciej Zaremba, journalist (Sweden) / *Journaliste (Suède)*

Partners for Democracy / Partenaires pour la démocratie

Mr / *M.* Omar HEJIRA, Morocco / *Maroc*

Permanent Representatives / Représentants permanents

Mr / *M.* Emin ASLANOV, Azerbaijan / *Azerbaïdjan*
Mr / *M.* Tomáš BOČEK, Czech Republic / *République tchèque*
Mr / *M.* Martin BOUČEK, Czech Republic / *République tchèque*
Ms / *Mme* Elen HARUTYUNYAN, Armenia / *Arménie*
Mr / *M.* Ivan MINTAS, Croatia / *Croatie*
Mr / *M.* James MOLONEY, Ireland / *Irlande*
Ms / *Mme* Melek Mehtap ŞAHİN, Turkey / *Turquie*
Ms / *Mme* Ana VUKADINOVIĆ, Montenegro / *Monténégro*
Ms / *Mme* Ana Maria YUINEN, Finland / *Finlande*

Delegation Secretaries / Secrétaires de délégations

Ms / *Mme* Cristina BARBAGLIA, United Kingdom / *Royaume-Uni*
Mr / *M.* Nikolay BARKOV, Russian Federation / *Fédération de Russie*
Ms / *Mme* Gunilla CARLANDER, Finland / *Finlande*
Mr / *M.* Rainer DORNSEIFER, Germany / *Allemagne*
Ms / *Mme* Kateřina KOŠAŘÍKOVÁ, Czech Republic / *République tchèque*
Ms / *Mme* Sonia LANGENHAECK, Belgium / *Belgique*
Ms / *Mme* Gabriella MARANGOUD-AVERNAS, Cyprus / *Chypre*
Ms / *Mme* Aynur NURAHMADOVA, Azerbaijan / *Azerbaïdjan*
Mr / *M.* Nicholas WRIGHT, United Kingdom / *Royaume-Uni*

Other member present / Autre membre présent

Mr / *M.* Volodymyr PYLYPENKO, Ukraine

Also present / Egalement présents

Mr / *M.* Georg MÄSCHIG, INGO / *OING*
Ms / *Mme* Maria Cristina MURANO, Trainee / *Stagiaire*
Ms / *Mme* Agnès NOEL, Trainee / *Stagiaire*
Ms / *Mme* Manon RICHARD, United Nations High Commissioner for Human Rights (UNHCR) / *Haut-Commissariat des Nations Unies pour les réfugiés (UNHCR)*
Ms / *Mme* Delphine ROTH, Trainee / *Stagiaire*
Mr / *M.* Ivan RYZHKOV, Russian Federation (accompanying Ms Borzova) / *Fédération de Russie (accompagne Mme Borzova)*
Mr / *M.* Branko SOBAN, Slovenia, press / *Slovénie, presse*

Council of Europe / Conseil de l'Europe

Ms / *Mme* Silvia GRUNDMANN, Commissioner for Human Rights / *Commissaire aux droits de l'homme*

Secretariat of the Parliamentary Assembly / Secrétariat de l'Assemblée parlementaire

Mr / *M.* Mario MARTINS, Director General – Secretariat of the Assembly / *Directeur général - secrétariat de l'Assemblée*
Ms / *Mme* Nathalie BARGELLINI, Communication Unit / *Unité de Communication*
Ms / *Mme* Angela GARABAGIU, Committee on Culture, Science, Education and Media / *Commission de la culture, de la science, de l'éducation et des médias*

Committee on Social Affairs, Health and Sustainable Development / Commission des questions sociales, de la santé et du développement durable

Ms / Mme Tanja KLEINSORGE, Head of the Secretariat / *Chef du Secrétariat*

Ms / Mme Aiste RAMANAUSKAITE, Secretary to the Committee / *Secrétaire de la commission*

Ms / Mme Maren LAMBRECHT-FEIGL, Secretary to the Committee / *Secrétaire de la commission*

Ms / Mme Ayşegül ELVERİŞ, Co-Secretary to the Committee / *Co-Secrétaire de la commission*

Ms / Mme Marie-Anne MENGER, Principal Administrative Assistant / *Assistante administrative principale*

Ms / Mme Jannick DEVAUX, Project manager / *Chargée de projet*

Ms / Mme Prisca BARTHEL, Principal Assistant / *Assistante principale*

Ms / Mme Linda McINTOSH, Assistant / *Assistante*

Ms / Mme Rosa MEYER, Trainee / *Stagiaire*