



Law for the Prevention of Offspring with Hereditary Diseases

14 July 1933

The Reich Government has passed the following law, which is announced herewith :

Par. 1

(1) Anyone who is suffering from a hereditary disease can be sterilized by a surgical operation if, according to the experiences of medical science, it is to be expected with great probability that his offspring will suffer from serious hereditary physical or mental defects.

(2) Those who suffer from any of the following diseases are considered to be suffering from a hereditary disease within the, meaning of this law:

1. Mental deficiency from birth
2. Schizophrenia
3. Circular (manic-depressive) lunacy
4. Hereditary epilepsy
5. Hereditary St. Vitus' Dance (Huntington's Chorea)
6. Hereditary blindness
7. Hereditary deafness
8. Serious hereditary physical malformation.

(3) Furthermore, persons suffering badly from alcoholism can be sterilized.

Par. 2

(1) The person to be sterilized has the right to make an application. If this person is incapacitated or under tutelage because of mental deficiency or is not yet 18, the legal representative has the right to make an application but needs the consent of the court of guardians to do so. In other cases of limited capacity the application needs the consent of the legal representative. If someone who has attained his or her majority has received someone to look after his or her person, the consent of the latter is necessary.

(2) A certificate from a doctor approved for the German Reich is to be attached to the application, to the effect that the person to be sterilized has been informed of the nature and results of sterilization.

(3) The application can be withdrawn.

Par. 3

Sterilization can also be applied for by the following:

1. The civil service doctor
2. For the inmates of a sanatorium or nursing home, by the head thereof.

Par. 4

The application is to be made to the office of the Eugenics Court; it can either be in writing or can be dictated to it. The facts forming the basis of the application are to be attested to by a medical opinion or in some other way. The office must inform the civil service doctor of the application.

Par. 5

Competent to decide is the Eugenics Court to whose sphere of jurisdiction the person to be sterilized normally belongs.

Par. 6

(1) The Eugenics Court is to be attached to a Lower Court. It consists of a Lower Court Judge as President, a civil service doctor and another doctor approved for the German Reich who is an expert on eugenics. A representative is to be appointed for each member.

(2) Anyone who has judged an application to the court of guardians for permission, in accordance with par. 2, subpar. (1), is excluded as President. If a civil service doctor has made the application, he cannot take part in the decision.

Par. 7

(1) The proceedings before the Eugenics Court are not public.

(2) The Eugenics Court must institute the necessary investigations; it can hear witnesses and experts, and can order the personal appearance and medical examination of the person to be sterilized, and can cause him to be brought before them if he absents himself without excuse. For the cross-examination and swearing-in of witnesses and experts and for the exclusion and refusal of persons connected with the law, the regulations for the conduct of civil trials are applicable *mutatis mutandis*. Doctors heard as witnesses or experts are bound to speak, without consideration for professional secrecy. Legal and administrative authorities, as well as institutions for the care of the sick have to give information to the Eugenics Court on demand.

Par. 8

The Court has to decide according to its free conviction, taking into account the whole result of the case and of the hearing of witnesses. The decision is to be reached by a majority vote after verbal discussion. The decision is to be put down in writing and to be signed by the members taking part in reaching the decision. It must give the reasons for deciding on or rejecting the sterilization. The decision is to be communicated to the person who made the application, to the civil service doctor as well as to the person whose sterilization has been applied for, or, if the latter has not the right to make an application, to his or her legal representative.

Par. 9

The persons designated in par. 8, sentence 5, can within one month after its communication, file an objection to the decision with the office of the Eugenics Court; this objection can either be in writing or can be dictated to it. The objection has a postponing effect. The Eugenics High Court decides on the objection. Against the failure to observe the time limit for objections it is permissible to put things back to their previous state, making use of the regulations for the conduct of civil trials where applicable.

Par. 10

[This institutes a Eugenics High Court, made up in the same way as the ordinary Eugenics Court and having the power of making a final decision.]

Par. 11

(1) The surgical operation necessary for sterilization may only be carried out in an institute for the sick, by a doctor approved by the German Reich. He may undertake the operation only when the decision ordering the sterilization has been finally confirmed. The supreme authority of the province prescribes the hospitals and doctors entrusted with the process of sterilization. The operation may not be carried out by a doctor who has made the application or who has taken part in the trial as a judge.

(2) [The doctor carrying out the operation must send a written report to the civil service doctor.]

Par. 12

(1) Once the Court has finally decided on sterilization it must be carried out even against the will of the person to be sterilized. The civil service doctor has to request the necessary measures from the police authorities. Where other measures are insufficient, direct force may be used.

(2) If facts which necessitate a renewed investigation of the case come out, the Eugenics Court must reopen the proceedings and suspend the sterilization. If the application was refused, it is only permissible to take it up again if new facts have arisen which justify the sterilization.

Par. 13

[Deals with costs]

Par. 14

Sterilization which does not take place in accordance with this law can only be carried out if done by a doctor according to the rules of medicine to avert a serious danger to the life or health of the person affected, and can only be done with the latter's consent.

Par. 15

(1) Those concerned in the court case or in the carrying out of the surgical operation are bound to secrecy.

(2) [Punishments for breach of secrecy].

Par. 16

[Administrative details]

Par. 17

The Reich Minister of the Interior will lay down the legal and administrative regulations necessary for the execution of this law in collaboration with the Reich Minister of Justice.

Par. 18

This law comes into force on the 1st January 1934.

Berlin, 14th July 1933.

The Reich Chancellor
ADOLF HITLER
The Reich Minister of the Interior

FRICK
The Reich Minister of Justice
Dr. GURTNER