

COUNCIL OF EUROPE

EUROPEAN COMMISSION OF HUMAN RIGHTS

DECISION OF THE COMMISSION

AS TO THE ADMISSIBILITY

of Application No. 1287/61  
by J S  
against Denmark

The European Commission of Human Rights sitting in private on 4th October 1962, under the presidency of Mr. S. PETRÉN and the following members being present:

MM. P. FABER  
A. SUSTERHENN  
Mrs. G. JANSSEN-PEVTSCHIN  
MM. M. SØRENSEN  
N. ERIM  
J.E.S. FAWCETT

(Rule 25, in fine, of the Rules of Procedure)

Mr. A.B. McNULTY, Secretary to the Commission

Having regard to the Application lodged on 30th November 1961 by J S against Denmark and registered on 5th December 1961 under file No. 1287/61;

Having regard to the report provided for in Rule 45, paragraph (1), of the Rules of Procedure of the Commission;

Having deliberated,

THE FACTS

Whereas the facts as presented by the Applicant may be summarised as follows:

The Applicant is a Danish citizen born in 1887. He states that on 16th May 1956, after the birth of a child, his wife was sterilised at the hospital of Aabenraa and that she is still suffering physically and mentally from the consequences. He alleges that the operation was performed without his consent and that it has completely changed his married life.

He accused the local doctor and the doctors at the above hospital of having conspired to perform the operation and apparently he sent numerous complaints to the Danish authorities. On 18th November 1961 the Ministry of Interior replied that the Medico-Legal Council (Retslaegeradet) and the Public Health Administration (Sundhedstyrelsen), both having been asked for comments, considered that the operation was justified on medical grounds and that the Applicant's wife had given her consent prior to the operation. On 20th November 1961 the Ministry of Justice informed the Applicant that criminal proceedings would not be initiated against those responsible for the operation.

Whereas the Applicant does not indicate the Articles of the Convention on which he relies.

THE LAW

Whereas, in regard to the Applicant's allegations that his wife was sterilised without his consent, it is true that an operation of this nature might, in certain circumstances, involve a breach of the Convention, in particular of Articles 2 and 3; whereas it appears from the documents submitted by the Applicant that the operation was carried out for medical reasons only and that his wife gave her consent; whereas, in his submissions, the Applicant does not expressly contest these facts but solely alleges that his own consent was never obtained; whereas, furthermore, there is no indication that the Applicant's wife has in any way associated herself with the present Application; whereas, in these circumstances, an examination of the case, as it has been submitted, including an examination made ex officio, does not disclose any appearance of a violation of the Applicant's individual rights and freedoms such as are set

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forth in the Convention and in particular in Articles 2 and 3; whereas it follows that the Application is manifestly ill-founded and must be rejected in accordance with Article 27, paragraph (2) of the Convention.

Now therefore the Commission

DECLARES THIS APPLICATION INADMISSIBLE

*for the* Secretary to the  
Commission

President of the  
Commission

*(D.-A. EISSEN, Deputy Secretary)*  
(A.B. McNULTY)

(S. PETREN)