Forum: United Nations Human Rights Council (HRC)

Issue #1: Measures to Address the Compulsory Sterilization of Individuals with Disabilities

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Introduction

The compulsory sterilization of individuals with disabilities is a sensitive topic as it directly relates to human rights, autonomy, and dignity. Compulsory sterilization entails the enforced implementation of surgical or medical procedures to permanently prevent individuals from reproducing, often without their consent. When applied to individuals with disabilities, this practice raises profound ethical, moral, and human rights concerns. Historically, compulsory sterilization has been justified and validated under eugenic ideologies that seek to control populations deemed undesirable or inadequate. Individuals with disabilities have often been targeted, leading to systemic discrimination and violation of their rights. Some key points involved with this issue are the violation of reproductive rights, eugenics, discrimination, denial of basic human rights, and health implications/complications of compulsory sterilization.

The issue of compulsory sterilization of individuals with disabilities started in the early 20th century and has carried on until today. It began with the state of Indiana passing the first law mandating the compulsory sterilization of individuals with disabilities in 1907 which was quickly followed by the rest of the country supporting this as well. Slowly, other countries worldwide started to support these ideologies too, and by the 1930's this practice and the discriminatory treatment and stereotypes against disabled individuals had risen to the point where it was considered normal. Associate professor of sociology, Lutz Kaelber, wrote an extensive research paper on the history of compulsory sterilization. He states that "American eugenic laws and practices implemented in the first decades of the twentieth century influenced the much larger National Socialist compulsory sterilization program, which between 1934 and 1945 led to approximately 350,000 compulsory sterilizations and was a stepping stone to the Holocaust" (Kaelber). This movement was driven by misguided beliefs in the superiority of certain genetic traits and the desire to prevent the transmission of what were perceived to be undesirable characteristics. Unfortunately, this was only worsened by governments and healthcare systems condoning and forcing this thought process and movement. The rationale behind compulsory sterilization stemmed from misconceptions about hereditary traits and societal prejudices against individuals with disabilities.

People in support of this argued that preventing individuals with disabilities from reproducing would alleviate financial burdens on society and also reduce the prevalence of disability in future generations. They didn't see people with disabilities as human but rather more as something that weighed down society and humankind. As a result of this thought process, they believed everyone would benefit from sterilizing disabled individuals. Supporters didn't consider the fact that some disabilities aren't genetic and that doing this wouldn't fully eliminate disabilities. The other side of this issue argues that it is immoral and inhumane to force this upon people simply for being different. They deserve to have all the same human rights as everyone else because they are also human regardless of their disability. Many individuals were also worried about the extremity this issue could reach. With no clear way to justify compulsory sterilization and no line to separate right from wrong, this could be used for any purpose and any person. It would become an issue of mass eugenics and eventually spread to population control. Even in the present day, this is still an issue. It is not as prevalent as it used to be but despite advancements in human rights and medical ethics it often happens illegally in many regions.

Definition of Key Terms:

Compulsory: Mandatory, required by law or rule. Without the opinion or consent of the other party.

Sterilization: In a medical context, it refers to the surgical procedure that renders an individual unable to reproduce.

Eugenics: A set of beliefs and practices aimed at improving the genetic quality of the human population, often through controlled breeding or selective reproduction.

Disability: A physical or mental condition that limits a person's movements, senses, or activities. Disabilities may be temporary or permanent, and they can vary in severity.

Discrimination: Unfair or unequal treatment of individuals or groups based on race, gender, age, religion, disability, or sexual orientation.

Systemic Discrimination: Discrimination embedded within the structures, policies, and practices of a society or institution, resulting in unequal treatment and opportunities for certain groups of people.

Hereditary: Relating to traits or characteristics passed down from one generation to another through genetic transmission.

Genetic: Relating to genes, heredity, or variation in living organisms.

Human rights: Fundamental rights and freedoms that all individuals are entitled to, regardless of their nationality, race, religion, gender, or other status. These rights include the right to life, liberty, security, and freedom from discrimination and oppression.

Population control: Measures taken to regulate the size, growth, distribution, or composition of a population, often implemented through policies or programs aimed at influencing birth rates and family planning.

Reproduction: The process by which living organisms produce offspring or new individuals of the same species.

Ethical: Pertaining to principles of right and wrong conduct, particularly as they relate to moral duty and obligations.

Moral: Concerned with principles of right and wrong behavior, as perceived by society, individuals, or groups.

Prejudice: Preconceived opinions or attitudes held about individuals or groups, often based on stereotypes, and not based on actual experience or knowledge. Prejudice can lead to discrimination and unfair treatment.

Social Darwinism: The theory that individuals, groups, and peoples are subject to

the same Darwinian laws of natural selection as plants and animals. It was used to justify political conservatism, imperialism, and racism and to discourage intervention and reform.

General Overview

The Moral, Ethical, and Logical Perspectives Behind the Compulsory Sterilization of Disabled Individuals:

Historically, the compulsory sterilization of disabled individuals has been painted from a logical perspective. Famous eugenicists like Francis Galton believed in Social Darwinism. According to the National Library of Medicine, "American eugenicists argued that forced sterilization was in society's best interest. Inspired by the social Darwinism propounded by Francis Galton, many concluded that social ills could result from characteristics transmitted genetically among "unfit" populations. They believed that "defective" people reproduced at higher rates, that criminals and the developmentally disabled tended to have children with similar disorders, and that reproduction among these populations weakened the gene pool" (Lerner, Pham). These ideologies were especially strong less than a century ago and have yet to be extinguished. Countless laws were made in different countries supporting the involuntary sterilization of the disabled. Eugenicists like to argue that there are multiple positive impacts to sterilizing the disabled. Firstly, it reduces the transmission of genetic disabilities to future generations. It would be rare for people to be born with disabilities which makes life easier for all of humankind. It would reduce the cost of societal healthcare and lessen the burdens on loved ones and caretakers. Union College ran a study, led by Professor Robert Baker, to get a better grasp of where caretakers stood concerning this issue and was surprised to discover that many caretakers sided with the compulsory sterilization of disabled individuals. They expressed the difficulties they have to face daily and explained how devastating it could be for a disabled individual to have a child. They also mention that they worry about the likelihood of assault or unconsented sexual acts against their loved ones.

In extreme cases of disabilities, individuals are rarely ever aware of the world and their own lives. They can't function without full-time aid from others and have the mentality and IQ of a small child. These extreme cases form a significant amount of the global population. According to the World Health Organization (WHO), "An estimated 1.3 billion people experience significant disability. This represents 16% of the world's population. Some persons with disabilities die up to 20 years earlier than those without disabilities. Persons with disabilities have twice the risk of developing conditions such as depression, asthma, diabetes, stroke, obesity, or poor oral health" (Disability). For these reasons, some people believe it would be better to slowly eradicate genetic disabilities by preventing the disabled from reproducing. However, these beliefs are a big violation of the human right of reproduction and are very discriminatory. Some disabled individuals aren't aware enough to even know what is happening to them. They can't understand, yet their bodies are being altered in irreversible ways without their consent. The severity of disability is also unique to each individual and many high-functioning disabled individuals can support themselves and their families without help. It is not possible to come up with an objective, accurate, and fair scale to measure or regulate which people should be sterilized against their will.

The Consequences of Deep-rooted Eugenic Ideologies Regarding Disabled Individuals:

Compulsory sterilization can have profound physical, mental, and social consequences for individuals subjected to it. Science Direct wrote an article on this very subject, exploring in-depth the consequences of compulsory sterilization. They explained that from a physical health standpoint, the

procedure carries risks inherent to any surgical intervention, such as infection, bleeding, or adverse reactions to anesthesia. Additionally, in cases where sterilization is performed without proper medical oversight or in unsanitary conditions, the risk of complications may be significantly higher, potentially leading to long-term health issues or even death. Moreover, compulsory sterilization often results in the permanent loss of reproductive capacity, denying individuals the ability to conceive and bear children. This loss can have profound emotional and psychological ramifications, contributing to feelings of grief, loss, and a sense of being robbed of an essential aspect of one's identity and fulfillment. The article published by Science Direct states that "Many individuals report experiencing profound sadness, anger, and a sense of betrayal as a result of being forcibly sterilized, exacerbating existing mental health conditions or precipitating the onset of new ones, such as depression, anxiety, or post-traumatic stress disorder (PTSD)" (Cooper, Gath, Fieldsend, Rose).

Beyond the immediate physical and mental health consequences, compulsory sterilization can also have far-reaching social and economic implications for individuals and their communities. In many societies, the ability to bear children is intricately linked to social status, familial relationships, and cultural norms. Being deprived of this ability due to forced sterilization can lead to social ostracization, marital discord, and the loss of opportunities for meaningful participation in community life. Moreover, individuals who are forcibly sterilized may face heightened discrimination and stigma, further marginalizing them and impeding their access to essential services and resources. Compulsory sterilization also perpetuates systemic inequalities and reinforces ableist attitudes that devalue the lives and contributions of disabled individuals. By denying individuals their reproductive autonomy and agency, such practices perpetuate a narrative of disability as a deficiency or burden rather than a natural aspect of human diversity. This, in turn, fosters a culture of discrimination and exclusion, hindering efforts to promote inclusivity, equality, and social justice for all members of society.

Major Parties Involved and Their Views

Germany

Historically, Germany has a dark history regarding forced sterilization, particularly during the Nazi regime. According to Science Direct "By the end of World War II about half of Germany's physicians had become members of the Nazi party: many served on the Genetic Courts that ordered the compulsory sterilization of one-third of a million Germans; others participated in the euthanasia programs that killed about 200 000 children with physical or mental disability" (Baker). While the country has made advances in acknowledging and apologizing for this past, involuntary sterilization still occurs. The rate of it is highly reduced but the belief in eugenics is still strong in certain areas of Germany. Germany has implemented measures to prevent such violations, but occasional cases still arise, indicating ongoing challenges in this area. Many disabled people are being targeted and forced into being sterilized illegally without the government knowing or condoning them. Since these occurrences aren't big enough to track there hasn't been any way to stop it.

United States of America

In the United States, forced sterilization has a very perturbing past, particularly targeting marginalized communities such as people with disabilities, minorities, and those deemed unfit to reproduce. While the practice is now largely illegal and widely condemned by American citizens, instances of coerced or involuntary sterilization still occur. The United States government implemented laws to ensure the punishment of people who are caught partaking in these activities but hasn't discussed ways to prevent it altogether which has allowed

many disabled individuals to fall victim to this discrimination and inhumane treatment.

China

China has faced allegations of forced sterilization, largely due to its controversial population control policies, such as the now-relaxed one-child policy. Uighur Muslims and other ethnic minorities have reported instances of coerced sterilization as part of broader human rights abuses in Xinjiang province. Despite international condemnation, the Chinese government has denied these allegations and continues to face scrutiny over its treatment of minority populations. There have been many reports on camps targeting minorities such as disabled individuals where compulsory sterilization takes place. These actions aren't explicitly illegal in China and even the government seems to condone it. It is hard to know the severity of the issue since it is hidden from the public and the media but it is an ongoing issue that runs deeper than what is known.

Japan

Japan has a history of forced sterilization under its Eugenic Protection Law, which was in effect until 1996. The law led to the forced sterilization of approximately 25,000 people with disabilities. While the law aimed to prevent the birth of "inferior" offspring, it resulted in the forced sterilization of thousands of people with disabilities. These individuals suffered horrible consequences such as PTSD, permanent health issues, and a lack of security. Victims of this law expressed the awful impacts they suffered and described how awful it feels for your own country to be against you for the way you are. In recent years, the Japanese government has acknowledged these past wrongs and begun offering compensation to victims. However, challenges remain in addressing the lingering impact of this discriminatory policy. Many disabled individuals still feel like the system is against them and that they are discriminated against in Japan. While the law may be gone, the citizens of Japan still carry these beliefs and ideals with them. Families of disabled individuals tend to discriminate and abuse them and sometimes end up illegally sterilizing them. The Japanese government has yet to address this issue but the youth of Japan has protested against it and demanded the government make a change.

Vietnam

Reports have emerged of forced sterilization in Vietnam, particularly targeting women with disabilities or from ethnic minority groups. These reports date back many years but are yet to be acknowledged. These violations are often tied to population control measures and have been criticized by human rights organizations. The Vietnamese government has been urged to address these abuses and ensure the protection of reproductive rights for all its citizens. The Vietnamese government hasn't taken any measures to fix or prevent the forced sterilization of disabled individuals so it is a common practice and seen in a positive light by many Vietnamese citizens. Most Vietnamese people aren't concerned by this issue and are unaware of why it is ethically or morally incorrect. They don't see it as a violation of human rights and the government doesn't correct their behavior either.

India

India has faced international disapproval over multiple reports of forced sterilization of marginalized communities and women without their full consent. Government-sponsored sterilization camps have been criticized for coercive practices, including financial incentives and pressure from local authorities. While the Indian government has taken steps to regulate these camps and provide compensation to victims of botched procedures, challenges persist in ensuring the full protection of reproductive rights. Not only does the government provide compulsory sterilization but it also enforces it upon people seen as

unworthy of reproduction. Disabled individuals are one of the main targets of this movement. Many Indian citizens who struggle with poverty tend to partake in this practice because they can't afford to take care of a disabled family member or their offspring. Being disabled is highly looked down upon in Indian culture and is considered something that needs to be eradicated. Most of the time disabled individuals are left with no choice but to have their basic human and reproductive rights violated. They face systemic discrimination and it is nearly impossible for them to live peacefully.

North Korea

North Korea has been accused of forced sterilization as part of its widespread human rights abuses. North Korea condones the violation of many human rights. Citizens have no freedom and are forced to do whatever they are told. Defectors and survivors of North Korea have reported instances of coerced sterilization, particularly targeting political dissidents or those deemed unfit by the regime. The secretive nature of the North Korean government makes it difficult to assess the full extent of these violations, but reports from escapees paint a horrifying picture of reproductive coercion and abuse.

Timeline of Events

Date	Description of Event
1907	Indiana enacted the first law promoting eugenic sterilization law which quickly spread to the rest of the United States
1966	The International Covenant on Civil and Political Rights (ICCPR) addresses rights related to personal autonomy and bodily integrity, indirectly supporting opposition to forced sterilization.

1975	Declaration on the Rights of Disabled Persons: Proclaimed by the UN General Assembly, it asserts the right of disabled persons to respect for their human dignity.
1981	Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) began.
2006	The Convention on the Rights of Persons with Disabilities (CRPD) was adopted by the UN General Assembly. The CRPD explicitly prohibits discrimination against persons with disabilities, including forced sterilization, under Article 23.
2011	The UN CEDAW General Recommendation No. 24 which emphasized the need to prohibit coercive practices, including forced sterilization of women with disabilities was established.
2011	The Istanbul Convention was established and it prohibits forced sterilization in most European countries.
2012	The UN Special Rapporteur on Torture, Juan E. Méndez, included forced sterilization as a form of torture and ill-treatment, calling for its prohibition.
2014	The World Health Organization, OHCHR, UN Women, UNAIDS, UNDP, UNFPA and UNICEF issued a joint statement on "Eliminating forced, coercive and otherwise involuntary sterilization."
2019	The UN Special Rapporteur on the Rights of Persons with Disabilities highlighted the ongoing issue of forced sterilization and urged stronger measures for protection

and accountability.

UN involvement, Relevant Resolutions, Treaties and Events

The compulsory sterilization of disabled individuals has continuously been a significant human rights concern, and the United Nations (UN), alongside many other countries, has been actively involved in addressing this issue through various resolutions, treaties, and events. General Assembly in 2006 and coming into force in 2008, is a cornerstone treaty in this regard. The CRPD explicitly prohibits discrimination against persons with disabilities in all areas of life and emphasizes the importance of informed consent in medical procedures, including sterilization. Article 23 of the CRPD specifically addresses the rights of disabled individuals concerning family and reproductive rights, ensuring they retain their fertility on an equal basis with others. This treaty is meant to emphasize and enforce the importance of consent, awareness, and the reproductive rights of disabled individuals who fall victim to compulsory sterilization.

Additionally, countless UN resolutions and reports have condemned the practice and continuation of compulsory sterilization of disabled individuals. The UN Special Rapporteur on the Rights of Persons with Disabilities has repeatedly brought attention to the issue in annual reports, urging member states to end this practice, stating that they should "adopt measures to protect the bodily autonomy of disabled persons." In 2011, the UN Committee on the Elimination of Discrimination against Women (CEDAW) issued General Recommendation No. 24, which explicitly calls for the prohibition of coercive practices, including forced sterilization, against women with disabilities. When it comes to the sterilization of disabled individuals, females tend to be targeted more than men, and for these reasons, the UN has implemented resolutions that directly protect

them. Furthermore, the Universal Periodic Review (UPR) process has seen several countries receive recommendations to abolish compulsory sterilization and ensure their national laws align with international human rights standards.

The UN's sustained efforts, along with the advocacy of disability rights organizations, have led to significant progress in many countries. However, the fight against compulsory sterilization is ongoing, and continued vigilance and advocacy are essential to ensure that the rights and dignity of all individuals, regardless of their abilities, are respected and protected. The actions the UN has taken have had positive impacts on this issue and are slowly making a difference in the treatment disabled individuals recieve.

Evaluation of Previous Attempts to Resolve the Issue

Over the last century, the UN alongside many countries has made an attempt to fix, address, and fully eradicate the issue of compulsory sterilization in relation to disabled individuals. Their attempts have included awareness campaigns, resolutions, international laws, and other legal actions that fight against this inhumane practice. However, regardless of their efforts, this issue still prevails and it still severely affects the lives of many disabled persons. The issue with previous solutions is that they mostly target awareness instead of punishment. Most countries don't even have laws that regard this issue. The approach of previous solutions have been too passive to truly protect the disabled from having their reproductive rights disrespected and ignored. The lack of education on this issue also makes a negative impact as many people still have the misconception that this type of eugenics is correct. There also aren't many support systems in place to provide victims the support and care they require both mentally and physically. Overall, previous solutions have had the right goal in mind and are making some changes but there is still a long way to go to fully and properly deal with the issue of compulsory sterilization of disabled individuals.

Possible Solutions

Preventing the compulsory sterilization of disabled individuals and protecting their reproductive and human rights requires comprehensive legal and policy reforms. This includes creating robust legal frameworks that explicitly prohibit forced sterilization, ensuring informed and voluntary consent for all medical procedures, and establishing stringent penalties for violations. People in charge of these procedures should monitor compliance, conduct regular audits, and enforce mandatory reporting. There should be multiple systems in place that keep track of everything in an organized manner and that hold all medical institutions accountable in cases where the laws and rules in place aren't followed. Additionally, training and education for healthcare providers on the rights and informed consent of disabled individuals is essential. International cooperation can help develop global standards and strengthen compliance mechanisms. Key implementation strategies include legislative advocacy, capacity building, and public awareness campaigns.

Sustainable Development Goal (SDG)

The issue of compulsory sterilization of disabled individuals significantly relates to Sustainable Development Goal (SDG) 10: Reduced Inequalities. This SDG aims to empower and promote the social, economic, and political inclusion of all individuals, regardless of disability, and to ensure equal opportunity by eliminating discriminatory practices. Compulsory sterilization is a profound violation of the rights and bodily autonomy of disabled individuals, reinforcing social exclusion and stigmatization. It is an action of deep-rooted eugenics. Preventing this practice aligns with efforts to empower disabled individuals individuals and promote their inclusion in all aspects of society, as outlined in

Target 10.2 of SDG 10. Ensuring that disabled individuals have the same reproductive rights as others is fundamental to achieving equal opportunity, directly supporting Target 10.3. Additionally, protecting the reproductive rights of disabled individuals and ensuring their autonomy promotes their economic and social empowerment. This empowerment will help reduce the economic and social inequalities disabled individuals face, contributing to the broader goal of reduced inequalities.

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Appendix

I. Source #1

https://www.edf-feph.org/why-is-forced-sterilisation-still-legal-in-the-eu/

- A. This source gives an in depth explanation of why and how forced sterilization is still legal in certain countries in Europe. It also talks about the history of eugenics and compulsory sterilization in Europe.
- II. Source #2

https://english.elpais.com/society/2023-05-31/women-with-disabilities-forci

bly-sterilized-they-operated-on-me-with-no-explanation-they-destroyed-m e.html

- A. This source provides information on the testimonies of disabled women who are victims to compulsory sterilization. It shows an example of how deeply impacted the lives of people can be due to this issue and talks about the full process these women went though.
- III. Source #3

https://www.ohchr.org/en/stories/2014/06/right-choose-and-refuse-steriliz ation

- A. This source is from the UN and it explains the human right everyone has to choose to reproduce or not. It mentions why it is wrong for sterilization to be forced unto people due to their disabilities.
- IV. Source #4

https://www.ohchr.org/en/stories/2017/11/sterilization-form-systemic-viole nce-against-girls-disabilities

A. This source is written by the UN and it states the position the UN has when it comes to this issue. It mentions some examples of people that have gone through compulsory sterilization and explains why it is wrong for this to happen to people

V. Source #5

https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1071584/

A. This source gives a very detailed explanation of the history of eugenics and compulsory sterilization. The perspectives of both supporters and opposers of this issue are shown. It also includes real-life examples of people who struggle with this issue.