

Minor Interpellation

By the Members of Parliament Dr. Ilja Seifert, Diana Golze, Matthias W. Birkwald, Dr. Martina Bunge, Heidrun Dittrich, Katja Kipping, Jutta Krellmann, Yvonne Ploetz, Harald Weinberg, Sabine Zimmermann and the Parliamentary Group DIE LINKE (Left Party).

Need for clarification on the work of the Contergan Foundation (Conterganstiftung) and its Medical Commissions

According to Section 16 of the Contergan Foundation Act (Conterganstiftungsgesetz), a Commission appointed by the Management Board of the Contergan Foundation assesses the defects sustained by persons as a consequence of taking the sedative “Contergan” or other products containing thalidomide from the company Grünenthal GmbH. This is the basis on which the payment of benefits from the Contergan Foundation is measured.

The written statement by Udo Herterich for the public hearing of the Family Affairs Committee of the German Federal Parliament on the report and results of the study by the University of Heidelberg on 1 February 2013 (Committee Printed Matter 17/(13)238b) contained an excerpt from the minutes of the Medical Commission dated 20/21 February 1988.

This reads as follows:

1. “In this case Prof. Marquardt had drawn attention to particular problems for the beneficiary (flail elbow joints) which [...] are a considerable handicap. This defect is not provided for in the points table. A long discussion resulted in the conclusion that there is no possibility to recognise this problem, because otherwise it would put the points system into question, and especially a large number of similar cases would have to be decided.
2. Here Prof. Marquardt had drawn attention in a letter dated 18.1.88 to a deformity (Carpal Tunnel Syndrome) that can lead to disorders in the event of excessive strain. But a recognition would put the points system and the assessment principles of the Foundation into question and lead to an avalanche of applications. For this reason, as a result of the long discussion the existing principles shall remain in place and this defect shall not be recognised.”

These minutes suggest that defects suffered by Contergan victims are deliberately not recognised for reasons of cost. This is not only ethically and morally, but also legally (among other things according to Section 2 as well as Section 13 Paragraph 2 Sentence 1 of the Contergan Foundation Act) extremely questionable.

We ask the Federal Government:

1. When and by whom was the points system decided upon?
2. What is the wording of the currently applicable points system?

3. At what times has the points system been amended, and what were the contents of the amendments?
4. Which prenatal defects arising in connection with Contergan not taken into account in the points system despite the knowledge of these forms of defect?
5. How many persons are affected by the decision not to take certain Contergan defects into account?

To the knowledge of the Federal Government, how many of these are still living?

6. Who took the decision not to take certain Contergan defects into account, and on what grounds (please state in detail)?
7. How many of the recognised Contergan victims currently still living have a “9” before the decimal point in the points allocated to them (e.g. 9.00 to 9.99 or 29.97)?
8. Can the Federal Government exclude that in such points ratings below a threshold anything other than purely medical aspects (e.g. financial) played a role?
9. Are there differences in the application of new or higher ratings between persons lying close to a points boundary and those for whom the distance is greater?

If yes, in what relationship?

10. Who were the members of the Medical Commission from the initial appointment of the Commission up till today (please state the names and periods of activity)?
11. Which persons were on the Management Board of the Foundation in the period from 1972 up till today (please state the respective periods of membership of the Board and functions in each case)?
12. Which governing bodies of the Foundation and Federal authorities receive the minutes of the Medical Commission?
13. Since when have the Management Board of the Foundation, the Advisory Council of the Foundation as well as the Federal Government been aware of the minutes of the Medical Commission dated 22 February 1988?
14. What is the position of the Federal Government today – also with a view to the study by the University of Heidelberg – regarding the above-mentioned minutes and the fact that certain Contergan defects were apparently not taken into account in the assessment of payments?
15. Which prenatal defects have since become known that were not yet known at the time of the decision about the points system?

Which of these have subsequently been included in the system?

16. Is the Federal Government – also with a view to the study by the University of Heidelberg and its recommendation for action 6.14 – prepared in future to take into account in the assessment all prenatal defects that have since become known and to make the payments associated with these retrospectively?

If yes, how will this take place in practice?

If no, why not?

Berlin, 4 April 2013

Dr. Gregor Gysi and the Parliamentary Group

Note: This English translation is unofficial. Only the original German text carries legal authority.