

Committee on the Elimination of Discrimination against Women (CEDAW)  
UNOG-OHCHR  
CH-1211 Geneva 10 (Switzerland)

June 2016

## NGO Report to the 7<sup>th</sup> and 8<sup>th</sup> Periodic Report of Germany (CEDAW 66)

The international intersex human rights NGO [Zwischengeschlecht.org](http://Zwischengeschlecht.org) / [StopIGM.org](http://StopIGM.org) with a German constituency would like to highlight some omitted facts in the **State report regarding intersex issues (paras. 200-205, on Recommendation 62)**, and respectfully suggest related questions to ask the State party in the List of Issues.

### A. IGM practices are a human rights violation, NOT “*medical treatment*” or “*carrying out sex reassignment surgery hastily*”

The issue of involuntary non-urgent genital surgeries and other treatment including partial clitoris amputations, sterilising procedures, imposition of hormones, “blind” prenatal “therapy” and selective abortion, [1, 2] and with all typical forms unchanged current practice in Germany, [3] is **broached exactly twice** in the State report

1. once as “*carrying out sex reassignment surgery hastily*” (para 202), and
2. once as “*medical treatment*” (para 204).

Which neatly summarises the State party’s **complicity** in the daily mutilations, and the lengths of its unwavering commitment to continue **upholding the impunity** of IGM perpetrators and accessories, [4] including its own departments and institutions facilitating and funding IGM practices.

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[1] 2008 German CEDAW NGO Report by Intersexuelle Menschen e.V. / XY-Frauen, p. 12-16,

[http://intersex.shadowreport.org/public/Association\\_of\\_Intersexed\\_People-Shadow\\_Report\\_CEDAW\\_2008.pdf](http://intersex.shadowreport.org/public/Association_of_Intersexed_People-Shadow_Report_CEDAW_2008.pdf)

[2] 2014 Swiss CRC NGO Report by StopIGM.org, p. 63-76, [http://intersex.shadowreport.org/public/2014-CRC-Swiss-NGO-Zwischengeschlecht-Intersex-IGM\\_v2.pdf](http://intersex.shadowreport.org/public/2014-CRC-Swiss-NGO-Zwischengeschlecht-Intersex-IGM_v2.pdf)

[3] 2015 German CRPD NGO Report by StopIGM.org, p. 12, [http://intersex.shadowreport.org/public/2015-CRPD-LoI-Germany\\_NGO-Report\\_Zwischengeschlecht\\_Intersex-IGM.pdf](http://intersex.shadowreport.org/public/2015-CRPD-LoI-Germany_NGO-Report_Zwischengeschlecht_Intersex-IGM.pdf)

[4] Ibid., p. 17-22

## B. Harmful “Intersex Civil Status Act 2013” without consultation

The State party repeatedly mentions its “Intersex Civil Status Act 2013”, claiming it would

- a) allow that “*parents need not enter the child’s sex if this cannot unequivocally be established*” (para 202)
- b) constitute an “*amendment [...] in favour of intersex people*” (para 203), and a result of the State party’s “*dialogue with non-governmental organizations*” (para 201)
- c) “*aim[...] to relieve parents of the pressure [...] of carrying out [IGM practices] hastily*” (para 202)

**Fact is**, the “Intersex Civil Status Act 2013” is viewed quite differently by intersex NGOs:

- a) The new law PStG § 22 Abs. 3 states clearly and unequivocally: “(3) *If the child can be assigned to neither the female nor the male sex, then the child has to be entered into the register of births without such a specification,*” and thus legally **prohibits parents** to enter an “indeterminate” child as male or female in register even if they (or the child) want to, thus leaving them vulnerable to being forcibly outed against their will. [5]
- b) Therefore, intersex NGOs consistently criticise the Act as **stigmatising and dangerous**, [6] and maintain intersex NGOs were **not consulted** at all.
- c) According to the latest data from the Federal Statistical Office regarding “feminising” genital surgery (IGM 2) and sterilising procedures (IGM 3) in Germany presented by Dr. med. Jörg Woweries in Berlin on 9 March 2016, **IGM practices continue unchanged**. [7]

## C. Suggested questions for the Lol

- **Has the State party any measures in effect or planned to facilitate data collection and monitoring of IGM practices?**
- **Does the State party plan to stop IGM practices? Is the State party willing to explicitly prohibit them by law and adequately sanction or criminalise them? How does the State party intend to remove obstacles to redress for IGM survivors, including to fair and adequate compensation? [8]**

Kind regards,

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[5] <http://StopIGM.org/post/Intersex-3rd-gender-in-Germany-Silly-season-fantasies-vs-reality-of-genital-mutilations>

[6] Ibid.

[7] (in german) <http://blog.zwischengeschlecht.info/post/2016/03/24/BRD-Intersex-Genitalverstummelungen-IGM-in-Deutschland-unverändert>

[8] Also stipulated by CAT/C/DEU/CO/5 (2011), para 20; and CRPD/C/DEU/CO/1 (2015), paras 37-38