



Intersex Genital Mutilation in Liechtenstein

Dear Committee on the Rights of the Child

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1. IGM practices persist, no protections, Government fails to act

All typical forms of IGM practices are still arranged and/or practised in Liechtenstein today, promoted, facilitated and **directly paid for by the State party** via the **mandatory public health system**, both domestic and/or in **foreign specialised IGM clinics** under direct contractual obligation to the State party's health system, namely in **Switzerland** and **Austria**.

In **Liechtenstein** (CEDAW/C/LIE/CO/5, paras 35+36(c)), same as in the neighbouring countries of *Switzerland* (CRC/C/CHE/CO/2-4, paras 42-43; CEDAW/C/CHE/CO/45, paras 38-39; CAT/C/CHE/CO/7, para 20; CCPR/C/CHE/CO/4, paras 24-25) and *Austria* (CRC/C/AUT/CO/5-6, para 27(a)-(b); CAT/C/AUT/CO/6, paras 44-45), as well as in many more State parties,¹ there are

- **no legal or other protections** in place to **prevent all IGM practices** as stipulated in art. 24(3) and the CRC-CEDAW Joint General Comment No. 18/31,
- **no legal measures** in place to ensure **access to redress and justice** for adult IGM survivors,
- **no legal measures** in place to ensure the **accountability** of all IGM perpetrators and accessories,
- **no measures** in place to ensure **data collection** and **monitoring** of IGM practices.

Despite that the persistence of IGM practices in Liechtenstein is a **matter of public record**, and that CEDAW already recommended the State Party to “[s]pecifically prohibit non-consensual” surgery on intersex children, to this day, the **Liechtenstein government fails to “take effective**

¹ Currently we count **50 UN Treaty body Concluding Observations** explicitly condemning IGM practices as a **serious violation of non-derogable human rights**, see:
<https://stopigm.org/post/IAD-2016-Soon-20-UN-Reprimands-for-Intersex-Genital-Mutilations>

legislative, administrative, judicial or other measures” to protect intersex children from harmful practices, but instead allows IGM to continue with **impunity**.

2. Most common IGM forms advocated and perpetrated by Liechtenstein

Liechtenstein’s own **National Hospital** (*Landesspital Liechtenstein*) itself has **no tertiary and quaternary** paediatric surgery, urology or endocrinology departments, where IGM practices are usually performed. The State party’s mandatory public health care system instead **outsources such specialised services to foreign contractual hospitals** in accordance with Art. 16c of the Health Insurance Act,² namely in **Switzerland and Austria**.

Accordingly, Liechtenstein’s **List of contractual hospitals**³ with eligible paediatric surgery departments in particular includes the Swiss **Eastern Switzerland Children’s University Hospital St. Gallen** (*Ostschweizer Kinderspital St. Gallen*)⁴ and the Austrian **Innsbruck University Hospital** (*A.ö. Landeskrankenhaus - Universitätskliniken Innsbruck* as part of *TILAK - Tiroler Landeskrankenanstalten GmbH, Innsbruck*, currently *Tirol Kliniken GmbH*).⁵

Both hospitals feature well-known **specialised IGM clinics**, which have been documented in previous **Thematic Intersex NGO Reports** based on which this Committee issued **Concluding Observations** recognising IGM practiced in these clinics as a **harmful practice**:

- **Eastern Switzerland Children’s University Hospital St. Gallen**, see CRC/C/CHE/CO/2-4, paras 42-43, and the **2014 CRC Switzerland Intersex NGO Report** (p. 17, 40-41, 44).⁶ See also the **2018 CEDAW Liechtenstein Intersex NGO Report** (p. 11)⁷
- **Innsbruck University Hospital (Austria)**, see CRC/C/AUT/CO/5-6, para 27(a)-(b), the **2019 CRC Austria PSWG Intersex NGO Report** (p. 11-12),⁸ and the **2019 CRC Austria Intersex NGO Report** (p. 1).⁹

3. Lack of independent data collection and monitoring

With no statistics available on intersex births, let alone surgeries and costs, and **perpetrators, governments and health departments colluding to keep it that way as long as anyhow possible**, persons concerned as well as civil society **lack possibilities to effectively highlight and monitor** the ongoing mutilations.

Also for **Liechtenstein**, there are **no statistics on intersex births and on IGM practices** available.

However, the Joint general recommendation No. 31 CEDAW / Joint general comment No. 18 CRC “on harmful practices” (2014) clearly **stipulates comprehensive disaggregated data collection and monitoring** (paras 37-39).

2 <https://www.llv.li/inhalt/1233/amtsstellen/vertragsspitaler-und-bewilligungsinhaber>

3 <https://lkv.li/fuer-versicherte/tarifvertraege>

4 https://lkv.li/application/files/2115/1203/3726/Stiftung_Ostschweizer_Kinderspital_Vereinbarung830400.pdf

5 [https://lkv.li/application/files/8615/1203/3801/TILAK - Tiroler Landeskrankenanstalten GmbH Vereinbarung_1520400.pdf](https://lkv.li/application/files/8615/1203/3801/TILAK_-_Tiroler_Landeskrankenanstalten_GmbH_Vereinbarung_1520400.pdf)

6 http://intersex.shadowreport.org/public/2014-CRC-Swiss-NGO-Zwischengeschlecht-Intersex-IGM_v2.pdf

7 <https://intersex.shadowreport.org/public/2018-CEDAW-Liechtenstein-NGO-Intersex-StopIGM.pdf>

8 <https://intersex.shadowreport.org/public/2019-CRC-PSWG-Austria-NGO-Zwischengeschlecht-Intersex-IGM.pdf>

9 <https://intersex.shadowreport.org/public/2019-CRC-Austria-NGO-Zwischengeschlecht-Intersex-IGM.pdf>

4. Lack of legislative provisions, impunity of the perpetrators

Article 24(3) of the Convention in conjunction with the Joint general recommendation No. 31 CEDAW / Joint general comment No. 18 CRC “on harmful practices” (2014) underline state parties’ obligations to “*explicitly prohibit by law and adequately sanction or criminalize harmful practices*” (JGR 31/18, para 13), as well as to “*adopt or amend legislation with a view to effectively addressing and eliminating harmful practices*” JGR 31/18, para 55), and specifically to ensure “*that the perpetrators and those who aid or condone such practices are held accountable*” (JGR 31/18, para 55 (o)).

However, also in **Liechtenstein** there are still **no legal or other protections** in place to ensure the protection of intersex children from IGM practices, nor to ensure the **accountability of perpetrators and accessories, neither domestic nor abroad.**

5. Obstacles to redress, fair and adequate compensation

Article 24(3) of the Convention in conjunction with the CRC/CEDAW Joint General Comment No. 18/31 “on harmful practices” clearly stipulates the right of victims of IGM practices to “*equal access to legal remedies and appropriate reparations*”, and specifically to ensure that “*children subjected to harmful practices have equal access to justice, including by addressing legal and practical barriers to initiating legal proceedings, such as the limitation period*”.

However, also in **Liechtenstein** the **statutes of limitation** prohibit survivors of early childhood IGM practices to call a court, because persons concerned often **do not find out** about their medical history until much later in life, and **severe trauma** caused by IGM Practices often prohibits them to act in time once they do.¹⁰ So far, in Liechtenstein there has been **no case of a victim of IGM practices succeeding in going to court.**

The **Liechtenstein government** so far fails to ensure that non-consensual, unnecessary IGM surgeries on minors are recognised as a form of **genital mutilation** and a **harmful practice**, which would formally prohibit parents from giving “consent”. In addition, the state party **refuses to initiate impartial investigations**, as well as data collection, monitoring, and disinterested research.¹¹ Also, the contractual hospitals are often **unwilling to provide full access to patient’s files.**

This situation is clearly not in line with Liechtenstein’s obligations.

10 Globally, no survivor of early surgeries **ever** managed to have their case successfully heard in court. All relevant court cases resulting in damages or settlement (3 in Germany, 1 in the USA) were either about surgery of adults, or initiated by foster parents.

11 For more on this topic see 2016 CEDAW NGO Report France, p. 55:
<http://intersex.shadowreport.org/public/2016-CEDAW-France-NGO-Zwischengeschlecht-Intersex-IGM.pdf>

6. Suggested Questions for the LOIPR

The Rapporteurs respectfully suggest that in the LOIPR the Committee asks the Liechtenstein Government the following questions with respect to the treatment of intersex children:

Harmful practices

Please inform the Committee about the measures taken to:

- **Prevent the unnecessary medical or surgical treatment of intersex children, both domestic and abroad,**
- **provide families with intersex children with adequate counselling and support, and**
- **guarantee access to effective remedies for victims subjected to such treatment during childhood, including the statute of limitations.**

Please provide data, disaggregated, on:

The number of intersex children subjected to irreversible medical or surgical procedures, both domestic and abroad.

Thank you for your consideration and kind regards,

Daniela Truffer & Markus Bauer (StopIGM.org / Zwischengeschlecht.org)