

Committee against Torture (CAT)
UNOG-OHCHR
CH-1211 Geneva 10 (Switzerland)

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NGO Report for the LOIPR for Luxemburg (CAT 60)

StopIGM.org / Zwischengeschlecht.org, founded in 2007, is an international Human Rights NGO based in Switzerland. It is led by intersex persons, their partners, families and friends, and works to represent the interests of intersex people and their relatives, raise awareness, and fight IGM practices and other human rights violations perpetrated on intersex people, according to its motto, “Human Rights for Hermaphrodites, too!”¹ According to its charter,² Zwischengeschlecht.org works to support persons concerned seeking redress and justice. StopIGM.org regularly reports to UN treaty bodies on IGM.

A IGM Practices in Luxemburg: Lack of Protection for Intersex Persons, Lack of Data Collection and Monitoring

In Luxemburg, same as in other European countries,³ there are **no legal or other protections** in place to ensure the rights of intersex children to physical and mental integrity, autonomy and self-determination, and to prevent non-consensual, medically unnecessary, irreversible surgery and other harmful treatments a.k.a. IGM practices.

While also local intersex advocates find **no data on intersex births or IGM practices in Luxemburg available**, it would be unworldly to assume no intersex children were born, or that they would be exempt from the risk of being submitted to IGM practices.⁴

In addition, there is **strong circumstantial evidence** indicating paediatricians caring for intersex children in Luxemburg adhere to the same protocols prescribing the common forms of IGM practices like in neighbouring and other European countries:

Salient example, the IGM perpetrator-led European Union “intersex research project” “**DSDnet**” **which openly advocates IGM practices**⁵ states in its Memorandum of Understanding⁶, “Through

¹ <http://Zwischengeschlecht.org/>, English pages: <http://StopIGM.org/>

² <http://zwischengeschlecht.org/post/Statuten>

³ e.g. *Switzerland* (CAT/C/CHE/CO/7, para 20; CRC/C/CHE/CO/2-4, paras 42-43), *Germany* (CAT/C/DEU/CO/5; para 20; CRPD/C/DEU/CO/1, paras 37-38), *France* (CAT/C/FRA/CO/7, paras. 32-33; CRC/C/FRA/CO/5, paras 47-48), *Denmark* (CAT/C/DNK/CO/6-7, paras 42-43) *Austria* (CAT/C/AUT/CO/6, paras 44)

⁴ Erik Schneider: “Luxemburg – die Intersex-freie Zone Europas?”, forum 341, June 2014, p. 4-6, https://www.forum.lu/wp-content/uploads/2014/06/7880_341_Schneider.pdf

⁵ See 2016 CAT NGO Report for France by partly the same Rapporteurs, p. 47, <http://intersex.shadowreport.org/public/2016-CAT-France-NGO-Zwischengeschlecht-Intersex-IGM.pdf>

⁶ “DSDnet” (2013), Memorandum of Understanding, p. 10-11, http://w3.cost.eu/fileadmin/domain_files/BMBS/Action_BM1303/mou/BM1303-e.pdf

its participants, [“DSDnet”] has a close interaction with several national and international research programmes”, namely “Existing and emerging national networks on DSD”, including the “**Belgian-Luxemburg DSD network and registry, BSGPE (Belgian Study Group for Pediatric Endocrinology) BelLux DSD group**”.

In turn, the list of “DSD Networks” on the “DSDnet” homepage⁷ links the BSGPE to the Belgian Society for Pediatric Endocrinology and Diabetology (BESPEED), an association of “**8 university clinics and other medical centres in Belgium and Luxemburg**”, including the “Clinique pédiatrique du Luxembourg” at the “Centre Hospitalier de Luxembourg” and the “UZ [University Clinic] Ghent”.⁸

The “**Centre Hospitalier de Luxembourg (CHL)**” features a department of paediatric surgery⁹ as well as a department of urology also offering paediatric services¹⁰ – departments known to facilitate IGM practices. The “**UZ [University Clinic] Ghent**” on the other hand is a well-known perpetrator of IGM practices who co-authored the 2016 Consensus Statement “Global Disorders of Sex Development Update” advocating “*gonadectomy*” and other IGM practices,¹¹ and generally promotes IGM practices on children.¹²

Thus, there are **strong reasons to suspect that also intersex children in Luxemburg are submitted to IGM practices**, be it domestic for example at the “Centre Hospitalier de Luxembourg” or in international collaboration for example in Belgium, it would be most **appropriate for the Luxemburg government to shed some light on the matter.**

B. Suggested Questions for LOIPR

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

- **Who is in charge of the medical treatment of intersex children born in Luxemburg? Please clarify whether non-urgent, irreversible surgical and other procedures are permitted and performed on intersex children and how does the State party guarantee that full, free and informed consent of the persons concerned is ensured?**
- **Please indicate which criminal or civil remedies are available for intersex people who have undergone involuntary sterilisation or unnecessary and irreversible medical or surgical treatment when they were children and whether these remedies are subject to any statute of limitations?**

Kind regards,

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⁷ <http://dsdnet.eu/other-networks.html>

⁸ <http://www.bsgpe.be/>

⁹ <https://kammerklinik.chl.lu/fr/service/chirurgie-pediatrique>

¹⁰ <https://centre.chl.lu/fr/service/urologie>

¹¹ See 2016 CEDAW NGO Report for Switzerland by partly the Rapporteurs, p. 8,

<http://intersex.shadowreport.org/public/2016-CEDAW-Swiss-NGO-Zwischengeschlecht-Intersex-IGM.pdf>

¹² Piet Hoebeke (University of Ghent), “Genital construction and its timing”, presentation at the 5th I-DSD Symposium 2015, see abstract book, p. 3, http://www.gla.ac.uk/media/media_408896_en.pdf