



Committee on the Elimination of Discrimination against Women (CEDAW)
UNOG-OHCHR HRTD, CH-1201 Geneva (Switzerland)

Zurich, 25 February 2018

Misrepresentation of Intersex and IGM by NGO Rosa Lëtzebuerg-CIGALE

Dear Task Force for Luxembourg

1. Who we are

StopIGM.org, founded in 2007, is an international intersex human rights NGO based in Switzerland, led by intersex persons, their partners, families and friends.¹ According to its charter,² StopIGM.org works to raise awareness, to end human rights violations perpetrated on intersex people, and to support persons concerned seeking redress and justice. StopIGM.org regularly reports on human rights violations in different countries to UN treaty bodies, including CEDAW, CRC, CAT, CRPD and HRCttee, often in collaboration with local intersex persons and organisations.³ **StopIGM.org has been publicly active in Luxembourg since 2017,**^{4 5 6 7} provided continuing education to teaching and health care professionals (in collaboration with ITGL),^{8 9} and consulted by the parliamentary Comité LGBTI and Comité des Droits de l'homme on intersex issues.

2. Scope of this submission

This submission documents (lack of) intersex representation in Luxembourg, ongoing IGM practices in the country as well as intersex children sent to Belgium for IGM, and highlights a very grave mistake on intersex in the NGO report by NGO Rosa Lëtzebuerg-CIGALE, which unfortunately was submitted without intersex representation or consultation, and in consequence calls for an absolute prohibition not only of IGM practices, but also of consensual treatments of capable intersex persons.

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

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

3 <http://intersex.shadowreport.org>

4 <http://intersex.shadowreport.org/public/2017-CAT-Luxemburg-LOIPR-Zwischengeschlecht-Intersex-IGM.pdf>

5 "Le Quotidien" 21.03.2017, p. 3 (in French), http://kastrationsspital.ch/public/Luxembourg_LeQuotidien_Intersex_21-03-2017.pdf

6 Woxx 23.02.2017 (in German), <http://www.woxx.lu/intersex-das-tabuisierte-geschlecht/>

7 <http://blog.zwischengeschlecht.info/post/2018/02/04/Luxemburg-Intersex-Personen-besser-schutzen-RTL-03-02-2018>

8 https://www.slp.lu/wp-content/uploads/Journe%CC%81es-intersexes_20.21-03-2017_STD_papier-A4.pdf

9 <https://ssl.education.lu/ifen/descriptionformation?idFormation=194905>

3. Intersex Representation in Luxembourg

Due to the stigma associated with intersex, in Luxembourg there are no publicly visible intersex persons.¹⁰ The local NGO Intersex & Transgender Luxembourg (ITGL)¹¹ therefore consults and collaborates with intersex persons from neighbouring countries to adequately represent intersex issues, namely Daniela Truffer (StopIGM.org),¹² Kris Günther (Intersex Belgium)¹³, and Vincent Guillot (France).¹⁴

4. Intersex Genital Mutilation in Luxembourg as a Harmful Practice (art. 5, General Recommendation 31)

According to public statements by paediatric endocrinologist Dr Michael Witsch (Centre Hospitalier de Luxembourg CHL), **in Luxembourg intersex children are submitted to IGM practices** if parents insist¹⁵ or if the family can't otherwise deal with their intersex child.¹⁶ According to public statements to Yolanda Wagener, Head of Division Ministry of Health, intersex children are **also sent abroad for surgery**.¹⁷ This is also confirmed by a public statement of a parent of a intersex child "Sandro", who was sent to a "*specialised hospital in Ghent*",¹⁸ i.e. UZ Ghent,¹⁹ and was consequently submitted to IGM 1 "masculinising" surgery ("hypospadias repair") at the age of 9 months.

5. Harmful Misrepresentation of Intersex and IGM in the NGO Report by Rosa Lëtzebuerg-CIGALE

We deeply regret that Rosa Lëtzebuerg-CIGALE, who have no intersex constituency or representation, failed to consult with intersex persons or organisations for their NGO report, but nonetheless claim to speak for and represent intersex persons in Luxembourg. (We appreciate and acknowledge, however, that Rosa Lëtzebuerg-CIGALE did consult with ITGL on short notice regarding the public NGO briefing of the Committee, and hope our constructive input will be included.)

As a consequence, unfortunately the NGO report by Rosa Lëtzebuerg-CIGALE contains a **harmful misrepresentation of intersex and IGM:**

10 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

11 <http://itgl.lu/>

12 See above footnotes 5-9

13 See above footnotes 5, 6, 8, and Revue Nr. 10, 18.03.2017 (in German),

http://kastrationsspital.ch/public/luxembourg_revue-10_intersex_mars_2017_scan.pdf

14 http://itgl.lu/wp-content/uploads/2015/04/2012_08_30_Programme_FR_final.pdf

15 See above footnote 5, "Le Quotidien", p. 2; German translation,

<http://blog.zwischengeschlecht.info/post/2017/04/07/Ich-bin-kein-Monster-Luxemburg-IGM-Le-Quotidien>

16 See above footnote 12, Revue Nr. 10, p. 20 (p. 9 in PDF), relevant excerpts (in German):

<http://blog.zwischengeschlecht.info/post/2017/03/22/Revue-Luxemburg-Intersex-Kinder-in-Belgien-verstummt>

17 See above footnote 14, "Le Quotidien"

18 Ibid.

19 "A multidisciplinary DSD team exists in Ghent for this problem. The DSD team consists of doctors and medical personnel from different specialties. The child surgeons perform procedures that are necessary to construct the genitals of these patients.",

<https://www.uzgent.be/nl/zorgaanbod/mdspecialismen/kindergeneeskunde/kinderurologie/Paginas/Aandoeningen-van-de-geslachtsontwikkeling.aspx>

On page 4, the **NGO report suggests to include intersex people into the current draft law on art. 410 of the Penal Law on Female Genital Mutilation**, despite that the draft proposes an **absolute prohibition**, explicitly regardless of “*with or without the consent*” of the person concerned,²⁰ which would in fact prohibit also consensual surgery on capable intersex persons or other treatment, **which is not what intersex persons and their organisations demand**. A more generally worded similar recommendation is also included on page 7 of the NGO report.

While we affirm that **involuntary non-urgent genital surgery and other procedures on intersex persons in fact do constitute genital mutilation**, and thus should be criminalised or adequately sanctioned, including by addressing obstacles in access to redress and justice, namely the statutes of limitation, as according to art. 5 in conjunction with General recommendation No. 31 “on harmful practices”, which both have been considered as applicable by this Committee,²¹ we also emphasise that **consensual treatments of capable intersex persons should remain legal**.

We therefore kindly ask the Committee to **adequately consider IGM in Luxembourg under harmful practices** (art. 5 in conjunction with General recommendation No. 31).

Thank you for your consideration. Our apologies for not having been able to address our concern in a more timely manner.

Kind regards,

Daniela Truffer, Markus Bauer / StopIGM.org

20 Art. 410 in Projet de Loi, No 7167, 12.09.2017, p. 15,
http://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServletImpl?path=/export/exped/sexpdata/Mag/0004/099/8999.pdf

21 CEDAW/C/FRA/CO/7-8, paras 17e-f+18e-f; CEDAW/C/CHE/CO/4-5 paras 38-39;
CEDAW/C/NLD/CO/6 paras 21-22, 23-24; CEDAW/C/DEU/CO/7-8, paras 23-24;
CEDAW/C/IRL/CO/6-7, paras 24-25