



NGO Report for the 78th Pre-Sessional Working Group to the 5th and 6th Periodic Report of Argentina on the Convention on the Rights of the Child (CRC)

Dear Committee on the Rights of the Child

1. Summary

We would like to briefly alert the Committee to findings and evidence of **intersex genital mutilation in Argentina** contained in the 2017 thematic NGO Report to CAT by Justicia Intersex and StopIGM.org, proving that all common forms of IGM practices **continue to be performed in Argentina, advocated and paid for by the State party, causing lifelong severe pain and suffering of the children concerned**. Instead of effectively protecting intersex children from IGM and eliminating this harmful practice, the State party misrepresents IGM as an LGBT issue in order to deflect criticism of IGM and to allow perpetrators to continue. We would therefore like to respectfully ask the Committee to **raise intersex and IGM practices** in the LOI. This submission has been compiled by the international intersex human rights NGO StopIGM.org.

2. Suggested Questions for the LOI

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

Intersex Genital Mutilation

- **How many non-urgent, irreversible surgical and other procedures have been undertaken on intersex children before an age at which they are able to provide informed consent? Please provide detailed statistics on sterilising, feminising, masculinising procedures and imposition of hormones, including prenatal procedures.**
- **Does the State party plan to stop this practice? If yes, what measures does it plan to implement?**
- **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?**

3. Who we are

StopIGM.org / Zwischengeschlecht.org, founded in 2007, is an international intersex human rights NGO based in Switzerland working to raise awareness and to end IGM practices and other human rights violations perpetrated on intersex people¹ and to support persons concerned seeking redress and justice.² In 2017 the Rapporteurs in collaboration with Justicia Intersex first reported the ongoing practice in Argentina to the Committee against Torture.³ StopIGM.org regularly reports to UN treaty bodies, mostly in collaboration with local intersex advocates and organisations.⁴

4. IGM in Argentina: Pervasive and State Sponsored

As substantiated in the 2017 thematic NGO Report to CAT by Justicia Intersex and StopIGM.org,⁵ **in Argentina all common forms of IGM practices persist**, including sterilising procedures and imposition of hormones,⁶ “feminising” genital surgeries,⁷ “masculinising” genital surgeries,⁸ prenatal “therapy”,⁹ unnecessary genital exams and photography.¹⁰ All these violations are taking place in **public hospitals**,¹¹ performed by doctors employed by the State,¹² and are **paid for by the State party**.¹³ At the same time, there are **no effective legal or other protections** in place to ensure the rights of intersex children, in particular to

- **prevent** non-consensual, medically unnecessary, irreversible surgery and other harmful treatments a.k.a. **IGM practices**
- ensure **data collection and monitoring** of IGM practices
- ensure the **accountability** of IGM perpetrators
- ensure **access to redress and justice** for adult IGM survivors.¹⁴

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

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

3 Justicia Intersex, StopIGM.org, “NGO Report to the 6th and 7th Periodic Report of Argentina on the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)”, <http://intersex.shadowreport.org/public/2017-CAT-Justicia-Intersex-Zwischengeschlecht-IGM.pdf>

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

5 Justicia Intersex, StopIGM.org, “NGO Report to the 6th and 7th Periodic Report of Argentina on the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)”, <http://intersex.shadowreport.org/public/2017-CAT-Justicia-Intersex-Zwischengeschlecht-IGM.pdf>

6 *ibid.*, p. 9

7 *ibid.*, p. 9-11

8 *ibid.*, p. 11-12

9 *ibid.*, p. 12

10 *ibid.*

11 e.g. Hospital de Pediatría Garrahan, Hospital de Niños Dr. Ricardo Gutiérrez, Hospital Posadas and Hospital Pedro de Elizalde, see 2017 CAT Report, p. 9

12 *ibid.*, p. 13

13 *ibid.*

14 *ibid.*, p. 8

What's worse, this untenable situation persists despite the known negative consequences of IGM, which are even admitted to by Argentinian clinics and doctors,¹⁵ resulting in **lifelong severe physical and mental pain and suffering of IGM survivors**.¹⁶

5. Intersex misrepresented as LGBT or SOGI Issue

Unfortunately, there are multiple, often interrelated **harmful misconceptions about intersex** still prevailing in public, notably if intersex and IGM are misrepresented as LGBT or SOGI issues.¹⁷ Despite that **intersex persons and their organisations have repeatedly spoken out clearly against such misrepresentations**,¹⁸ regrettably they seem to be on the rise also at the UN, for example in recent UN press releases and Summary records on occasion of the 76th CRC Session misrepresenting IGM survivors as “*transsexual children who underwent difficult treatments and surgeries*” and IGM practices as an alleged form of “*discrimination against transgender and intersex children*”,¹⁹ echoing similar earlier misrepresentations,²⁰ and corresponding to State parties referring to e.g. transgender guidelines²¹ or, in the case of **Argentina**, to “*Gender Identity Law*”²² when asked about IGM by e.g. Treaty bodies, in an attempt to deflect from criticism of the serious human rights violations constituted by IGM practices.

Thank you very much for your consideration.

Kind regards

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September 2017

15 *ibid.*, p. 10-11

16 See for example Case Studies 1 and 2, *ibid.* p. 19-21

17 2017 NGO Submission to SR Disability, p. 4, <http://intersex.shadowreport.org/public/2017-SR-Disability-Submission-Intersex-IGM-V2.pdf>

18 For references, see 2016 CRC UK NGO Report, p. 39, http://intersex.shadowreport.org/public/2016-CRC-UK-NGO-Zwischengeschlecht-Intersex-IGM_v2.pdf

19 See <http://stop.genitalmutilation.org/post/UN-Press-Release-calls-IGM-survivors-transsexual-children-CRC-Denmark-UNCRC67>

20 See <http://stop.genitalmutilation.org/post/UN-Press-Release-calls-IGM-survivors-transsexual-children-CATArgentina-UNCAT60>

21 CAT56 Austria, see <http://stop.genitalmutilation.org/post/Geneva-UN-Committee-against-Torture-questions-Austria-over-Intersex-Genital-Mutilations>

22 CAT 60 Argentina, unofficial transcript see <http://stop.genitalmutilation.org/post/CAT60-Argentina-to-be-Questioned-on-Intersex-Genital-Mutilation-by-UN-Committee-against-Torture>