

StopIGM.org: NGO Oral Statement CRPD20 Austria, 07.09.2018

Daniela Truffer

Thank you. I'm Daniela Truffer from StopIGM.

I'm an intersex person and survivor of Intersex Genital Mutilation, including involuntary genital surgery and sterilising procedures, reporting on behalf of my Austrian peers on articles 16 and 17.

As shown in our NGO report,¹ in Austria intersex children with so called "ambiguous" genitalia are still castrated, have their genitals cut and partially amputated, are submitted to forced hormonal treatment, unnecessary genital exams, vaginal dilations, medical display, and human experimentation.²

All advocated and paid for by the Public Health System,³ because Austria still considers intersex to be a disability in the medical definition, and healthy intersex children as "defective", "deformed" and in need to be "fixed".⁴

Austria has been the country of origin of the racist medical diagnosis "Intersexual Constitution" allegedly caused by racial "miscegenation", which was first published by the Austrian gynaecologist Paul Mathes, who in the 1920s already advocated "surgical correction", namely clitoris amputation, and which became particularly popular amongst eugenicists and Nazi doctors.⁵

To this day, in Austria there has been no coming to terms with neither the historic nor the ongoing harmful misrepresentation of healthy intersex children as "inferior", "deformed", "disordered", or "degenerated", nor with the ongoing mutilations.

This year, the Austrian Constitutional Court made clear that Intersex constitutes "*a variation of sex development, which has to be recognised as such and in particular that it is not an expression of a pathological development. [...] Therefore, fear of stigmatisation on the part of families can in no way indicate interventions.*"⁶

CAT⁷ has already recommended Austria to "*[t]ake the legislative, administrative and other measures necessary*" to protect intersex children from involuntary "*non-urgent surgery and other medical treatment*", to provide families with impartial counselling and support, and to "*[u]ndertake investigation of [...] procedures performed on intersex persons without effective consent and ensure that the persons concerned are adequately compensated.*"

1 <http://intersex.shadowreport.org/public/2018-CRPD-LOIPR-Austria-NGO-Zwischengeschlecht-Intersex-IGM.docx>

2 Ibid., p. 11-14

3 Ibid., p. 12

4 Ibid., p. 7

5 Helga Satzinger (2009), Racial Purity, Stable Genes, and Sex Difference. Gender in the Making of Genetic Concepts by Richard Goldschmidt and Fritz Lenz, 1916-1936. In: Susanne Heim, Carola Sachse, Mark Walker, The Kaiser Wilhelm Society for the Advancement of Science under National Socialism, Cambridge University Press, p. 145-172, at 161-162

See also 2015 CAT NGO Report Austria, p. 55,

<http://intersex.shadowreport.org/public/2015-CAT-Austria-VIMOE-Zwischengeschlecht-Intersex-IGM.pdf>

See also (in German)

<http://blog.zwischengeschlecht.info/post/2012/06/21/Intersex-Typ-Schizoid-Weibel-Frauenheilkunde-1944>

6 Verfassungsgerichtshof Österreich (VFGH), 15.06.2018, Az G 77/2018-9, Rz 16,

https://www.vfgh.gv.at/downloads/VfGH_Entscheidung_G_77-2018_unbestimmtes_Geschlecht_anonym.pdf

7 CAT/C/AUT/CO/6, paras 44-45

However, to this day the State party fails to act. And while it's common knowledge that unnecessary surgeries on intersex children continue, the State party tries to conceal this fact by refusing to disclose data on IGM, as witnessed by Platform Intersex Austria spokesperson Eva Matt: "*We have no current data, we do not know exactly how many of these surgeries are performed per year. It is clear that some are done. [...] All interventions that are performed in Austria have to be billed via health insurance companies or have to appear in hospital statistics in some kind of code. These codes should actually be able to be queried by a ministry or a hospital operator.*"⁸

To this day, instead of finally investigating, monitoring and combatting Intersex Genital Mutilation as a serious human rights violation, namely inhuman treatment and a harmful practice,⁹ Austria tries to misrepresent IGM as supposedly genuine health care instead, advocated and paid for by the Public Health System.

We would therefore like to recall the severe pain and suffering caused by IGM, including loss or impairment of sexual sensation, painful scarring, impairment or loss of reproductive capabilities, lifelong dependency on artificial hormones, increased self-harm and suicide, and lifelong mental suffering and trauma.¹⁰

In the name of Austrian IGM survivors and intersex children at risk I would therefore like to urge the Committee to raise Intersex Genital Mutilation in the List of Issues under art. 17.¹¹

Thank you.

8 Steve Crilley (2017), Being Intersex in Austria, Interview with Platform Intersex Austria spokesperson and jurist Eva Matt, Radio FM4, 04.11.2017, <https://fm4.orf.at/stories/2875989/>

9 CRPD/C/DEU/CO/1, paras 37-38; CRPD/C/CHL/CO/1 paras 41-42; CRPD/C/ITA/CO/1, paras 45-46; CRPD/C/URY/CO/1, paras 43-44; CRPD/C/GBR/CO/1, paras 10(a)-11(a), 38-41; CRPD/C/MAR/CO/1, paras 36-37; CAT/C/DEU/CO/5, para 20; CAT/C/CHE/CO/7, para 20; CAT/C/AUT/CO/6, paras 44-45; CAT/C/DNK/CO/6-7, paras 42-43; CAT/C/CHN-HKG/CO/4-5, paras 28-29; CAT/C/FRA/CO/7, paras 32-33; CCPR/C/CHE/CO/4, paras 24-25, CCPR/C/AUS/CO/6, paras 25-26; CRC/C/CHE/CO/2-4, paras 42-43; CRC/C/CHL/CO/4-5, paras 48-49; CRC/C/FRA/CO/5, paras 47-48; CRC/C/IRL/CO/3-4, paras 39-40; CRC/C/NPL/CO/3-5, paras 41-42; CRC/C/GBR/CO/5, paras 46-47; CRC/C/NZL/CO/5, paras 25 + 15; CRC/C/ZAF/CO/2, paras 39-40 + 23-24; CRC/C/DNK/CO/5, paras 24+12; CRC/C/ESP/CO/5-6, para 24; CRC/C/ARG/CO/5-6, para 26; CEDAW/C/FRA/CO/7-8, paras 18e-f + 19e-f; CEDAW/C/CHE/CO/4-5, paras 24-25, 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; CEDAW/C/CHL/CO/7, paras 22-23, 12(d)-13(d), 14(d)-15(d); CEDAW/C/LUX/CO/6-7, paras 27b-c + 28b-c; CEDAW/C/MEX/CO/9, para 21 – 22; CEDAW/C/NZL/CO/8, paras 23(c) – 24(c); CEDAW/C/AUS/CO/8, paras 25(c) – 26(c)

10 See Case Studies in 2015 CAT NGO Report Austria, p. 13-18, <http://intersex.shadowreport.org/public/2015-CAT-Austria-VIMOE-Zwischengeschlecht-Intersex-IGM.pdf>

11 See Suggested Questions in our NGO Report, p. 5