

1. Intersex and IGM in Mexico – Summary of NGO Report

References to all claims can be found by searching for the relevant keywords in the NGO report: <http://intersex.shadowreport.org/public/2018-CEDAW-Mexico-NGO-Intersex-Brujula-StopIGM.pdf>

This Committee has consistently recognised IGM practices to constitute a harmful practice under the Convention in Concluding Observations, referring to General Recommendation No. 31.

On the one hand, in Mexican children’s hospitals, all common forms of intersex genital mutilation (IGM) have been documented, including, “feminising surgery”, namely partial clitoris amputation, “vaginoplasty”, “labioplasty”, and forced vaginal dilation, “masculinising surgery”, sterilising procedures, constant genital exams and photography, denial of needed health care, **facilitated and paid for by the State party via the public health care system** operated by the Ministry of Health (Secretaría de Salud).

IGM Practices cause known **lifelong severe physical and mental pain and suffering which are also documented for Mexico**, including loss or impairment of sexual sensation, painful scarring, painful intercourse, incontinence, urethral strictures, impairment or loss of reproductive capabilities, lifelong dependency of artificial hormones, lifelong mental suffering and trauma.

Adult survivors of IGM find it **impossible to get access to justice and reparations** due to the **statutes of limitations**, as well as to **rehabilitation**, and they experience **difficulties in accessing their medical records and accurate information** about procedures performed on them during infancy and childhood.

On the other hand, due to **unequal access to specialised medical care in Mexico**, especially for poor families and rural and indigenous people, there are **many intersex people that escaped IGM**, but those often suffer from **stigma, ostracism and discrimination in their communities**. Sometimes, like generally with children with disabilities, intersex children are **killed after birth**.

Some intersex children, particularly those who escaped IGM, **are unable to attend school due to massive bullying** and the failure of schools to prevent it, or because they **can’t obtain a birth certificate** because of their appearance or because doctors refuse to sign.

Those who **actually need intersex specific medication or treatment** often find it **impossible to get it**, which also concerns **IGM survivors**, for example those in need of hormonal treatment due to involuntary removal of gonads.

What the whole community suffers is the **anxiety and depression and lifelong trauma** resulting from such experiences, and due to **stigma the lack of awareness of intersex human rights**, most of the Mexican intersex community has remained anonymous and afraid to speak out in public.

On the side of protections, today in Mexico there are

- **no effective legal or other protections** in place to ensure the rights of intersex children to physical and mental integrity, and **to prevent IGM practices**
- **no measures** in place to ensure **data collection and monitoring** of intersex and IGM
- **no legal or other measures** in place to ensure the **accountability** of IGM perpetrators
- **no legal or other measures** in place to **ensure access to redress and justice** for adult IGM survivors

Regarding Mexico's *obligation to protect intersex children from harmful practices*, **the current situation can be summarised as follows:**

- While some official agencies, such as the Human Rights Commission of the Federal District (*Comisión de Derechos Humanos del Distrito Federal de la Ciudad de México*, CDHDF) and the National Council to Prevent Discrimination (*Consejo Nacional para Prevenir la Discriminación*, CONAPRED) have expressed their interest in protecting intersex people's human rights, **most relevant institutions remain indifferent or openly support IGM.**
- While a segment of the Mexican **Ministry of Health** (*Secretaría de Salud*) has shown interest in reviewing medical protocols constituting serious human rights violations of intersex people, for example by issuing the binding "**Guide of Recommendations for the Care of Intersexuality and Variations of Sexual Differentiation**" (*Guía de recomendaciones para la Atención de Intersexualidad y Variación en la Diferenciación Sexual*) which recommends postponing non-urgent surgery until the capable person concerned is able to give informed consent, and which was drafted with consultation of intersex advocates, **most doctors fail to implement these new guidelines**, but instead continue to rely on the older but still current, conflicting **syndrome-specific guidelines** also issued by the Ministry of Health, which **continue to recommend early unnecessary surgeries** on intersex children.

Conclusion:

Mexican doctors and the Mexican government and public bodies are **consciously and deliberately dismissing** intersex people's human rights, by **allowing IGM to continue with impunity.**

In spite of longstanding public criticism and appeals by intersex persons and their organisations, as well as by public bodies and experts, **to this day, the Mexican government fails** to recognise the **serious human rights** violations and severe suffering caused by IGM, let alone to "*take effective legislative, administrative, judicial or other measures*" to (a) **prevent IGM and other harmful practices on intersex children** based on stereotypes and prejudice, and (b) to ensure **access to redress**, and the right to fair and adequate **compensation** and **rehabilitation** for victims, and (c) to **guarantee access to needed intersex specific health care.**

Therefore, Mexico is in flagrant violation of its obligations under the Convention (CEDAW Arts. 1, 5(a) and 12, General Recommendations No. 19 and 31).