



Committee on the Elimination of Discrimination against Women (CEDAW)

UNOG-OHCHR HRTD

CH-1201 Geneva (Switzerland)

Zurich, 6 February 2018

Endorsement and Substantiation of Nepal Intersex NGO Report (71 PSWG)

Dear Task Force for Nepal

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 HRCtee, often in collaboration with local intersex persons and organisations.³ In **2016** StopIGM.org, together with Blue Diamond Society (BDS), substantiated Intersex Genital Mutilation (IGM), Stigma and Bullying of intersex children in **Nepal** to **CRC**,⁴ leading to the very first Concluding Observation on intersex and IGM for Nepal, under **“harmful practices”**.⁵

2. Scope of this submission

StopIGM.org fully endorses the NGO Submission and the Suggested Questions on Intersex Issues in Nepal by Blue Diamond Society (BDS) and Esan Regmi. Our submission further substantiates the serious human rights violations of intersex children in Nepal, namely Intersex Genital Mutilation (IGM), Stigma and Bullying, as well as the lack of implementation of the 2016 CRC Concluding Observations on intersex and IGM for Nepal. It suggests an additional question for the LOIPR to adequately address harmful practices on intersex children and the implementation of the CRC recommendations (CRC/C/NPL/CO/3-5, paras 38, 41–42).

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

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

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

4 <http://intersex.shadowreport.org/post/2016/05/15/2016-CRC-Nepal-Intersex-NGO-Report-Stories>

5 CRC/C/NPL/CO/3-5, paras 38, 41–42

3. Harmful Practices: Intersex Genital Mutilation (IGM), Stigma and Bullying of Intersex Children

StopIGM.org would like to **fully endorse** the NGO Submission on Intersex Issues in Nepal by Blue Diamond Society (BDS) and Esan Regmi.

While some of the human rights violations raised in the report are not substantiated within the report itself, our own research found **all the relevant human rights violations fully substantiated**, particularly

- **Intersex Genital Mutilation (IGM) as a “growing practice in Nepal”** regularly perpetrated in various children's clinics in Nepal⁶
- **Denial of Needed Health Care** for intersex children and adolescents, compounding their suffering⁷
- **Bullying and Isolation** of intersex children in everyday life and particularly in school, to the point of children being **forced to not finish school**⁸

Also **CRC recognised** these serious human rights violations perpetrated on intersex children as **harmful practices**, referring to the **CEDAW-CRC Joint general recommendation/comment No. 31/18** on harmful practices⁹ – despite that during the interactive dialogue **Nepal denied** the ongoing violations, trying to change the subject to “non-discrimination legislation” and “3rd gender passport” issues instead.¹⁰

Also **this Committee** has repeatedly recognised such violations perpetrated on intersex children to constitute **harmful practices** in Concluding Observations, referring to the **CEDAW-CRC Joint general recommendation/comment No. 31/18** on harmful practices.¹¹

4. Nepal ignores CRC Concluding Observations on Intersex and IGM

In 2016, **CRC unmistakably recommended Nepal to**

- *“take all necessary measures to eradicate all traditional practices harmful to the physical and psychological well-being of children”*, referring to the **CEDAW-CRC Joint general recommendation/comment No. 31/18** on harmful practices (CRC/C/NPL/CO/3-5, para 38)
- *“Conduct awareness-raising campaigns to combat stigmatization of and discrimination against intersex children”* (para 42 (a))
- *“Ensure that intersex children have access to identity documents that correspond with the sex/gender identity of their choosing”* (para 42 (b))

6 <http://stop.genitalmutilation.org/post/Intersex-Genital-Mutilations-in-Nepali-Hospitals-Pt-2>

7 <http://stop.genitalmutilation.org/post/Denial-of-Needed-Health-Care-Intersex-in-Nepal-Pt-3>

8 <http://stop.genitalmutilation.org/post/Stigma-and-Bullying-Intersex-in-Nepal-Pt-4>

9 CRC/C/NPL/CO/3-5, paras 38, 41–42

10 CRC72, unofficial transcript, <http://stop.genitalmutilation.org/post/Geneva-Nepal-Questioned-over-Intersex-Genital-Mutilations-by-UN-Committee-on-the-Rights-of-the-Child>

11 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

- *“Ensure that no child is subjected to unnecessary medical or surgical treatment; guarantee bodily integrity, autonomy and self-determination to the children concerned; and provide families with intersex children with adequate counselling and support”* (para 42 (c))
- *“Undertake investigations of incidents of surgical and other medical treatment of intersex children without informed consent and adopt legal provisions in order to provide redress to the victims of such treatment, including reparation and/or adequate compensation”* (para 42 (d))
- *“Educate and train medical and psychological professionals on the range of sexual, and related biological and physical, diversity and on the consequences of unnecessary surgical and other medical interventions for intersex children”* (para 42 (e))

However, to this day **Nepal fails to implement** any of these recommendations.

5. Additional Suggested Question for the LOIPR

StopIGM.org would like to **fully endorse** the Suggested Questions in the NGO Submission on Intersex Issues in Nepal by Blue Diamond Society (BDS) and Esan Regmi.

In addition, we hope that the Committee will also **raise harmful practices** on intersex children and the **lack of implementation of the CRC recommendations** on Intersex and IGM for Nepal:

Harmful practices (art. 5 in conjunction with General comment 31)

- **What measures has the State party undertaken to eliminate intersex genital mutilation in Nepal, and to implement the CRC Concluding Observations on Intersex and IGM (CRC/C/NPL/CO/3-5, paras 38, 41–42)?**

Many thanks for your consideration.

Kind regards,

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