

## StopIGM.org: NGO Oral Statement CEDAW73 Austria, 08.07.2019

Daniela Truffer

Thank you.

I'm an intersex person and survivor of Intersex Genital Mutilation reporting on behalf of my Austrian peers on harmful practices.

As substantiated in our reports,<sup>1 2</sup> in Austria intersex children born with so called “ambiguous” genitalia continue to be submitted to unnecessary genital surgeries including partial clitoris amputation, sterilising procedures, and human experimentation,<sup>3</sup> based on societal and cultural stereotypes of what constitutes acceptable female or male bodies,<sup>4</sup> advocated and paid for by the Public Health System.<sup>5</sup>

In 2016, CAT<sup>6</sup> has already recommended Austria to “[t]ake the legislative, administrative and other measures necessary” to protect intersex children from IGM, to provide families with impartial counselling and support, to “[u]ndertake investigation of [...] procedures performed [...] without effective consent” and to ensure redress and compensation for victims.

2018, the Austrian Constitutional Court explicitly recognised that intersex constitutes “a variation” and not “a pathological development”, concluding “fear of stigmatisation on the part of families can in no way indicate interventions.”<sup>7</sup>

And last May, Austrian intersex association VIMÖ reiterated: “The most important demand of intersex advocacy organisations worldwide is to immediately stop Intersex Genital Mutilation (IGM) and protect the physical integrity of intersex people.”<sup>8</sup>

However, to this day the State party fails to act.<sup>9</sup> And while it's common knowledge that IGM practices continue, the State party refuses to disclose statistics, as highlighted by Platform Intersex Austria spokesperson Eva Matt: “We have no current data, we do not know exactly how many of these surgeries are performed”, despite that “all interventions [...] have to be billed via health insurance companies or have to appear in hospital statistics”.<sup>10</sup>

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1 <http://intersex.shadowreport.org/public/2018-CEDAW-LOI-Austria-NGO-Zwischengeschlecht-Intersex-IGM.pdf>

2 <http://intersex.shadowreport.org/public/2019-CEDAW-Austria-NGO-Zwischengeschlecht-Intersex-IGM.pdf>

3 See 2018 CEDAW Austria LOI NGO Report, p. 10-13

4 For sources, see 2016 CEDAW France NGO Report, p. 45-46, and for practical examples, *ibid.*, p. 7, 67, 68, <http://intersex.shadowreport.org/public/2016-CEDAW-France-NGO-Zwischengeschlecht-Intersex-IGM.pdf>

5 See 2018 CEDAW Austria LOI NGO Report, p. 11

6 CAT/C/AUT/CO/6, paras 44-45; see also CRPD/C/AUT/QPR/2-3, para 36

7 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](https://www.vfgh.gv.at/downloads/VfGH_Entscheidung_G_77-2018_unbestimmtes_Geschlecht_anonym.pdf)

8 Verein intergeschlechtlicher Menschen Österreich (2019), see p. 2,

[https://vimoe.at/wp-content/uploads/2019/05/Question\\_and\\_Answers\\_Dritte\\_Option\\_Neu.pdf](https://vimoe.at/wp-content/uploads/2019/05/Question_and_Answers_Dritte_Option_Neu.pdf)

9 This includes even minimal and purely symbolic steps like fulfilling the 2017 promise of the Federal Ministry of Labour, Social Affairs, Health and Consumer Protection (BMASGK) to issue non-binding “guidelines on variations of sex development”, see 2018 Report of the Parliamentary ombudsman office for the control of public administration to the National Council and the Federal Council (2019), p. 69:

“Most recently, the BMASGK informed the Ombudsman office that the completion of the recommendations had been delayed because the decree issued by the Federal Ministry of the Interior in December 2018 on the official implementation of the third gender entry had to be incorporated.”

<https://volksanwaltschaft.gv.at/downloads/72sag/PB-42-Nachpr%C3%BCfend.pdf>

10 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/>

To this day, instead of finally combatting, investigating and monitoring Intersex Genital Mutilation as a serious human rights violation, namely as a harmful practice<sup>11</sup> and inhuman treatment,<sup>12</sup> Austria tries to misrepresent IGM as supposedly genuine health care instead.

Despite the severe pain and suffering caused by IGM, including loss or impairment of sexual sensation, painful scarring, impairment or loss of reproductive capabilities, and lifelong mental suffering and trauma.<sup>13</sup>

In the name of Austrian IGM survivors and intersex children at risk I therefore urge the Committee to raise Intersex Genital Mutilation under harmful practices.

Thank you.

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- 11 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); CEDAW/C/LIE/CO/5, paras 35 + 36(c); CEDAW/C/NPL/CO/6, paras 18(c),(d)-19(a),(c),(d); 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; CRC/C/ITA/CO/5-6, para 23; CRC/C/BEL/CO/5-6, paras 25(b) + 26(e); CRC/C/MLT/CO/3-6, paras 28-29
- 12 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; CAT/C/NLD/CO/7, paras 52-53; CAT/C/GBR/CO/6, paras 64-65; CCPR/C/CHE/CO/4, paras 24-25, CCPR/C/AUS/CO/6, paras 25-26; 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
- 13 See Case Studies in 2015 CAT NGO Report Austria, p. 13-18,  
<http://intersex.shadowreport.org/public/2018-CRPD-LOIPR-Austria-NGO-Zwischengeschlecht-Intersex-IGM.pdf>