

Briefing for the UN Committee against Torture (CAT), Geneva 30.07.2015

Intersex Genital Mutilations As Torture Or CIDT



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“Human Rights For Hermaphrodites, Too!”

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StopIGM.org

Daniela Truffer: Dear Committee against Torture

My name is Daniela Truffer. I'm a co-founder of the international intersex NGO Zwischengeschlecht.org.

Before Markus will touch upon the human rights aspects of IGM practices and the role of the state, I would like to give you a survivor's perspective.

*Briefing (5 min.) for the Committee against Torture, NGO Meeting on occasion of the Review of Switzerland, 55th Session
Palais Wilson, Geneva 30 July 2015 12:00-13:00h*

Forced Medical Display



Carlos Lagos Garcia, "Las deformidades de la sexualidad humana", Argentina 1925

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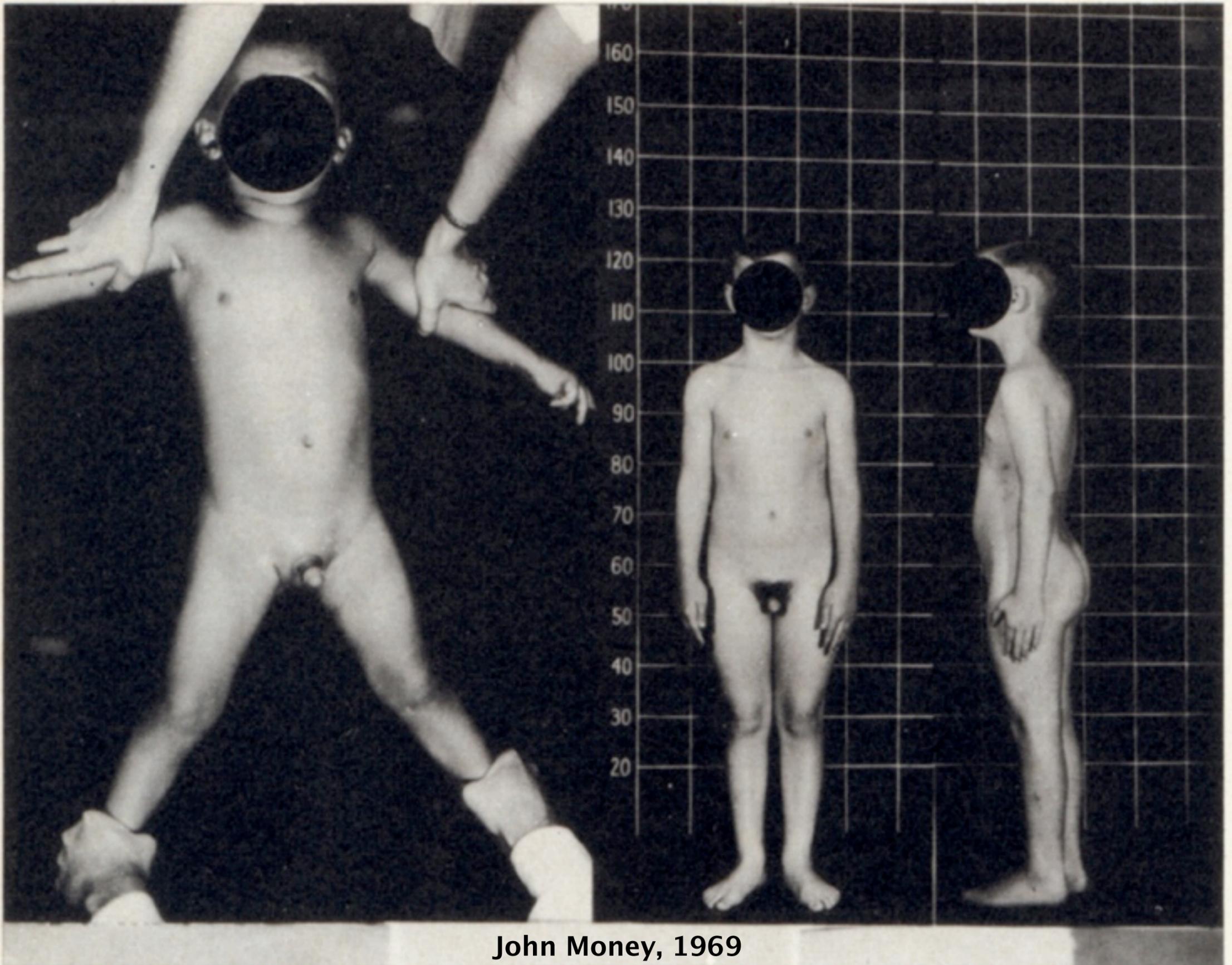
I was born about 150 kilometres from here in a small mountain town in 1965, with so called "ambiguous" genitalia. The doctors couldn't tell if I was a girl or a boy.

First they cut me open between my legs to see, if they find a vagina.

At two months they opened my abdomen and found healthy testes, which they threw in the garbage bin. According to my medical records without the consent of my parents.

After the castration, one attending professor declared it a mistake, arguing I was a boy with hypospadias. As they had already removed the testes, however, they would have *"to continue this way and the small patient must be made a girl."*

Forced Medical Display + Genital Exams

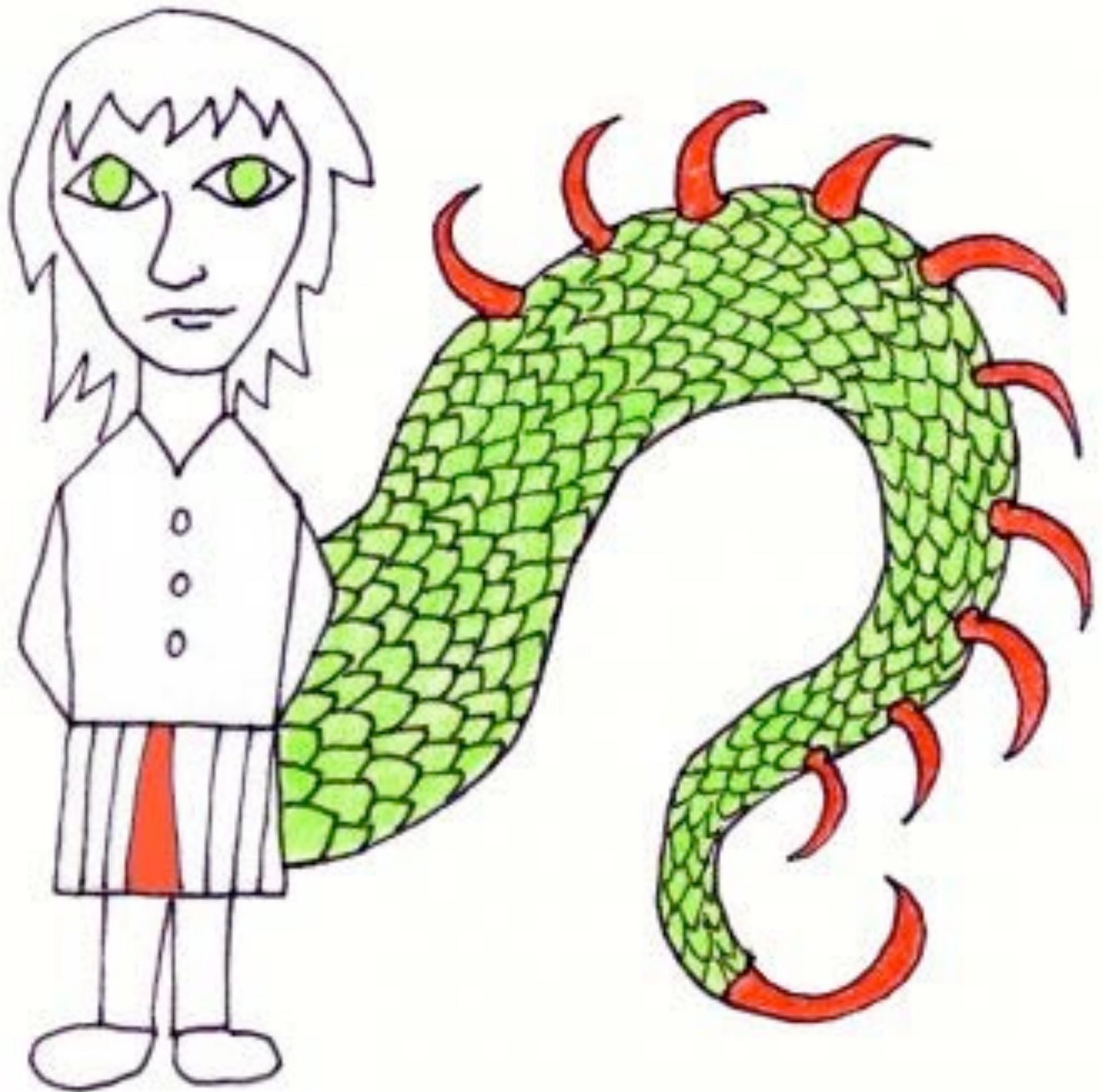


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Today they probably would make a boy out of me, which might have been even worse, with complications and even more surgeries.

Because of the castration my bone growth was reduced, and to this day I'm suffering from a ruined metabolism, frequent fatigue and vertigo, and a reduced bone density.

I spent a lot of time in doctor's offices and hospitals, suffering countless examinations. Once our family doctor stuck his finger into my urethral opening; I was screaming very loud, my father says. My mother had to put me into warm water because every time I had to pee I screamed in pain. Later I was hurried to the hospital with a bad infection. Still today my urethra often hurts after going to the toilet.



The Invisible “Dragon’s Tail” (Despite Surgical “Correction”)

At seven they cut my genital to make me look more like a girl. They shortened my micropenis to the size of a “*very small clitoris*,” allegedly with my consent.

I spent my first year at school with painful sensations between my legs. I still suffer from periodical phantom pain, hypersensitivity, and painful scars, but compared to others I consider myself lucky, because I still have sexual feelings.

At 12 I had to take estrogens to induce an artificial puberty, which I still have to take daily.

At the age of 18 they performed a vaginoplasty. I was told else I would never have a boyfriend, and the surgery had to be completed before twenty to be covered by the federal assurance, so I agreed to get it over with.



The doctors always lied to me and my parents.

I spent my life in fear, pain and shame. I couldn't talk to anybody.

Only at 35 I discovered that I am not alone and that there are self-help groups.



Video Still: "Hermaphrodites Speak!", 1996

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It felt like finally coming home.

At the same time I was shocked, because I became aware of the pattern in all the stories: the same lies, the same suffering, and the same surgeries, which still continue.

I was lucky to obtain my medical records, but only after a long hassle, when I threatened to return with a lawyer.

I did ten years of psychoanalytic therapy, otherwise I wouldn't be here now. While all the surgeries were paid for in full by the federal invalidity assurance, for the psychotherapy I had to pay a third by myself.

My body remains a patchwork created by doctors, bruised and scarred.

I wish I could have grown up without surgery and decided myself. Thank you.



3rd International Intersex Forum, Malta 2013

Markus Bauer: My name is Markus Bauer. I'm the partner of a person concerned.

As shown in our report, for 22 years now, intersex people have criticised IGM as a human rights violation, and have called for legislation to end it.

Daniela's short testimony alone illustrates why IGM **constitutes torture or at least CIDT:**

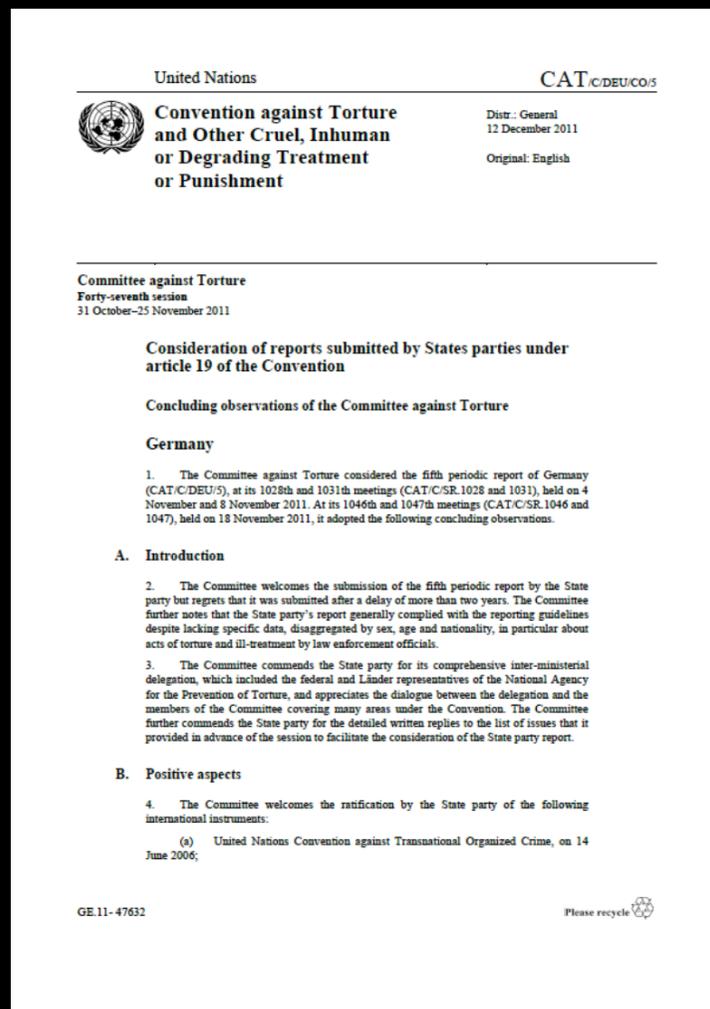
- The infliction of severe pain and suffering,
- the involvement of the state via the federal invalidity assurance,
- the intentional nature of the treatments, and
- how she was singled out for them because of her intersex status.

2011: CAT Concl. Obs. Germany

(CAT/C/DEU/CO/5)

criticise

“practices of routine surgical alterations in [...] intersex persons”, “cases where gonads have been removed [...] without effective informed consent”, “where neither investigation, nor measures of redress have been introduced”, “lack of legal provisions providing redress and compensation”.



call for

“(a) Ensure the effective application of legal and medical standards following the best practices of granting informed consent to medical and surgical treatment of intersex people, including full information, orally and in writing, on the suggested treatment, its justification and alternatives;
(b) Undertake investigation of incidents of surgical and other medical treatment of intersex people without effective consent and adopt legal provisions in order to provide redress to the victims of such treatment, including adequate compensation; [...]”

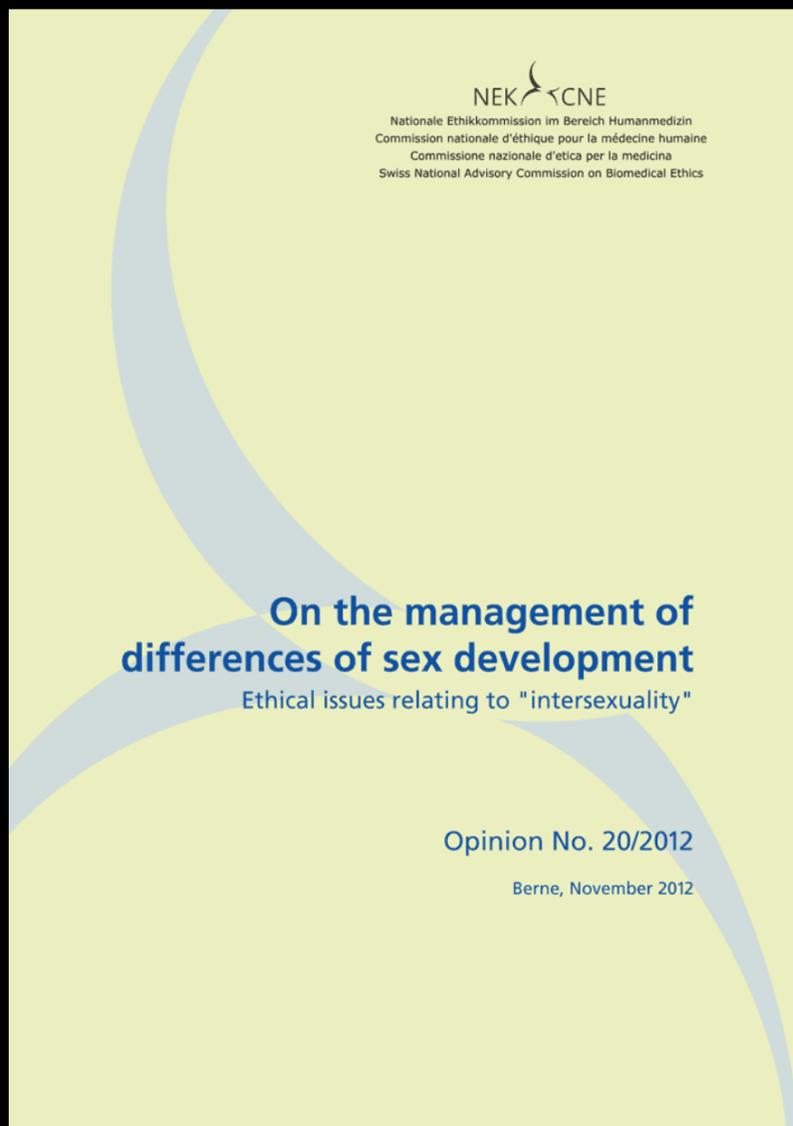
Fortunately, already in 2011 the Committee called for legal provisions to provide redress,

2012: Swiss National Ethics Commission

Swiss National Advisory Commission on Biomedical Ethics NEK-CNE

criticises

“medical practice [...] guided by sociocultural values which [...] are not compatible with fundamental human rights, specifically respect for physical and psychological integrity and the right to self-determination” of “children with a sex variation”,



calls for

- **Suffering of survivors should be acknowledged by society**
- **Psychosocial indication cannot in itself justify irreversible genital surgery in a child who lacks capacity**
- **Legal review of:**
 - **Liability** implications of unlawful interventions in childhood
 - **Limitation periods**
 - **Criminal law re: Assault and Genital Mutilation**

as did the Swiss National Ethics Commission in 2012,

2013: UN Special Rapporteur on Torture
criticises **“involuntary genital normalizing surgeries”** and
“sterilization” on **“Children who are born with atypical sex**
characteristics”, calls for **legal remedies**
(A/HRC/22/53)

followed by the **Council of Europe** (Res. 1951/2013).

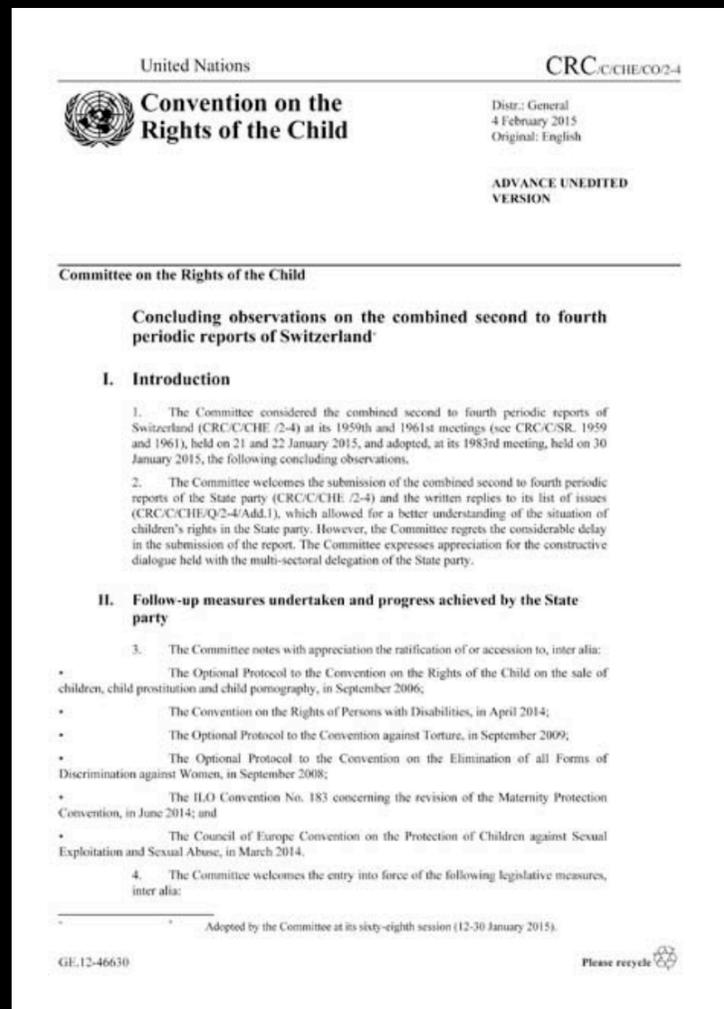


the UN Special Rapporteur on Torture in 2013,

2015: CRC Concl. Obs. Switzerland (CRC/C/CHE/CO/2-4)

criticise

“Harmful practices: [...] Cases of medically unnecessary surgical and other procedures on intersex children, which often entail irreversible consequences and can cause severe physical and psychological suffering, without their informed consent, and the lack of redress and compensation in such cases.”



call for

**“[referring] to the Joint General Comment No. 18 on harmful practices (2014) [...] urges the State party to:
(b) In line with the recommendations on ethical issues relating to intersexuality by the National Advisory Commission on Biomedical Ethics, ensure that no-one is subjected to unnecessary medical or surgical treatment during infancy or childhood, guarantee bodily integrity, autonomy and self-determination to children concerned, and provide families with intersex children with adequate counselling and support.”**

and the Committee on the Rights of the Child in 2015, to name just these four.

Unfortunately, so far the forced treatments still continue, and the State Party in particular still refuses to take appropriate action.



3rd International Intersex Forum, Malta 2013

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We therefore hope that the Committee **recommends the Swiss Government to**

1. Take all effective legislative and other measures to prevent further non-consensual intersex treatments
2. Adopt legal provisions to provide redress, and facilitate impartial investigations
3. Ensure that all medical professionals know that non-consensual intersex treatments amount to torture or CIDT.

Thank you.