

Unnecessary and irreversible surgeries and treatments on intersex children (IGM).

During the 3rd cycle, Denmark received recommendations from the Kingdom of The Netherlands, in consultation with rights holders, to develop national guidelines, for responding to people with variations in sex characteristics, including the possibility to postpone non-emergency, invasive and irreversible surgery and hormone treatment on infants and children until they in a meaningful manner, can participate in the decision-making and give their informed consent.

Denmark has repeatedly received recommendations from different UN bodies (CAT/C/DNK/CO/6-7, CRC/C/DNK/CO/5, E/C.12/DNK/CO/6, CAT/C/DNK/CO/8) calling on Denmark, to ensure that no one during infancy or childhood is subjected to unnecessary medical or surgical procedures.

Intersex Genital Mutilation

Despite our Human Rights obligations, including to ensure that such acts, are offences under domestic criminal law, continuous recommendations, international condemnation, and the fact that non-consensual genital surgeries on intersex children, are classified as harmful practice, ill treatment and torture by the UN, physicians in Denmark continue to perform unnecessary irreversible sex “normalizing” surgeries on intersex children.

These surgeries and are referred to as Intersex Genital Mutilation (IGM), and is, equated to Female Genital Mutilation (FGM) a practice which is prohibited under the Danish Penal code § 245a & §246, punishable with prison up to six years.

The Danish Health Act does not protect intersex children against, IGM and other “normalizing” procedures, in fact § 19 of the Danish Health Act, stipulates, that if the doctor states, that he expects, treatment or surgery at a given time, will result in a significantly better outcome in the long term, the doctor can enforce and/or continue treatment, including surgical, procedures etc. without consent, and even against the specific wishes of the individual, and their parents/ legal guardians.

Key challenges and impact:

IGM is carried out under the guise of medical necessity, despite evidence to the contrary. Due to the lack of an explicit ban against these surgeries, intersex children in Denmark continue to fall victim to these procedures, leaving them with various lifelong and irreversible physical and psychological consequences, and in some cases wrong surgical gender assignment – with irreversible surgical removal of genital and gonadal tissues, which place the victim in what can best be described as a form of irreversible, medically induced transgender-like state.

Recommendations:

1. Immediately develop and implement a human rights-based legislation that prohibits all forms of treatment and surgery, that affect and/or alter the sexual anatomy of intersex children, until they are mature enough to understand the consequences, participate in decision-making and give full, free and informed consent; except in cases where treatments or surgeries are exclusively aimed at alleviating immediate danger to life, or immediate risk of serious and irreversible physical harm.
2. Ensure that surgeries and treatments that do not meet the criteria set out in 1, are offences and punishable under domestic criminal law, equal to Female Genital Mutilation. (FGM)
3. In collaboration with human rights-based Intersex organizations, develop and implement a child's rights-based health-care protocol for intersex children, setting out the procedures and steps to be followed by health care teams and set up monitoring tools and procedures to ensure that the protocol is applied in all cases concerning intersex children.