



“LAWS IN EUROPEAN COUNTRIES PROTECT ALL CHILDREN FROM GENITAL MUTILATION”

Another legal discrepancy arises between FGM and mutilation carried out on children born intersex. European countries have laws against female genital mutilation, supported by the position of the WHO.¹⁴ Nevertheless, in the same states, intersex children may still be subjected to non-consensual surgical operations justified by so-called "sexual ambiguities".

The term “intersex” describes “*human beings whose biological sex cannot be classified as clearly male or female. An intersex person may have the biological attributes of both sexes or lack some of the biological attributes considered necessary to be defined as one or the other sex. Intersex is always congenital and can originate from genetic, chromosomal or hormonal variations. Environmental influences such as endocrine disruptors can also play a role in some intersex differences. The term is not applicable to situations where individuals deliberately alter their own anatomical characteristics*” (Organization Intersex International)¹⁵.

The general prevalence of intersex persons is estimated to be 1.7%¹⁶. This can include diversity in terms of anatomical sex (internal or external genital organs), the sex of the chromosomes or the sexual hormones.

In most European countries (and elsewhere in the world), when a child is born with genital organs considered to be ambiguous, doctors may carry out a series of tests (anatomical description, blood tests, urine tests) to “determine the sex” of the child. A sex reassignment operation is then carried out to align the chosen sex and the morphological sex of the child in at least 21 of the EU Member States (FRA, 2015). As the

baby is not in a position to give its consent, the parents are involved in the decision-making.¹⁷ Critics note that parents often have very little understanding of what it means to be intersex beyond what they learn through the medical perspective. Under considerable stress and time pressure, they are faced with having to make a decision, without having been in touch with intersex organisations or intersex individuals. For other people, the intersex status may be determined at a later stage in life, during puberty or in adulthood.

Medical sex assignment generally requires a series of surgical interventions and hormone treatment, often for life. These interventions to “sexual normalisation”, known as Intersex Genital Mutilation, are condemned by intersex activists and researchers as most intersex people are in good health. These cosmetic interventions aim to make the child conform to sex and gender norms. The consequences are a sexual assignment which is often irreversible and can lead to sterility, pain and psychological suffering.

This is why the Organisation Intersex International Europe (OII Europe), which works for the rights of intersex people, calls for all hormonal and surgical interventions which are not vital to the survival of intersex children to be banned until they are old enough to give their clear consent. The EU Fundamental Rights Agency underlines that legal and medical professionals around the world must be trained on the rights of intersex people, in order to avoid “sexual normalisation” treatment on children not old enough to give their informed consent (FRA, 2015).

It is easy to see the parallels between the aim of “normalising” the sex/gender of intersex children and FGM practices as a rite of passage for a child to be considered a “woman” or a “man”. Mainstream opponents of FGM have been accused of cultural relativism, because they discount the rights of intersex people, concentrating solely on countries said to be developing. FGM in Africa and Asia is seen as misogynistic, whereas mutilation carried out in Western society is considered the result of “scientific medicine”. In reality, both FGM and mutilation carried out on intersex persons are linked to culture and are harmful practices aiming for gender conformity, whether consensual or not. There is a need for further analysis of laws in European countries which ban female genital mutilation in migrant communities, but which stays silent when it comes to interventions carried out on intersex children.