

Open Letter of Concern to 53rd ESPE 2014 by Persons Concerned, Partners, Families, Friends and Allies

53rd Annual Meeting of the European Society for
Paediatric Endocrinology
c/o The Convention Centre Dublin
Spencer Dock
North Wall Quay
Dublin 1

Irish Endocrine Society
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University College Dublin
Professor Andrew J Deeks, President
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Dr Patrick Prendergast, Provost
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Our Lady's Children's Hospital
The Most Reverend Diarmuid Martin DD - Archbishop of Dublin
Cooley Rd
Crumlin
Dublin 12

The National Children's Hospital
AMNCH
Tallaght
Dublin 24

The Children's University Hospital
Sean Sheehan, Chairperson
Temple Street
Dublin 1

St. Vincent's University Hospital
Prof. Noel Whelan, Chairman
Elm Park, Merrion Rd
Dublin 4

Cork University Hospital CUH
Mr. Tony McNamara, Chair of EMB
Wilton
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University Hospital Limerick, UL Hospitals
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The Royal Belfast Hospital for Sick Children
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Dublin, September 19, 2014

Dear Speakers, Chairpersons, and Participants of the 53rd Annual Meeting of the European Society for Paediatric Endocrinology

Dear Board, Scientific Committee and Members of ESPE and IES

Dear Directors of Paediatric DSD Clinics in Ireland

Dear Directors of Universities and Colleges training DSD Doctors in Ireland

As survivors of non-consensual childhood genital surgeries, as persons concerned grateful for having escaped such surgeries, as partners, family members and friends of persons concerned, and as allies, we note with deep concern that ESPE, IES, Irish Universities and Children's Clinics continue to advocate, justify, arrange and perform non-consensual, medically unnecessary, irreversible, cosmetic genital surgeries on children with variations of sex anatomy, as well as sterilising procedures and imposition of hormones.

We'd like to respectfully remind you that such non-consensual procedures

- constitute fundamental human rights violations (see below),
- constitute violations of civil, criminal, constitutional and international law,¹
- constitute violations of ethics principles and regulations,²
- have been criticised by survivors as harmful and mutilating for more than 20 years.³

For national and international human rights bodies criticising non-consensual unnecessary procedures on intersex children, see the following updated list included for your convenience.⁴ Please note, that since ESPE's last annual meeting, one more national body and seven more international bodies started explicitly criticising non-consensual, irreversible treatments of intersex children:

- WHO, UNICEF, OHCHR, UN Women, UNAIDS, UNDP and UNFPA Interagency Statement "Eliminating forced, coercive and otherwise involuntary sterilization", May 2014
- Commissioner for Human Rights of the Council of Europe, Human Rights Comment "A boy or a girl or a person – intersex people lack recognition in Europe", 09.05.2014
- UN Committee on the Rights of Persons with Disabilities, CRPD/C/DEU/Q/1, paras 12–13, 17.04.2014

1 In 2008, a German surgeon was sentenced to pay € 100,000 damages. 2014 another case is pending in Germany, with both the surgeon and the University Clinic as defendants. In another pending case in the United States, in addition to the surgeon and the University Clinic also an involved paediatric endocrinologist a defendant both in a state and federal lawsuit, 2014 motions to dismiss non-surgical personnel from the case were denied both by state and federal judges.

2 See e.g. the recommendations by the Swiss National Advisory Commission on Biomedical Ethics NEK-CNE, "On the management of differences of sex development. Ethical issues regarding 'intersexuality'", 2012, http://www.nek-cne.ch/fileadmin/nek-cne-dateien/Themen/Stellungnahmen/en/NEK_Intersexualitaet_En.pdf

3 For sources, please see our 2013 Open Letter of Concern to the 9th Joint Meeting in Milan, p. 5, footnotes 12–19, http://zwischen-geschlecht.org/public/Open_Letter_9th-Joint-Meeting_2013.pdf

4 For national and international human rights groups and experts, please see our 2013 Open Letter of Concern to the 9th Joint Meeting in Milan, p. 5, footnotes 13, 26–30, http://zwischen-geschlecht.org/public/Open_Letter_9th-Joint-Meeting_2013.pdf

- Australian Senate, Community Affairs References Committee, Second Report: Involuntary or coerced sterilisation of intersex people in Australia, 25.10.2013
- Parliamentary Assembly of the Council of Europe, Resolution 1952 (2013) “Children’s right to physical integrity”, paras 2, 6, 7, 01.10.2013
- UN Special Rapporteur on Torture, A/HRC/22/53, paras 77, 76, 88, 01.02.2013
- UN Committee against Torture, CAT/C/DEU/CO/5, para 20, 12.12.2011
- UN High Commissioner for Human Rights, A/HRC/19/41, para 57, 17.11.2011
- Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, A/64/272, para 49, 10.08.2009
- UN Committee on the Elimination of Discrimination against Women, CEDAW/C/DEU/CO/6, para 61–62, 10.02.2009
- San Francisco Human Rights Commission, A Human Rights Investigation into the “Normalization” of Intersex People, 28.04.2005

We therefore would like to reiterate our pleas to ESPE and its affiliates, including Irish Universities and Children’s Clinics,

- **to kindly reconsider non-consensual cosmetic treatments of children and adolescents with intersex variations (including hypospadias and CAH) unfortunately still advocated at the 53rd Annual Meeting in Dublin**
- **to kindly reconsider the stigmatising nomenclature ‘Disorders of Sex Development’**
- **to do so in consultation with intersex organisations**
- **to acknowledge the harm and suffering inadvertently caused by non-consensual treatments of children and adolescents with intersex variations (including hypospadias and CAH)**
- **to initiate a process of coming to terms with the past as a necessary first step towards reconciliation.**

We feel it would reflect well on ESPE’s proud tradition as pioneers to take a leading role in such a process, and we respectfully suggest it would be in the best interest of all parties if such a process could be initiated before legislators may become involved eventually.

Thank you for your consideration.

Kind regards

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