

Legal Protection of Intersex Human Rights in Europe

2022 EU-Taiwan LGBTI Human
Rights Conference

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Capacity & Community Building
Officer of OII Europe



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EUROPE



**EUROPEAN INTERSEX COMMUNITY EVENT
COPENHAGEN - DENMARK 2018**



Human rights and intersex people

Issue paper

The fundamental rights situation of intersex people

FRA FOCUS

Most European societies recognise people as either male or female. However, this does not account for all variations in sex characteristics. As a result, intersex people experience fundamental rights violations ranging from discrimination to medical interventions without their consent.

This paper examines the legal situation of intersex people from a fundamental rights perspective. It draws on evidence from the Agency's updated legal analysis on homophobia, transphobia, and discrimination on grounds of sexual orientation and gender identity, which now includes a section on intersex issues.

Key facts

- Many Member States legally require births to be certified and registered as either male or female.
- In at least 21 Member States, sex 'normalising' surgery is carried out on intersex children.
- In 8 Member States, a legal representative can consent to sex 'normalising' medical interventions independently of the child's ability to decide.
- 18 Member States require patient consent provided the child has the ability to decide.
- Intersex discrimination is better covered by sex discrimination rather than discrimination on the basis of sexual orientation and/or gender identity as it concerns physical (sex) characteristics.

Key conclusions

- Legal and medical professionals should be better informed of the fundamental rights of intersex people, particularly children.
- Gender markers in identity documents and birth registries should be reviewed to better protect intersex people.
- Member States should avoid non-consensual 'sex-normalising' medical treatments on intersex people.

Doc. 14049
27 April 2016

Promoting the human rights of and eliminating discrimination against intersex people

Motion for a resolution
tabled by Mr Piet De BRUYN and other members of the Assembly

C 449/142

EN

Official Journal of the European Union

23.12.2020

Thursday 14 February 2019

P8_TA(2019)0128

The rights of intersex people

European Parliament resolution of 14 February 2019 on the rights of intersex people (2018/2878(RSP))

(2020/C 449/19)



#UnionOfEquality

LGBTIQ
Equality Strategy
2020-2025



EU strategy on the Rights of the child



Oil Europe Good Practice Maps



SCOTLAND

HATE CRIME & SPEECH

In March 2021, the **Scottish parliament** passed the **Hate Crime and Public Order (Scotland) Act 2021**. The Act includes "variations in sex characteristics" among the grounds for "aggravation of offences by prejudice" and of the offence "stirring up hatred". It requires the Ministers to publish yearly reports on convictions, with information about the offence and which characteristic(s) relate to it.

DENMARK

ANTI-DISCRIMINATION / HATE CRIME & SPEECH

In December 2021 the **Danish parliament** extended **non-discrimination legislation to intersex people** and amended hate crime & speech legislation, by **adding sex characteristics**.

NETHERLANDS

GOVERNMENTAL APOLOGIES

On 27 November 2021, the **Dutch government** made a **public apology for the effects of the old law on adjusting gender registration**, which previously imposed upon trans and intersex people who wished to change their gender marker the obligation to undergo mandatory medical treatment, including genital surgery, hormone treatment and sterilisation. Minister Van Engelshoven apologized on behalf of the Cabinet of the Netherlands during a ceremony in The Hague, and called past requirements dehumanizing.

GERMANY

POLITICAL WILL

The new **German government** took office in 2021 and in its **coalition pact** the governing parties committed to several actions to improve the situation of intersex, trans and queer people, including: installing a **Queer Coordinator position**; proposing a **"self-determination law"**; establishing a **compensation fund** for trans and intersex people; improving the law for the protection of children with "variants of sex development", to **eliminate opportunities for circumvention**.

FINLAND

ACTION PLAN

In October 2021, the **Finnish government** published the first implementation plan for the **National Child Strategy**, containing measures to secure the wellbeing of children. The intersex organisation ISIO will have a seat in the panel in charge of developing a uniform model for the provision of first information to families, where it will spur a human rights based approach and accentuate psychosocial support.

SERBIA

ANTI-DISCRIMINATION LAW

In May 2021 the **parliament of the Republic of Serbia** amended the Law on Prohibition of Discrimination and **included sex characteristics** among the protected grounds, in areas such as employment, health, goods & services, education.

GREECE

ACTION PLAN · RESEARCH · TRAINING

In June 2021, the **Greek government** published the **National Strategic Plan on LGBTQI+ equality**, which recognised for the first time some intersex human rights violations, such as IGM.

The research project "Combating hate speech against intersex populations in Greece" of Intersex Greece, which was funded by ILGA, will yield a report and a plan on how to combat hate speech against intersex people in the country. It is the **first intersex inclusive research in Greece**, as intersex people are involved in all stages including the design of research tools.

Following the publication of the National Strategic Plan on LGBTQI+ equality and as a result of the submission sent by Intersex Greece, five members of Intersex Greece have been included in the list of tutors of the **National Centre for Public Administration and Local Government of Greece**.

AUSTRIA

TRAINING

Austrian intersex-led organisation **VIMÖ** held up to 60 workshops, consultations and speeches on the topic of intersex human rights in 2021, **commissioned by private universities, companies and public institutions**.

IGM Bans

- Malta
- Portugal
- Iceland
- Germany
- Greece





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Thank you!!

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