



## 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**.

## 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.

## NETHERLANDS

GOVERNMENTAL APPOLOGIES

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.

## FRANCE

RESEARCH

The **Gender Institute and the Interministerial Delegation for the Fight against Racism, Anti-Semitism and Anti-LGBT Hatred (DILCRAH)** financed RéFRI (Réseau Francophone de Recherche sur l'Intersexuation) for it to hold a **summer seminar** and to **create a bibliographic inventory of francophone research about intersex**.

## 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 circumcision**.

## 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**.

## 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**.



## 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.

In December 2021 the **Danish parliament extended non-discrimination legislation to intersex people**.

It expanded accordingly the mandate of

- ▶ the Equal Treatment Board, which deals with discrimination complaints
- ▶ Denmark’s National Human Rights Institution, that supports victims, conducts independent investigations, publishes reports and makes recommendations.

**These good practice examples highlight that adding sex characteristics as a specific ground:**

- ▶ Ensures explicit protection and legal certainty
- ▶ Increases awareness and acceptance among the general public.

**Serbia:** Law <https://www.propisi.net/zakon-o-zabrani-diskriminacije/>  
Press Release <https://www.lgbt-era.org/news/finally-visible>

**Denmark:** Law <https://www.retsinformation.dk/eli/ta/2021/2591>

## TRAINING

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

- Public Employment Service Austria (AMS - Arbeitsmarktservice)
- UN-Globe
- Medical University Vienna
- Ärztekammer Oberösterreich (Austrian Medical Chamber of Upper Austria)
- Health University of Applied Sciences Tyrol
- Österreichisches Hebammen-Gremium (Austrian Midwives Board)
- The (administrative) staff of Johannes Kepler University Linz
- TU Wien (Vienna University of Technology)
- The University of Applied Sciences Campus Vienna
- The executives of Österreichische Post AG (the Austrian postal service company)

And many others!

## 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.

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In December 2021 the **Danish parliament** amended hate crime & speech legislation, by **adding sex characteristics:**

- ▶ To the bias motivations which “must generally be included as an aggravating circumstance”
- ▶ To the grounds which make the refusal to serve a person – on the same terms as others in a professional or non-profit activity – an offence
- ▶ To hate speech grounds.

**These good practice examples highlight that legislation should:**

- ▶ Address the reality and serious nature of bias-motivated violence and speech against intersex people
- ▶ Increase data collection efforts.

**Scotland:** Act <https://www.legislation.gov.uk/asp/2021/14/introduction/enacted>

**Denmark:** Law <https://www.retsinformation.dk/eli/ta/2021/2591>

**Language sensitivity guide:** [https://www.gleichbehandlungsanwaltschaft.gv.at/dam/jcr:8029ba34-d889-4e64-8b15-ab9025c96126/210601\\_Leitfaden\\_gesch-Sprache\\_A5\\_BF.pdf](https://www.gleichbehandlungsanwaltschaft.gv.at/dam/jcr:8029ba34-d889-4e64-8b15-ab9025c96126/210601_Leitfaden_gesch-Sprache_A5_BF.pdf)

## ACTION PLANS

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**. Intersex Greece, which had submitted a detailed report, encourages the Government to address other areas in its future work, e.g. education, employment, access to health, hate speech.

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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 on 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.

**These good practice examples highlight that:**

- ▶ Consulting intersex-led organisations is essential
- ▶ First steps can be taken from the government in any country to protect intersex people’s rights.

**Greece:** National Strategic Plan - <https://bit.ly/3rlr9AT>

**Finland:** Child Strategy - <https://www.lapsenoikeudet.fi/en/campaign/national-strategy-for-children/>  
Implementation plan - <https://julkaisut.valtioneuvosto.fi/handle/10024/163541>

## 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.

**This good practice example highlights that public apologies from the Government:**

- ▶ Are an important form of reparation
- ▶ Send a clear message to society about the obligation to respect the dignity of trans and intersex people.

Concerns remain around the compensation scheme: its amount is too low and was not determined in consultation with CSOs.

**WHO ELSE:** **Austria** - In June 2021 the Minister of Justice made an official apology statement to LGBTIQ people.

**Netherlands:** Video of the speech: <https://bit.ly/3uxPQw5>  
**Austria:** Video of the speech: <https://bit.ly/3rgjbcw>

## RESEARCH

**Intersex Greece** got its project **“Combating hate speech against intersex populations in Greece”** funded by **ILGA**. It 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.

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In **France** the **Gender Institute and the Interministerial Delegation for the Fight against Racism, Anti-Semitism and Anti-LGBT Hatred (DILCRAH)** financed RéFRI (Réseau Francophone de Recherche sur l’Intersexuation) for it to hold a **summer seminar** and to **create a bibliographic inventory of francophone research about intersex**.

**These good practice examples highlight the importance of funding intersex-led and intersex inclusive research**

**WHO ELSE:**

- ▶ The **European Commission** launched a “Study on Intersex people in the EU” with results expected by the end of 2022.
- ▶ **INIA – Intersex: New Interdisciplinary Approaches** – is an EU funded international research network. OII Europe seats in the advisory board.

**France:** Facebook Event page - <https://bit.ly/3ritThC>  
**INIA:** <https://www.intersexnew.co.uk/about>

## POLITICAL WILL

The new **German government** took office in 2021 and in its **coalition contract** 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” (including making a gender marker change possible in principle by self-disclosure)
- ▶ Establishing a compensation fund for trans and intersex people affected by bodily harm or forced divorce due to previous legislation
- ▶ Improving the law for the protection of children with “variants of sex development”, to eliminate opportunities for circumvention. → *see section **IN THE MAKING***

**This good practice example highlights that:**

- ▶ Strong commitment and political will are a necessary first step to drive policy reforms
- ▶ Written pledges, such as a coalition contract, are one way to hold the government accountable.

**Coalition contract:** <https://www.bundesregierung.de/breg-de/service/gesetzesvorhaben/koalitionsvertrag-2021-1990800>

## IN THE MAKING: PUT AN END TO IGM

On 11 February 2021, the **Belgian House of Representatives** unanimously adopted a **resolution** calling on the federal government to create **“a legislative framework protecting the physical integrity of intersex minors”** by ensuring:

- ▶ “the prohibition of any decision to change the sex characteristics of a minor without their fully informed consent, whether for social, psycho-social, cultural or aesthetic reasons”, with the exception of medical necessity and emergency situations
- ▶ the inclusion of intersex-led NGOs in the development of all measures
- ▶ measures about data collection, awareness raising, training, protection of intersex asylum seekers and migrants.

**Further points that should have been addressed for more comprehensive protection include:**

- ▶ Depathologisation, starting with the terminology used
- ▶ Access to medical records and extended retention time
- ▶ Legal sanctions and extension of statutes of limitation
- ▶ Access to expert sensitive counselling.

As the resolution is not binding, a legislative act must follow now to give it due course.

**Press releases:** <https://oiiurope.org/belgian-resolution-on-protecting-intersex-rights/>  
<https://www.genrespluriels.be/Resolution-inter-au-parlement-federal-belge?lang=fr>

On 12 May 2021 in **Germany** a **law** was adopted **“on the protection of children with variants of sex development”**. The framework it sets out to preserve intersex children from non-vital, non-emergency medical interventions is not yet comprehensive, and some obstacles persist in the way towards full protection.

The law makes treatments **solely performed for aligning the intersex child’s body to a more normative appearance** and without their fully informed consent **unlawful**. While it requires the **approval of the family court for surgical interventions that “cannot be postponed”** until the child can decide for themselves.

The text extends the retention period for medical records; provides for an interdisciplinary commission to issue an opinion; provides for an evaluation of the law after 5 years.

**! Main obstacles towards full protection:**

**! Lack of universality – pathologizing stance**

- ▶ The medical term ‘variants of sex development’ **excludes from protection** intersex children who, from a current medical perspective, **do not fall under this definition**. It also **perpetuates a pathologizing perspective**.

**! Risk of interventions in the lack of health needs**

- ▶ Interventions that may be approved include those “necessary to cure or eliminate a functional disorder or to preserve the ability to reproduce, **without there being any**

In January 2021, a **law regulating interventions on intersex minors** entered into force in **Iceland**. It stipulates that if the child is incapable of giving consent, an intervention can only be performed if health needs so require.

It also sets up a ministerial committee in charge of approving interventions.

A working group must be formed within the following three years to review the law.

**A major problem is the explicit exclusion of certain intersex variations from protection, that in the medical environment are designated as pathologies within the binary model i.e. “hypospadias” and “micropenis”**. It is also regrettable that potentially any health needs – not limited to only urgent ones – are considered as reasons for intervening.

**Act 154/2020** <https://www.althingi.is/altext/stjt/2020.154.html>  
which amends **Act 80/2019** <https://www.althingi.is/lagas/nuna/2019080.html>

**Official English translation:** <https://www.government.is/publications/legislation/lex/2020/05/08/Act-on-Gender-Autonomy/>

**real risk to health at the present time**, even if they have the effect of altering physical appearance”.

- ▶ The **“consolidated wish” of the child**, even if they are incapable of giving informed consent, may also justify an intervention; this carries the risk of misuse due to still existing social pressure.

- ▶ The law does not differentiate between physical and **potential (presumed) mental health needs**.

**! Composition of the interdisciplinary commission**

- ▶ The majority can still consist of staff of the **same health care facility**.

- ▶ The involvement of a **peer counsellor** is not mandatory.

**German Law:** <https://bit.ly/3jxEsk2>

**Press releases:** <https://oiiGermany.org/ein-steiniger-weg-fuer-menschenrechte/>  
<https://oiiEurope.org/a-good-first-step-germany-adopts-law-banning-igm/>

You can find a more detailed overview to this topic on the following live webpage that is being updated periodically with new developments: [www.oiiEurope.org/IGM-Legal/](https://www.oiiEurope.org/IGM-Legal/)

