

The European Parliament position on the Directive on combating violence against women and domestic violence includes IGM among the forms of violence within the Directive scope

Press Release

Today, 12 July 2023, the European Parliament, in its plenary session, endorsed the report of the Civil Liberties and Women's Rights Committees on the European Commission's *proposal for a directive on combating violence against women and domestic violence*, thus giving the Committees a clear mandate to continue their work in the upcoming negotiations with the Council. This historic decision marks a further step towards securing a final text that protects the rights of all the women, girls and other persons affected by these forms of violence, including intersex people.

The Committees adopted the draft report by a very large majority on 28 June. The original text put forward by the Commission included: criminalisation of some forms of violence, including cyber violence; protection of victims and access to justice; victim support; prevention; coordination and cooperation. The Committees' report makes the text stronger, by explicitly including, among others:

- LBTI women in the provision on targeted support for victims with intersectional needs and groups at risk;
- The criminal offence of forced sterilisation;
- A definition of rape, which ensures that all non-consensual situations, including fear and intimidation, are covered.

Most importantly for the European intersex community, the report seeks to establish a legal obligation for Member States to:

- introduce the criminal offence of intersex genital mutilation (IGM) (article 6a, see also recital 16b);
- ensure specialist support for victims of IGM (article 29);
- take appropriate action to prevent IGM (article 36);
- ensure training for professionals (article 37).

Article 6a defines the offence of intersex genital mutilation as *“performing any medically unnecessary surgical or medical procedure or hormonal treatment on the sex characteristics of a healthy woman or child born with variations of sex characteristics, without obtaining prior and informed consent and without the woman or child understanding the procedure or treatment, with the purpose or effect of altering those sex characteristics to align them with sex characteristics considered typically female or male”*.

Recital 16b clarifies that *“[p]rocedures or treatments on the sex characteristics of women or children born with variations of sex characteristics who do not have the capacity to consent should only be performed when there is a clear and urgent need to preserve their life or prevent serious harm to their physical health”*, and adds that *“[i]ntersex genital mutilation can result in life-long physical and psychological impairments and, therefore, should be treated with the same gravity as female genital mutilation”*.

“The European Parliament has shown that it firmly stands alongside intersex people and their fundamental rights” says Dan Christian Ghattas, Executive Director of OII Europe. “This report follows up on the repeated commitments that the European Commission and the Parliament itself had made in recent years to put an end to this harmful practice, and brings it in line with international and European human rights standards”, adds Dan Christian Ghattas.

Similar to female genital mutilation (FGM), IGM against women and children, in particular but not limited to intersex children assigned female, is aimed at exerting social control over the child's and (future) adult's physical appearance and over their sexuality, including aiming “to improve the cosmetic appearance of the genitals” and “to allow for vaginal-penile intercourse”, as quoted in medical articles.

Magda Rakita, Co-Chair of OII Europe, says: “IGM violently reinforces harmful gender stereotypes about how a typical male or female body should appear or function, in the absence of actual health needs and in violation of the person's right to self-determination”. “By addressing IGM in this report, the Parliament has acknowledged that IGM, similar to other forms of gender-based violence – including FGM – is a product of the sexist and misogynist norms entrenched in our society”. Kristian Randelović, Co-Chair of OII Europe, adds: “The fact that the report does not limit the fight to stop IGM to a criminal response, but also includes provisions about support, prevention and training, is crucial”.

By criminalising IGM, the directive in question will protect the rights of intersex people to make their own decisions about their own bodies, including the informed decision to undergo a procedure or treatment that they wish for.

OII Europe applauds this very important step taken by the European Parliament and calls for the negotiators to ensure that the protection of intersex people firmly remains in place in the final text of the directive.

Links

European Parliament press release <https://www.europarl.europa.eu/news/en/press-room/20230707IPR02435/combating-violence-against-women-meps-ready-to-negotiate-on-draft-eu-directive>

Committees' report, endorsed by the Parliament

https://www.europarl.europa.eu/doceo/document/A-9-2023-0234_EN.html#_section1

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