



EU & COUNCIL OF EUROPE
POLITICAL WILL
In 2023, at the **EU and Council of Europe** level, we witnessed a growing commitment from decision makers to combat violence and discrimination against intersex people.

FRANCE
RESEARCH
In **France**, the Collectif Intersexe Activiste/Oii France, together with the intersex research network (Réfri), conducted a **survey on intersex health** in 2023, funded by the French inter-ministerial delegation DILCRAH. The survey was completed by 158 intersex respondents and focused on: **socio-demographics; physical and mental health; medical experiences; conjugality & sexuality; discrimination and violence.**

SPAIN
AWARENESS RAISING / IN THE MAKING – IGM BANS
In the **Canary Islands** in **Spain**, the **Municipality of La Laguna**, together with Caminar Intersex and other LGBTI organisations developed an **awareness raising action**, entitled Visible Spaces, in which a series of 12 benches in **communal public spaces** were painted with LGBTI-flags, including **intersex flags.**

In February 2023, **Spain** became the 6th CoE country to adopt an IGM ban within the law for the real and effective equality of trans people and for the guarantee of the rights of LGBTI people. Article 19 of the law **prohibits non-consensual genital modification practices performed on intersex children** under the age of 12, with the exception of cases where the intervention is required in order to protect the person's health.

AUSTRIA
TRAINING / IN THE MAKING - IGM BANS
VIMÖ/Oii Austria, together with a member of the Austrian midwife organisation, hosted three workshops in Vienna and Linz in **Austria**, to **train midwives on intersex issues.**

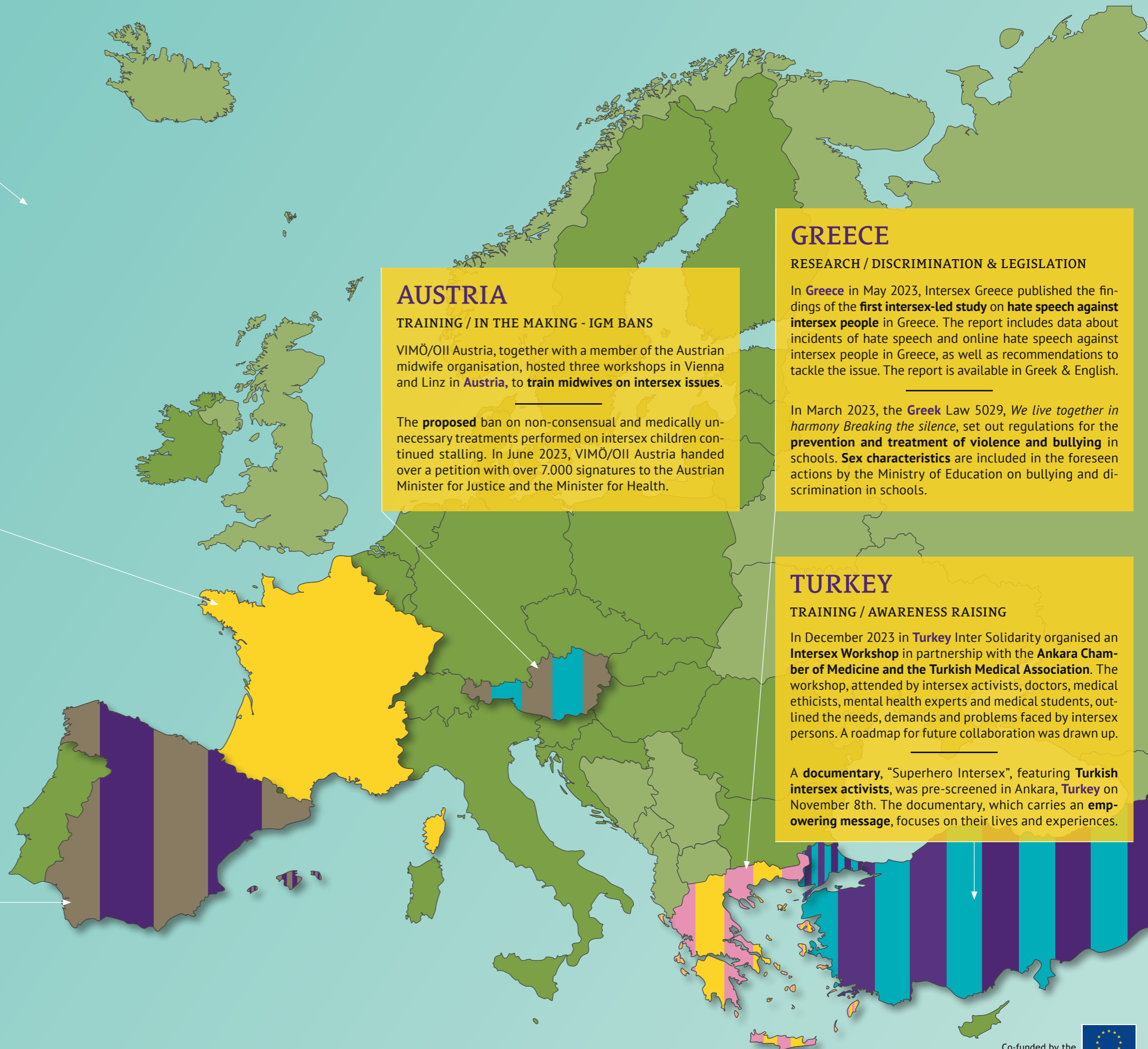
The **proposed** ban on non-consensual and medically unnecessary treatments performed on intersex children continued stalling. In June 2023, VIMÖ/Oii Austria handed over a petition with over 7.000 signatures to the Austrian Minister for Justice and the Minister for Health.

GREECE
RESEARCH / DISCRIMINATION & LEGISLATION
In **Greece** in May 2023, Intersex Greece published the findings of the **first intersex-led study on hate speech against intersex people** in Greece. The report includes data about incidents of hate speech and online hate speech against intersex people in Greece, as well as recommendations to tackle the issue. The report is available in Greek & English.

In March 2023, the **Greek Law 5029, We live together in harmony Breaking the silence**, set out regulations for the **prevention and treatment of violence and bullying** in schools. **Sex characteristics** are included in the foreseen actions by the Ministry of Education on bullying and discrimination in schools.

TURKEY
TRAINING / AWARENESS RAISING
In December 2023 in **Turkey** Inter Solidarity organised an **Intersex Workshop** in partnership with the **Ankara Chamber of Medicine and the Turkish Medical Association.** The workshop, attended by intersex activists, doctors, medical ethicists, mental health experts and medical students, outlined the needs, demands and problems faced by intersex persons. A roadmap for future collaboration was drawn up.

A **documentary**, "Superhero Intersex", featuring **Turkish intersex activists**, was pre-screened in Ankara, **Turkey** on November 8th. The documentary, which carries an **empowering message**, focuses on their lives and experiences.



TRAINING

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VIMÖ/OII Austria, together with a member of the Austrian midwife organisation, hosted three workshops in Vienna and Linz in **Austria**, to **train midwives on intersex issues**.

This Good Practice example highlights that:

- ▶ Training to medical professionals remains a key priority in order to protect intersex people from human rights violations.
- ▶ Intersex-led organisations have the expertise and the capacity to give training to a wide range of entities.

Turkey Workshop: <https://interdayanisma.org/2023/12/02/ttb-organizes-intersex-workshop/>

Austria Workshops: https://vimoe.at/2023/08/03/workshops_hebammen/

AWARENESS RAISING

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This Good Practice example highlights that:

- ▶ Public spaces and different mediums can be used to effectively raise awareness about intersex people.
- ▶ The support of local municipalities is key to ensure space is created to centre intersex stories.

Spain Visible Spaces: <https://bit.ly/43bREdS>

Turkey About the film pre-screening: <https://bit.ly/3wlnvcE>

RESEARCH

In **France**, the Collectif Intersexe Activiste/OII France, together with the intersex research network (Réfri), conducted a **survey on intersex health** in 2023, funded by the French inter-ministerial delegation DILCRAH. The survey was completed by 158 intersex respondents and focused on: **socio-demographics; physical and mental health; medical experiences; conjugality & sexuality; discrimination and violence**.

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This Good Practice example highlights:

- ▶ The strong need to close knowledge gaps about key topics such as health and exposure to hate crime.
- ▶ That intersex organisations have the expertise to conduct relevant and meaningful research that reduces significant knowledge gaps.

France Survey: <https://refri.hypotheses.org/829>

Greece Findings: <https://bit.ly/3v8zi0X>

IN THE MAKING: IGM BANS

In **Austria**, the **proposed** ban on non-consensual and medically unnecessary treatments performed on intersex children continued stalling. In June 2023, VIMÖ/OII Austria handed over a petition with over 7.000 signatures to the Austrian Minister for Justice and the Minister for Health.

In February 2023, **Spain** became the 6th CoE country to adopt an IGM ban within the law for the real and effective equality of trans people and for the guarantee of the rights of LGBTI people. Article 19 of the law **prohibits non-consensual genital modification practices performed on intersex children** under the age of 12, with the exception of cases where the intervention is required in order to protect the person’s health.

For intersex minors between the ages of 12 and 16, such practices are allowed at the request and upon the provision of informed consent of the minor according to his age and maturity.

The law is comprehensive and the ground of sex characteristics is explicitly included in provisions related to education, sport, culture, cyberbullying, victim support and international protection.

STRENGTHS OF THE LAW:

- ▶ Does not exclude any variations of sex characteristics from its scope of protection
- ▶ Violating the prohibition is classified as a “very serious offence”, and strong sanctions exist, including the loss of licence to practise and closure of the medical establishment for a maximum period of three years.
- ▶ The law includes a provision on ensuring the participation of minors in the decision-making process, as well as the provision of advice and support, including psychological, to intersex minors and their families.
- ▶ The law explicitly mentions that it aims to ensure that bodily examinations and bodily exposure without therapeutic scope will be avoided.
- ▶ The law explicitly mentions training about LGBTI people to healthcare professionals.

MISSING POINTS (SELECTION):

- ▶ The intersex-specific article does not include any indication of how the minor’s informed consent is assessed or clarity about how those procedures that are permitted due to “protecting the person’s health” are defined, thereby opening entry points for interventions that are performed for cosmetic reasons or to alleviate an alleged risk for the child’s physical or mental health.
- ▶ Claims for damages are subject to a three-year limitation period, which poses a significant challenge in guaranteeing the right to access to truth, justice and reparations.

▶ The language around penalties, which are dependent on assessing the “intent of the offender” could be used to legally justify IGM and can allow offenders to not be held accountable.

▶ No provisions on guaranteeing access to medical records.

▶ No provisions made to ensure that comprehensive information is provided to parents and intersex persons themselves.

▶ No mention of a specific mechanism to review medical guidelines & protocols.

▶ Obligation to register the sex of the child after one year following their birth, which carries the risk to prompt “clarification” of the child’s sex through surgical means.

The law covers key elements, however we encourage the Spanish government to address the missing points through implementation guidelines developed in collaboration with intersex-led civil society, the creation of a monitoring mechanism and/or through a future revision of the law.

Austria

Ban: <https://bit.ly/49LvMIR>

Petition: <https://bit.ly/3wKtLOp>

Spain

Law: <https://www.boe.es/buscar/doc.php?id=BOE-A-2023-5366>

POLITICAL WILL

In 2023, at the **EU and Council of Europe** level, we witnessed a growing commitment from decision makers to combat violence and discrimination against intersex people.

At EU-level:

- ▶ The proposal (July) to criminalise **intersex genital mutilation** as a harmful practice and a form of gender-based violence in the report adopted by the European Parliament on the proposal for a **Directive on combating violence against women and domestic violence**.
- ▶ The inclusion of the **ground of sex characteristics** in the definition of ‘victim’ in the provisional agreement reached by the European Parliament and the Council on two draft directives on **minimum standards for equality bodies**.
- ▶ The presentation of the **first findings** of the **European Commission intersex study**, during a panel on ‘**Equal rights for intersex people**’, at IDAHOT in Reykjavík (May).
- ▶ The **declaration** at the **Spanish Presidency event in Madrid** by EU Member State Ministers responsible for LGBTIQ policies to “promote equality and non-discrimination on the grounds of [...] **sex characteristics**” and to “**prevent and eradicate unnecessary practices of sex-normalising treatments and surgery of intersex minors**”.

At Council of Europe level:

- ▶ In the framework of the Icelandic Presidency, the Council of Europe SOGI Unit, in cooperation with the Permanent Representation of Iceland to the Council of Europe, hosted the **high-level conference ‘Advancing the Human Rights of intersex people’**. The event brought together representatives from Council of Europe Member State governments, and included high level speakers like the Secretary General of the Council of Europe, the Prime Minister of Iceland, the Council of Europe Commissioner for Human Rights, the General Rapporteur on the rights of LGBTI people and the Chair of the Committee on Anti-Discrimination, Diversity and Inclusion. The event also launched the work on the future Committee of Ministers recommendations on intersex.
- ▶ The **ECRI General Policy Recommendation no.17** on preventing and combating intolerance and discrimination against LGBTI people includes a **specific recommendation** to Council of Europe Member States on **intersex people**.

Proposal: <https://bit.ly/3Vf5I4i>

Provisional Agreement: <https://bit.ly/3TslwCA>

Panel: <https://bit.ly/4a1zo96>

Declaration: https://www.igualdad.gob.es/wp-content/uploads/DECLARACION_Firmada.pdf

Conference: <https://bit.ly/3Tyqrz2>

Policy Recommendation: <https://bit.ly/4a993pF>

DISCRIMINATION / LEGISLATION

In March 2023, the **Greek** Law 5029, *We live together in harmony Breaking the silence*, set out regulations for the **prevention and treatment of violence and bullying** in schools. **Sex characteristics** are included in the foreseen actions by the Ministry of Education on bullying and discrimination in schools.

In July 2023, the Canary Islands in **Spain**, in the context of implementing the regional LGBTI law (2021) set up a **Consultative Committee for Social Equality and Non-Discrimination** based on gender identity, gender expression and **sex characteristics**.

This Good Practice example highlights that:

- ▶ Political will to ensure the protection of intersex people from discrimination is vital at both national and local level.
- ▶ “Sex characteristics” is increasingly mainstreamed as the appropriate protective ground across Europe.

Greece Law 5029: <https://www.e-nomothesia.gr/kat-ekpaideuse/n-5029-2023.html>

Spain LGBTI law: https://www.boe.es/diario_boe/txt.php?id=BOE-A-2021-11382
second link: <https://bit.ly/49KnJvD>

IGM BAN INDICATORS CHECKLIST

✔ The **Indicators for effective protection of the rights of intersex people, in particular protection from IGM** aim to give policy makers and law makers a useful tool when preparing legislation to prohibit intersex genital mutilation and to establish comprehensive legal protection of the right to bodily integrity and self-determination of intersex people. They were developed based on analyses of existing IGM laws and consultation with intersex civil society across Europe about the essential elements that constitute a ban. www.oieurope.org/igm-ban-indicators-checklist/

