



EUROPEAN COMMISSION FUNDING

In 2022, OII Europe successfully signed a **Framework Partnership Agreement** with the **European Commission** through the Citizens, Equality, Rights and Values Programme. The Framework agreement spans a four-year period and includes financial support from the Commission, which has allowed OII Europe to hire two full-time policy officers.

IRELAND

HATE CRIME & SPEECH

In October 2022, the **Minister for Justice of Ireland** published the **Criminal Justice (Incitement to Violence or Hatred and Hate Offences) Bill 2022**.

The list of protected characteristics comprises **sex characteristics**.

PARIS – FRANCE

LOCAL ACTION

On 16th November 2022, after years of successful advocacy of French intersex activists, the **Paris Council adopted a vow** in defence of intersex people's rights.

The vow includes a call to end non-consensual and non-vital interventions on intersex people in the Assistance Publique-Hôpitaux de Paris.

NETHERLANDS

RESEARCH

In 2022, The Dutch intersex organisation NNID together with Rutgers started a qualitative research study focusing on the **sexual and relational development of intersex youth in the Netherlands**.

GERMANY

REPARATIONS / ARTS & CULTURE

On June 30th 2022, the **German Federal Minister of Family Affairs** and the **Federal Minister of Justice** presented the cornerstones for an upcoming German law on legal gender recognition, based on self-determination, that also foresees recognition services and compensation for past harm or bodily injury that have affected intersex persons due to previous legislation.

Until April 2022, the **Schwules Museum** (Gay Museum) in **Berlin, Germany** showcased its first intersex focused exhibition "**Mercury Rising – Inter* Hermstory[ies] Now and Then**" on the past and present of inter* movement(s).

POLAND

HUMAN RIGHTS BODIES

In February 2022, the **Polish Commissioner for Human Rights** submitted a letter to the Minister of Health, following the reception of applications that had drawn his attention to the performance of non-vital non-consensual interventions on intersex children and the lack of information provided by medical doctors about the consequences of such interventions.

GREECE

IN THE MAKING: GREECE BANS IGM

On July 19th 2022, The **Greek Parliament** voted, almost unanimously, in favour of the Law 4958 "Medically Assisted Reproduction Reforms Act", which includes Articles 17 to 20 of PART C on "Change of Sex Characteristics of Intersex Minors".

The law bans medical interventions (including hormonal treatments and surgeries) that aim to partially or totally change the sex characteristics of intersex minors under the age of 15, without their free and informed consent.

AUSTRIA

FUNDING / ARTS & CULTURE

The **Austrian Federal Ministry for Social Affairs, Health, Care and Consumer Protection (BMSGPK)** attributed a two-year grant for 2023/2024 to VIMÖ/OII Austria. The grant covers the educational work spearheaded by their project VARGES, which holds focus groups for healthcare professionals, midwives & social actors, developing trainings, writing toolkits and developing specific materials to raise awareness about intersex people's needs.

The **theatre piece** "INTER*Story – a piece of activism" premiered in Vienna, and was produced by VIMÖ Wien, in cooperation with WERK X-Petersplatz. It was supported financially by the **City of Vienna**, the **Austrian Federal Ministry for Arts, Culture, Civil Service and Sport (BMKÖS)** and the **Viennese anti-discrimination agency for LGBTIQ matters (WAS)**.



LOCAL ACTION

On 16 November 2022, after years of successful advocacy of the French intersex activists, the **Paris Council adopted a vow** in defence of intersex people's rights. The vow called for:

- ▶ ending non-consensual and non-vital interventions on intersex people in the Assistance Publique-Hôpitaux de Paris, the 38-hospitals network in the region, receiving over eight million persons a year
- ▶ distributing training brochures for health care staff produced by the Collectif Intersexe Activiste – OII France and the toolkit for parents produced by IGLYO, OII Europe and EPA
- ▶ launching a qualitative and quantitative study, leading to a public report and a roundtable including representatives of the intersex community, in particular CIA-OII France, to discuss the prohibition of these practices.

This good practice example highlights that:

- ▶ Significant steps can be taken at all levels, including the local level
- ▶ Involving the intersex community is key both in the measures design and implementation phases.

Paris Council vow: <https://cia-oii-france.org/la-ville-de-paris-protège-les-enfants-intersexes/>

CIA-OII France event: <https://www.facebook.com/events/1155647555360213>

HATE CRIME & SPEECH

In October 2022, the **Minister for Justice of Ireland** published the **Criminal Justice (Incitement to Violence or Hatred and Hate Offences) Bill 2022**. The bill must be passed by the legislative body before it can be enacted and signed into law by the President. The new legislation will criminalise any incitement to violence or hatred against persons on account of their protected characteristics. It will also create new, aggravated forms of certain existing criminal offences, where those offences are motivated by hatred. **The list of protected characteristics comprises sex characteristics.**

Since the beginning of the process, OII Europe's member Intersex Ireland had been coordinating its advocacy efforts with the Coalition Against Hate Crime Ireland.

This good practice example highlights that:

- ▶ Criminal legislation is one of the tools to tackle hate crime and speech and it should be used to protect intersex people
- ▶ There is a need for governments to express the political will to act.

Bill: <https://data.oireachtas.ie/ie/oireachtas/bill/2022/105/eng/initiated/b10522d-p-c-sent.pdf>

Press release: <https://www.gov.ie/en/press-release/74ed9-new-bill-to-tackle-hate-crime-and-hate-speech-includes-clear-provision-to-protect-freedom-of-expression/>

REPARATIONS

On June 30th 2022, the **German Federal Minister of Family Affairs** and the **Federal Minister of Justice** presented the cornerstones for an upcoming German **self-determination law**.

The cornerstones include commitments to ensure that future changes of an individual's gender marker in the civil status registry will be made possible through a process based on self-determination, without the presentation of a medical certificate: a personal declaration at the registry office would then be sufficient to change the existing gender entry.

In addition, the cornerstones foresee recognition services and compensation for past harm or bodily injury that have affected intersex persons due to previous legislation.

This good practice example highlights that:

- ▶ Political will to revisit and improve laws to ensure that intersex people can access their rights, exists
- ▶ Reparations and compensations should be part of legal provision that aim to protect intersex persons.

See OII Germany's statement: <https://oii-germany.org/eckpunktepapier-selbstbestimmungsgesetz/>

ARTS & CULTURE

In November 2022 the **theatre piece** "INTER*Story – a piece of activism" – written and performed by intersex activists from Austria – premiered in Vienna. The piece was produced by VIMÖ Wien, in cooperation with WERK X-Petersplatz, and centred the experiences of intersex people. It was supported financially by the **City of Vienna**, the **Austrian Federal Ministry for Arts, Culture, Civil Service and Sport (BMKÖS)** and the **Viennese anti-discrimination agency for LGBTIQ matters (WAS)**.

Until April 2022, the **Schwules Museum** (Gay Museum) in **Berlin, Germany** showcased its first intersex focused exhibition "*Mercury Rising – Inter* Hermstory[ies] Now and Then*" on the past and present of inter* movement(s). The exhibition was made possible, among others, by the work of intersex activists from OII Germany and VIMÖ/OII Austria, and was co-funded by the **Berlin Senate Department for Culture and Europe**.

This good practice example highlights that:

- ▶ The arts remain a powerful tool to raise awareness about intersex people
- ▶ The support of public institutions is vital to ensure that space is created to centre intersex stories.

More about the theatre piece: <https://bit.ly/3MWO69t>

More about the exhibition: <http://bit.ly/3MALfml>

RESEARCH

In 2022, The Dutch intersex organisation NNID together with Rutgers started a qualitative research study focusing on the **sexual and relational development of intersex youth in the Netherlands**.

For the study, 18 intersex persons between the ages of 18 and 38 were interviewed. The findings showed, among others, that non-vital, non-consensual medical interventions on intersex youth severely hinder their sexual and relational development.

Other themes touched on body and self-image development, (loss of) ownership of the body, the importance of psychosocial counselling and positive sexual and relational development among intersex youth. NNID received funding from **FWOS (Fonds Wetenschappelijk Onderzoek Seksualiteit)** for the research project.

This good practice example highlights:

- ▶ The importance of research collaboration to close knowledge gaps
- ▶ The need to expand research on intersex youths' experiences, especially relating to sexual and relational development.

Study: <https://www.seksediversiteit.nl/wp-content/uploads/2023/02/Seksuele-ontwikkeling-intersexe-jongeren-rapport.pdf>

FUNDING

In 2022, VIMÖ/OII Austria was able to successfully apply for a two-year grant for 2023/2024 from the **Austrian Federal Ministry for Social Affairs, Health, Care and Consumer Protection (BMSGPK)**. The grant covers the educational work spearheaded by their project VARGES, which holds focus groups for healthcare professionals, midwives and social actors, as well as developing trainings, writing toolkits and developing specific materials to raise awareness about intersex people's needs.

The allocation of this grant has allowed for three 20-hour positions to be created.

These good practice examples highlight that:

- ▶ Long-term financial support is essential to guarantee the sustainability of intersex-led civil society organisations' work
- ▶ Funding allows for the creation of positions, and thereby increased capacity to engage in advocacy work – on national and EU-level.

HUMAN RIGHTS BODIES

In February 2022, the **Polish Commissioner for Human Rights** submitted a letter to the Minister of Health, following the reception of applications that had drawn his attention to the performance of non-vital non-consensual interventions on intersex children and the lack of information provided by medical doctors about the consequences of such interventions. The letter highlighted that European and international bodies had qualified these practices as human rights violations and inhuman treatment and asked the Minister to provide the number of surgeries performed in the years 2015-2021.

In the previous year, some members of the Commissioner's office had attended an awareness raising meeting co-organised by the OII Europe's member Interakcja Foundation and the Parliamentary Group for Equality of LGBT people, which had gathered MPs and NGOs representatives.

This good practice example highlights that:

- ▶ Human rights bodies' enquiries are essential to helping shed light on the scale of interventions
- ▶ Making statistical data about interventions accessible is key to ensure evidence based policy making.

Commissioner's press release: <https://bit.ly/3GR0oKt>

Interakcja Foundation's post: <https://bit.ly/3GU5uza>

In 2022, OII Europe successfully signed a **Framework Partnership Agreement** with the **European Commission** through the Citizens, Equality, Rights and Values Programme. The Framework agreement spans a four-year period and includes financial support from the Commission for civil society organisations working to protect and promote Union values such as, among others, LGBTIQ equality.

The agreement has allowed OII Europe to hire two full-time policy officers and has resulted in OII Europe's increased capacity to engage in consultancy processes of important EU initiatives, like the European recommendation on harmful practices against women and girls, the revision of the Victim's Rights Directive, the Directive on Violence against Women and Domestic Violence and research initiatives like the European Commission Study on the situation of intersex people, among others.

IN THE MAKING: GREECE BANS IGM

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The law bans medical interventions (including hormonal treatments and surgeries) that aim to partially or totally change the sex characteristics of intersex minors under the age of 15, without their free and informed consent.

For minors under the age of 15, the law only permits such surgeries and interventions for cases where the latter can not be postponed until the age of 15 and when the intervention or surgery will not cause other future, irreversible or significant complications to the minor's health. In such circumstances, the latter is only permitted per approval of the County Court (Article 17.2), following the issuance of an opinion by an interdisciplinary committee, and only after the representative of the committee and the minor themselves have been heard by the judge.

STRENGTHS OF THE LAW:

- ✓ It effectively prevents any surgeries/interventions for intersex minors under the age of 15 from taking place, unless the procedures or treatments cannot be postponed until the minor reaches the age of 15 and do not cause future, irreversible or significant complications to the minor's health.
- ✓ It was prepared based on consulting with the national human rights based intersex organisation, including in the development of all measures.
- ✓ It explicitly mentions the words sex characteristics, including by listing them (i.e. chromosomes, genital and anatomical characteristics of the person, including primary characteristics such as reproductive organs and secondary characteristics such as muscle mass, breast development or hair growth).
- ✓ It sets out legal sanctions for medical doctors who perform such operations and treatments, including provisions to ensure that doctors performing such acts will lose their licence to practise.
- ✓ The composition of the interdisciplinary committee – which is established to assess and issue an opinion on whether or not a given surgery or intervention on an intersex minor should take place – includes, among others, a representative of the intersex civil society.

Missing points (selection):

- ▶ Adopting measures to guarantee that the mature person has access to all needed comprehensive medical and non-medical human rights affirming information to allow for fully informed consent
- ▶ Independent third party should be responsible for determining whether the minor's capacity to provide informed consent is guaranteed.
- ▶ Establishing the right to expert-sensitive and individually tailored, life-long psychological and psychosocial support
- ▶ Acknowledging past harm and providing for low-threshold means of reparation.
- ▶ Establishing a monitoring mechanism to assess the implementation of the prohibition of non-vital non-consensual interventions on intersex minors.

The law already includes essential elements necessary for a strong protection of intersex persons. We would encourage the Greek government to address missing points through implementation guidelines and/or through a future revision of the law.

Greek law: <https://www.e-nomothesia.gr/kat-ygeia/tekhnete-gonimopoiese-nomos-4958-2022-phek-142a-21-7-2022.html>

PRESS RELEASES:

Intersex Greece: <https://intersexgreece.org/en/2022/07/25/3449/>

OII Europe: <https://www.oii-europe.org/greek-parliament-votes-to-ban-igm/>



See also OII Europe's newly published IGM Ban Indicators. The indicators 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.oii-europe.org/igm-ban-indicators-checklist/

