

# Protecting Intersex People in Europe

[Report](#), [Bodily Integrity](#), [Intersex](#)

## A toolkit for law and policymakers

Bodily autonomy – making one’s own informed decisions about one’s body and what happens to it – is a fundamental human right, repeatedly enshrined throughout myriad human rights instruments globally. Each of us holds this right individually. However, it is not equally protected nor enforced for everyone. Across Europe, as well as much of the world, the right to bodily autonomy is regularly and grievously **violated on the basis of sex characteristics**. These violations are increasingly documented, and today, people with variations of sex characteristics are internationally recognised as victims of harmful medical practice and other human rights violations.

From 2009 to the present, United Nations Treaty Bodies have called on Member States to stop human rights violations against intersex people 49 times. Of these, Council of Europe Member States have received 26 UN Treaty Body recommendations, 15 of these in the past two years alone. The Yogyakarta Principles **plus 10** call for protection of intersex people under the ground of “sex characteristics” and for ending human rights violations on intersex people, including protecting their right to bodily and mental integrity.

Additionally, European bodies such as the Parliamentary Assembly of the Council of Europe and the European Parliament have both passed resolutions (2017 and 2019, respectively) calling for, among other protections and policies, the prohibition of sex-“normalising” surgery and other treatments practised on intersex children without their informed consent in national law among their respective Member States.

On a national level, so far only Malta (2015) and Portugal (2018) have established protections for intersex people from violations of their bodily integrity and, together with Greece (2016), protection against discrimination on the ground of “sex characteristics”.

Additionally, courts have begun to recognise and adjudicate on the human rights violations faced by intersex people, both with respect to bodily integrity and gender markers.

ILGA-Europe and OII-Europe are delighted to present the law and policymakers with this toolkit and accompanying appendix and checklist so that we can work together to ensure the protection of all people on the basis of sex characteristics, including those most vulnerable to violations and abuses.

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