Resolution on the rights of intersex people

2018/2878(RSP) - 14/02/2019 - Text adopted by Parliament, single reading

The European Parliament adopted a resolution tabled by the Committee on Civil Liberties, Justice and Home Affairs on the rights of intersex people. It pointed out that intersex individuals are born with physical sex characteristics that do not fit medical or social norms for female or male bodies, and these variations in sex characteristics may manifest themselves in primary characteristics (such as the inner and outer genitalia and the chromosomal and hormonal structure) and/or secondary characteristics (such as muscle mass, hair distribution and stature).

Parliament stated that intersex people are exposed to multiple instances of violence and discrimination in the European Union and these human rights violations remain widely unknown to the general public and policymakers. It called on the Commission and the Member States to propose legislation to address these issues.

Medicalisation and pathologisation

Parliament strongly condemned sex-normalising treatments and surgery, and welcomed laws that prohibit such surgery, as in Malta and Portugal, encouraging other Member States to adopt similar legislation as soon as possible.

Noting that many intersex children face human rights violations and genital mutilation in the EU when undergoing sex-normalising treatments, Members stressed the need to provide adequate counselling and support to intersex children and intersex individuals with disabilities, as well as to their parents or guardians, and fully inform them of the consequences of sex-normalising treatments.

They called on the Commission and the Member States, to:

- support organisations that work to break the stigma against intersex people;

- increase funding for intersex civil society organisations;

- improve access for intersex people to their medical records, and to ensure that no one is subjected to non-necessary medical or surgical treatment during infancy or childhood, guaranteeing bodily integrity, autonomy and self-determination for the children concerned;

Parliament took the view that pathologisation of intersex variations jeopardises the full enjoyment by intersex people of the right to the highest attainable standard of health. Whilst welcoming the depathologisation, however partial, of trans identities in the eleventh revision of the World Health Organisation’s International Classification of Diseases (ICD-11), Parliament noted that the category of ‘gender incongruence’ in childhood pathologises non-gender-normative behaviours in childhood, and it called on Member States to pursue the removal of this category from the ICD-11, and to bring future ICD revision into line with their national health systems.

Identity documents

Stressing the importance of flexible birth registration procedures, the resolution welcomed the laws adopted in some Member States that allow legal gender recognition on the basis of self-determination, and

encouraged other Member States to adopt similar legislation, including flexible procedures to change gender markers, as long as they continue to be registered, as well as names on birth certificates and identity documents (including the possibility of gender-neutral names).

Discrimination

Deploring the lack of recognition of sex characteristics as a ground of discrimination across the EU, Parliament called on Member States to adopt the necessary legislation to ensure the adequate protection, respect and promotion of the fundamental rights of intersex people, including intersex children, including full protection against discrimination.

Public awareness

Parliament called on the Commission to:

- make sure that EU funds do not support research or medical projects that further contribute to violating the human rights of intersex people, in the context of the European Reference Networks (ERNs);

- support and fund research on the human rights situation of intersex people;

- take a holistic and rights-based approach to the rights of intersex people and to better coordinate the work of its Directorates-General for Justice and Consumers, for Education, Youth, Sport and Culture, and for Health and Food Safety, so as to ensure consistent policies and programmes supporting intersex people, including training of state officials and the medical profession;

- reinforce the intersex dimension in its multiannual LGBTI list of actions for the current period, and to begin preparing as of now a renewal of this strategy for the next multiannual period (2019-2024).