

Full text of the first 104 UN Concluding Observations recognising IGM practices as a serious human rights violation (2011-2025)

This document contains the full text of the first **100 UN Treaty body Concluding Observations** known to StopIGM.org / Zwischengeschlecht.org that recognise **intersex genital mutilation (IGM)** practices as a **serious violation of non-derogable human rights**, namely

- harmful practices (CRC art. 24(3), CEDAW art. 5)
- cruel, inhuman or degrading treatment (CAT art. 16, CCPR art. 7)
- violation of the integrity of the person (CRPD art. 17)

and/or **explicitly call for**

- a prohibition of IGM practices.

Where Treaty bodies **additionally issued recommendations on derogable human rights**, e.g. on discrimination, the relevant paragraphs are listed after the recommendations on non-derogable rights, irrespective of the original order of the recommendations in the Concluding Observations. However, the full text contains only the recommendations on IGM.

The date in parantheses indicates the **date on the final version of the relevant Concluding Observation**.

Order: Chronologically by date of State party review.

2011: UN CAT Germany CAT/C/DEU/CO/5, para 20 (12 December 2011)

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fDEU%2fCO%2f5&Lang=en

Intersex people

20. *The Committee takes note of the information received during the dialogue that the Ethical Council has undertaken to review the reported practices of routine surgical alterations in children born with sexual organs that are not readily categorized as male or female, also called intersex persons, with a view to evaluating and possibly changing current practice. However, the Committee remains concerned at cases where gonads have been removed and cosmetic surgeries on reproductive organs have been performed that entail lifelong hormonal medication, without effective, informed consent of the concerned individuals or their legal guardians, where neither investigation, nor measures of redress have been introduced. The Committee remains further*

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concerned at the lack of legal provisions providing redress and compensation in such cases (arts. 2, 10, 12, 14 and 16).

The Committee recommends that the State party:

(a) Ensure the effective application of legal and medical standards following the best practices of granting informed consent to medical and surgical treatment of intersex people, including full information, orally and in writing, on the suggested treatment, its justification and alternatives;

(b) Undertake investigation of incidents of surgical and other medical treatment of intersex people without effective consent and adopt legal provisions in order to provide redress to the victims of such treatment, including adequate compensation;

(c) Educate and train medical and psychological professionals on the range of sexual, and related biological and physical, diversity; and

(d) Properly inform patients and their parents of the consequences of unnecessary surgical and other medical interventions for intersex people.

2015: UN CRC Switzerland

CRC/C/CHE/CO/2-4, paras 42-43 (26 February 2015)

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fCHE%2fCO%2f2-4&Lang=en

D. Violence against children (arts. 19, 24, para. 3, 28, para. 2, 34, 37 (a) and 39) [...]

Harmful practices

42. *While welcoming the adoption of a new provision of criminal law prohibiting genital mutilation, the Committee is deeply concerned at:*

(a) The significant number of girls living in the State party who are affected or threatened by genital mutilation;

(b) Cases of medically unnecessary surgical and other procedures on intersex children, without their informed consent, which often entail irreversible consequences and can cause severe physical and psychological suffering, and the lack of redress and compensation in such cases.

43. ***The Committee draws the attention of the State party to the joint recommendation/general comment No. 31 of the Committee on the Elimination of Discrimination against Women and No. 18 of the Committee on the Rights of the Child on harmful practices (2014), and urges the State party to:***

(a) Continue and strengthen preventive and protection measures to address the issue of female genital mutilation, including training of relevant professionals, awareness-raising programmes and the prosecution of perpetrators of these acts;

(b) In line with the recommendations of the National Advisory Commission on Biomedical Ethics on ethical issues relating to intersexuality, ensure that no one is subjected to unnecessary medical or surgical treatment during infancy or childhood, guarantee bodily integrity, autonomy and self-determination to the children concerned, and provide families with intersex children with adequate counselling and support.

2015: UN CRPD Germany
CRPD/C/DEU/CO/1, paras 37-38 (13 May 2015)

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fDEU%2fCO%2f1&Lang=en

Protecting the integrity of the person (art. 17)

37. *The Committee is concerned about: (a) the use of compulsory and involuntary treatment, in particular for persons with psychosocial disabilities in institutions and older persons in residential care; (b) the lack of data on involuntary placement and treatment; (c) the practice of carrying out forced sterilization and coercive abortions on adults with disabilities on the basis of substituted consent; and (d) the lack of implementation of the 2011 recommendations of the Committee against Torture (see CAT/C/DEU/CO/5, para. 20) regarding upholding the bodily integrity of intersex children.*

38. *The Committee recommends that the State party take the measures, including of a legislative nature, necessary to:*

(a) Repeal section 1905 of the German Civil Code and explicitly prohibit in law sterilization without the full and informed consent of the individual concerned, eliminating all exceptions, including those based upon substituted consent or court approval;

(b) Ensure that all psychiatric treatments and services are always delivered with the free and informed consent of the individual concerned;

(c) Legal provisions human rights violations in psychiatric and older persons care settings in all Länder;

(d) Implement all the recommendations of the Committee against Torture (ibid.) relevant to intersex children.

2015: UN CAT Switzerland
CAT/C/CHE/CO/7, para 20 (7 September 2015)

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fCHE%2fCO%2f7&Lang=en

Intersex persons

20. *The Committee welcomes the Federal Council decision to give an opinion by the end of 2015 on the recommendations of the National Advisory Commission on Biomedical Ethics with regard to the unnecessary and in some cases irreversible surgical procedures that have been carried out on intersex persons (i.e. persons with variations in sexual anatomy) without the effective, informed consent of those concerned. However, the Committee notes with concern that these procedures, which reportedly caused physical and psychological suffering, have not as yet given rise to any inquiry, sanction or reparation (arts. 2, 12, 14 and 16).*

The Committee recommends that, in light of the forthcoming decision by the Federal Council, the State party:

(a) Take the necessary legislative, administrative and other measures to guarantee respect for the physical integrity and autonomy of intersex persons and to ensure that no one is

subjected during infancy or childhood to non-urgent medical or surgical procedures intended to decide the sex of the child, as recommended by the National Advisory Commission on Biomedical Ethics and the Committee on the Rights of the Child (see CRC/C/CHE/CO/2-4, para. 43 (b));

(b) Guarantee counselling services and free psychosocial support for all persons concerned and their parents, and inform them that any decision on unnecessary treatment can be put off until the person concerned are able to decide for themselves;

(c) Undertake investigation of reports of surgical and other medical treatment of intersex people without effective consent and adopt legal provisions in order to provide redress to the victims of such treatment, including adequate compensation.

2015: UN CRC Chile

CRC/C/CHL/CO/4-5, paras 48-49 (30 October 2015)

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fCHL%2fCO%2f4-5&Lang=en

E. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39) [...]

Harmful practices

48. While noting the proposed development of a protocol on the health care of intersex babies and children, the Committee is seriously concerned about cases of medically unnecessary and irreversible surgery and other treatment on intersex children, without their informed consent, which can cause severe suffering, and the lack of redress and compensation in such cases.

49. In the light of its general comment No. 18 (2014) on harmful practices, adopted jointly with the Committee on the Elimination of Discrimination against Women, the Committee recommends that the State party expedite the development and implementation of a rights-based health-care protocol for intersex children that sets the procedures and steps to be followed by health teams in order to ensure that no one is subjected to unnecessary surgery or treatment during infancy or childhood, protect the rights of the children concerned to physical and mental integrity, autonomy and self-determination, provide intersex children and their families with adequate counselling and support, including from peers, and ensure effective remedy for victims, including redress and compensation.

2015: UN CAT Austria

CAT/C/AUT/CO/6, paras 44-45 (27 January 2016)

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fAUT%2fCO%2f6&Lang=en

Intersex persons

44. The Committee appreciates the assurances provided by the delegation that surgical interventions on intersex children are carried out only when necessary, following medical and psychological opinions. It remains concerned, however, about reports of cases of unnecessary surgery and other medical treatment with lifelong consequences to which intersex children have been subjected without their informed consent. The Committee is further concerned at the lack of legal provisions providing redress and rehabilitation in such cases (arts. 14 and 16).

45. The State party should:

(a) *Take the legislative, administrative and other measures necessary to guarantee the respect for the physical integrity and autonomy of intersex persons and to ensure that no one is subjected during infancy or childhood to non-urgent medical or surgical procedures intended to decide the sex of the child;*

(b) *Guarantee impartial counselling services for all intersex children and their parents, so as to inform them of the consequences of unnecessary and non-urgent surgery and other medical treatment to decide on the sex of the child and the possibility of postponing any decision on such treatment or surgery until the persons concerned can decide by themselves;*

(c) *Guarantee that full, free and informed consent is ensured in connection with medical and surgical treatments for intersex persons and that non-urgent, irreversible medical interventions are postponed until a child is sufficiently mature to participate in decision-making and give effective consent;*

(d) *Undertake investigation of instances of surgical interventions or other medical procedures performed on intersex persons without effective consent and ensure that the persons concerned are adequately compensated.*

2015: UN CAT Denmark

CAT/C/DNK/CO/6-7, paras 42-43 (4 February 2016)

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fDNK%2fCO%2f6-7&Lang=en

Intersex persons

42. *While taking note of the information provided by the delegation on the decision-making process related to treatment of intersex children, the Committee remains concerned at reports of unnecessary and irreversible surgery and other medical treatment with lifelong consequences to which intersex children have been subjected before the age of 15, when their informed consent is required. The Committee is further concerned at hurdles faced by these persons when seeking redress and compensation in such cases (arts. 14 and 16).*

43. The State party should:

(a) *Take the necessary legislative, administrative and other measures to guarantee the respect for the physical integrity and autonomy of intersex persons and ensure that no one is subjected during infancy or childhood to unnecessary medical or surgical procedures;*

(b) *Guarantee counselling services for all intersex children and their parents, so as to inform them of the consequences of unnecessary surgery and other medical treatment;*

(c) *Ensure that full, free and informed consent is respected in connection with medical and surgical treatments for intersex persons and that non-urgent, irreversible medical interventions are postponed until a child is sufficiently mature to participate in decision-making and give full, free and informed consent;*

(d) *Provide adequate redress for the physical and psychological suffering caused by such practices to intersex persons.*

2015: UN CAT China-Hongkong
CAT/C/CHN-HKG/CO/4-5, paras 28-29 (3 February 2016)

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fCHN-HKG%2fCO%2f5&Lang=en

[...] [I]ntersex Persons

28. [...] *The Committee is also concerned that intersex children are subjected to unnecessary and irreversible surgery to determine their sex at an early stage. Furthermore, the Committee is concerned at the long-term physical and psychological suffering caused by such practices (arts. 10, 12, 14 and 16).*

29. **Hong Kong, China should:**

[...]

(b) **Guarantee impartial counselling services for all intersex children and their parents, so as to inform them of the consequences of unnecessary and non-urgent surgery and other medical treatment to decide on the sex of the child and the possibility of postponing any decision on such treatment or surgery until the persons concerned can decide by themselves;**

(c) **Guarantee that full, free and informed consent is ensured in connection with medical and surgical treatments for intersex persons and that non-urgent, irreversible medical interventions are postponed until a child is sufficiently mature to participate in decision-making and give full, free and informed consent;**

(d) **Provide adequate redress for the physical and psychological suffering caused by such practices to some intersex persons.**

2016: UN CRC France
CRC/C/FRA/CO/5, paras 47-48 (23 February 2016)

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fFRA%2fCO%2f5&Lang=en

D. Violence against children (arts. 19, 24, para. 3, 28, para. 2, 34, 37 (a) and 39) [...]

Harmful practices

47. *While noting with appreciation the progress made by the State party in eradicating female genital mutilation, the Committee is nevertheless concerned by the many young girls still at risk and the possible resurgence of the phenomenon. The Committee is also concerned that medically unnecessary and irreversible surgery and other treatment are routinely performed on intersex children.*

48. **Recalling the joint general recommendation/general comment No. 31 of the Committee on the Elimination of Discrimination against Women and No. 18 of the Committee on the Rights of the Child on harmful practices, the Committee recommends that the State party gather data with a view to understanding the extent of these harmful practices so that children at risk can be more easily identified and their abuse prevented. It recommends that the State party:**

(a) **Increase awareness of female genital mutilation in the State party among girls at risk, medical professionals, social workers, police officers, gendarmes, and magistrates;**

(b) Develop and implement a rights-based health-care protocol for intersex children, ensuring that children and their parents are appropriately informed of all options; that children are involved, to the greatest extent possible, in decision-making about their treatment and care; and that no child is subjected to unnecessary surgery or treatment.

2016: UN CRC Ireland

CRC/C/IRL/CO/3-4, paras 39-40 (1 March 2016)

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fIRL%2fCO%2f3-4&Lang=en

E. Violence against children (arts. 19, 24, para. 3, 28, para. 2, 34, 37 (a) and 39) [...]

Harmful practices

39. *The Committee notes as positive the adoption of the Gender Recognition Act 2015 by the State party. It remains concerned, however, about cases of medically unnecessary surgeries and other procedures on intersex children before they are able to provide their informed consent, which often entail irreversible consequences and can cause severe physical and psychological suffering, and the lack of redress and compensation in such cases.*

40. *The Committee recommends that the State party:*

(a) Ensure that no one is subjected to unnecessary medical or surgical treatment during infancy or childhood, guarantee bodily integrity, autonomy and self-determination to children concerned, and provide families with intersex children with adequate counselling and support;

(b) Undertake investigation of incidents of surgical and other medical treatment of intersex children without informed consent and adopt legal provisions in order to provide redress to the victims of such treatment, including adequate compensation;

(c) Educate and train medical and psychological professionals on the range of sexual, and related biological and physical, diversity and on the consequences of unnecessary surgical and other medical interventions for intersex children.

2016: UN CRPD Chile

CRPD/C/CHL/CO/1, paras 41-42 (13 April 2016)

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fCHL%2fCO%2f1&Lang=en

Protecting the integrity of the person (art. 17)

41. *The Committee is concerned by the fact that sterilizations continue to be performed in the State party on persons with disabilities, especially women and girls, without their free and informed consent and at the mere request of their families or guardians, and by evidence that the procedure is commonly performed on persons with psychosocial disabilities admitted to psychiatric centres.*

42. *The Committee requests the State party to amend Act No. 20.584 and Decree No. 570 to require in all cases, without exception, the free and informed consent of persons with disabilities, including those whose legal capacity has been revoked, as an essential prerequisite for any surgery or medical treatment, especially those of an invasive nature and whose effects are irreversible, such as sterilization and procedures on intersex children.*

2016: UN CAT France

CAT/C/FRA/CO/7, paras 34-35 (10 June 2016)

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fFRA%2fCO%2f7&Lang=en

Intersex persons

34. *The Committee is concerned about reports of unnecessary and sometimes irreversible surgical procedures performed on intersex children without their informed consent or that of their relatives and without their having all possible options always explained to them. It is also concerned that these procedures, which are purported to cause physical and psychological suffering, have not as yet been the object of any inquiry, sanction or reparation. The Committee regrets that no information was provided on specific legislative and administrative measures establishing the status of intersex persons (arts. 2, 12, 14 and 16).*

35. *The Committee recommends that the State party:*

(a) *Take the necessary legislative, administrative and other measures to guarantee respect for the physical integrity of intersex individuals, so that no one is subjected during childhood to non-urgent medical or surgical procedures intended to establish one's sex;*

(b) *Ensure that the persons concerned and their parents or close relatives receive impartial counselling services and psychological and social support free of charge;*

(c) *Ensure that no surgical procedure or medical treatment is carried out without the person's full, free and informed consent and without the person, their parents or close relatives being informed of the available options, including the possibility of deferring any decision on unnecessary treatment until they can decide for themselves;*

(d) *Arrange for the investigation of cases of surgical or other medical treatment reportedly carried out on intersex individuals without their informed consent and take steps to provide redress, including adequate compensation, to all victims;*

(e) *Conduct studies into this issue in order to better understand and deal with it.*

2016: UN CRC Nepal

CRC/C/NPL/CO/3-5, paras 38, 41-42 (8 July 2016)

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fNPL%2fCO%2f3-5&Lang=en

E. *Violence against children (arts. 19, 24, para. 3, 28, para. 2, 34, 37 (a) and 39) [...]*

Harmful practices

[...]

38. *In the light of joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child on harmful practices, the Committee reiterates its previous recommendations (see CRC/C/15/Add.261, para. 68) and urges the State party to take all necessary measures to eradicate all traditional practices harmful to the physical and psychological well-being of children, by strengthening awareness-raising programmes and adopting and implementing*

legislation explicitly prohibiting such practices. It further recommends that, in so doing, the State party prioritize girls, particularly girls with disabilities, girls living in rural areas and Dalit girls.

[...]

41. *The Committee welcomes the positive steps taken by the State party towards the recognition of lesbian, gay, bisexual, transgender and intersex rights, including the reference to “gender and sexual minority” in the grounds for discrimination that are prohibited under article 18 of the new Constitution (right to equality) and the recent addition to identity documents of a third gender category recognizing genders other than “male” and “female”. However, the Committee remains concerned about:*

- (a) Lack of awareness of issues related to intersex children in Nepal and the high levels of stigma and discrimination faced by intersex children;*
- (b) Challenges faced by intersex children in accessing identity documents that correspond with the sex/gender identity of their choosing;*
- (c) Cases of medically unnecessary surgeries and other procedures on intersex children before they are able to provide their informed consent, which often entail irreversible consequences and can cause severe physical and psychological suffering, and the lack of redress and compensation in such cases.*

42. *The Committee recommends that the State party:*

- (a) Conduct awareness-raising campaigns to combat stigmatization of and discrimination against intersex children;*
- (b) Ensure that intersex children have access to identity documents that correspond with the sex/gender identity of their choosing;*
- (c) Ensure that no child is subjected to unnecessary medical or surgical treatment; guarantee bodily integrity, autonomy and self-determination to the children concerned; and provide families with intersex children with adequate counselling and support;*
- (d) Undertake investigations of incidents of surgical and other medical treatment of intersex children without informed consent and adopt legal provisions in order to provide redress to the victims of such treatment, including reparation and/or adequate compensation;*
- (e) Educate and train medical and psychological professionals on the range of sexual, and related biological and physical, diversity and on the consequences of unnecessary surgical and other medical interventions for intersex children.*

2016: UN CRC UK

CRC/C/GBR/CO/5, paras 46-47 (12 July 2016)

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGBR%2fCO%2f5&Lang=en

E. Violence against children (arts. 19, 24, para. 3, 28, para. 2, 34, 37 (a) and 39) [...]

Harmful practices

46. *The Committee welcomes the enactment of the Serious Crime Act (2015) in England and*

Wales, which enables the courts to issue protection orders to protect potential or actual child victims of female genital mutilation. However the Committee is concerned at:

[...]

(b) Cases of medically unnecessary surgeries and other procedures on intersex children before they are able to provide their informed consent, which often entail irreversible consequences and can cause severe physical and psychological suffering, and the lack of redress and compensation in such cases.

47. With reference to its general comment No. 18 (2014) on harmful practices, the Committee recommends that the State party:

[...]

(b) **Continue and strengthen preventive and protection measures to address the issue of harmful practices, including the collection of data, the training of relevant professionals, awareness-raising programmes, the provision of protection and care to the child victims and the prosecution of those found guilty of perpetrating such acts;**

(c) **Ensure that no one is subjected to unnecessary medical or surgical treatment during infancy or childhood, guarantee bodily integrity, autonomy and self-determination to children concerned and provide families with intersex children with adequate counselling and support;**

(d) **Provide redress to the victims of such treatment;**

(e) **Educate medical and psychological professionals on the range of sexual, and related biological and physical diversity and on the consequences of unnecessary interventions for intersex children.**

2016: UN CEDAW France

CEDAW/C/FRA/CO/7-8, paras 18(e)-(f)+19(e)-(f) (25 July 2016)

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fFRA%2fCO%2f7-8&Lang=en

Stereotypes and harmful practices

18. The Committee welcomes the State party's efforts to combat discriminatory gender stereotypes, including by promoting the sharing of household duties and parenting responsibilities, and to address the stereotyped portrayal of women in the media, including by regulating broadcasting licences and strengthening the role of the Higher Council for the Audiovisual Sector. The Committee also welcomes the legislative and other measures taken to combat harmful practices, including child and forced marriage, female genital mutilation and crimes in the name of so-called honour. The Committee is, however, concerned:

[...]

(e) That information on harmful practices and the ways to combat them in the State party is not readily accessible to many women;

(f) That medically unnecessary and irreversible surgery and other treatment are routinely performed on intersex children, as noted by the Committee on the Rights of the Child and the Committee against Torture.

19. *The Committee recommends that the State party:*

[...]

(e) *Systematically collect disaggregated data on harmful practices in the State party and make information on ways to combat such practices widely available;*

(f) *Develop and implement a rights-based health-care protocol for intersex children, ensuring that children and their parents are appropriately informed of all options; that children are involved, to the greatest extent possible, in decision-making about medical interventions and that their choices are respected; and that no child is subjected to unnecessary surgery or treatment, as recommended recently by the Committee against Torture (see [CAT/C/FRA/CO/7](#), para. 35) and the Committee on the Rights of the Child (see [CRC/C/FRA/CO/5](#), para. 48).*

2016: UN CRPD Uruguay

CRPD/C/URY/CO/1, para 44 (30 September 2016)

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fURY%2fCO&Lang=en

Protecting the integrity of the person (art. 17)

[...]

44. *The Committee recommends that the State party amend Act No. 9581 of 1936 and the mental health regulations issued by the Ministry of Health to require in all cases, without exception, the free and informed consent of persons with disabilities, including those whose legal capacity has been revoked, as an essential prerequisite for any surgery or medical treatment, especially those of an invasive nature and whose effects are irreversible, such as sterilization and procedures on intersex children.*

2016: UN CRPD Italy

CRPD/C/ITA/CO/1, paras 45-46 (6 October 2016)

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fITA%2fCO%2f1&Lang=en

Protecting the integrity of the person (art. 17)

45. *The Committee is concerned that children are subjected to irreversible surgery for intersex variation and other medical treatments without their free and informed consent.*

46. *The Committee recommends that the State party ensure that no one is subjected to scientific undocumented medical or surgical treatment during infancy or childhood; that it guarantee bodily integrity, autonomy and self-determination to the children concerned; and that it provide families with intersex children with adequate counselling and support.*

2016: UN CRC New Zealand

CRC/C/NZL/CO/5, paras 25, 15 (21 October 2016)

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fNZL%2fCO%2f5&Lang=en

E. *Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39) [...]*

Harmful practices

25. *The Committee recommends that the State party:*

(a) *Develop awareness-raising campaigns and programmes targeting households, local authorities, religious leaders and judges and prosecutors, on the harmful effects of early marriage on the physical and mental health and well-being of children, especially girls;*

(b) *Develop and implement a child rights-based health-care protocol for intersex children, setting the procedures and steps to be followed by health teams, ensuring that no one is subjected to unnecessary medical or surgical treatment during infancy or childhood, guaranteeing the rights of children to bodily integrity, autonomy and self-determination and provide families with intersex children with adequate counselling and support;*

(c) *Promptly investigate incidents of surgical and other medical treatment of intersex children without informed consent and adopt legal provisions to provide redress to victims of such treatment, including adequate compensation;*

(d) *Educate and train medical and psychological professionals on the range of biological and physical sexual diversity and on the consequences of unnecessary surgical and other medical interventions on intersex children;*

(e) *Extend free access to surgical interventions and medical treatment related to their intersex condition to intersex children between the age of 16 and 18.*

2016: UN CRC South Africa

CRC/C/ZAF/CO/2, paras 39-40, 23-24 (27 October 2016)

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fZAF%2fCO%2f2&Lang=en

E. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39) [...]

Harmful practices

39. *The Committee is concerned at the high prevalence of harmful practices in the State party, which include child and forced marriage, virginity testing, witchcraft, female genital mutilation, polygamy, violent or harmful initiation rites and intersex genital mutilation. The Committee is also concerned that, although the practice of ukuthwala involving children is considered an “abuse of ukuthwala” and is a crime, as the State party noted during the dialogue, this practice still exists.*

40. *In the light of its general comment No. 18 (2014) on harmful practices, adopted jointly with the Committee on the Elimination of Discrimination against Women, the Committee urges the State party to:*

(a) *Ensure that its legislation prohibits all forms of harmful practices carried out on children in the State party, including by, among other things, criminalizing the practice of child and forced marriage and regulating initiation schools;*

(b) *Develop and adopt an effective national action plan to eliminate such practices;*

(c) *Ensure the meaningful participation of all stakeholders, including children affected by or at risk of being affected by harmful practices, and their communities, in developing, adopting, implementing and monitoring the implementation of relevant laws and policies;*

(d) Guarantee the bodily integrity, autonomy and self-determination of all children, including intersex children, by avoiding unnecessary medical or surgical treatment during infancy and childhood;

(e) Build the capacity of all professional groups working for and with children to prevent, identify and respond to incidents of harmful practices and to eliminate customary practices and rituals that are harmful to children;

(f) Ensure sanctions for perpetrators of harmful practices, including perpetrators of the abuse of ukuthwala, and provide effective remedies to the victims of harmful practices.

2016: UN CEDAW Switzerland

CEDAW/C/CHE/CO/4-5, paras 24-25, 38-39 (25 November 2016)

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fCHE%2fCO%2f4-5&Lang=en

Harmful practices

24. *The Committee welcomes the adoption of legislative and other measures to combat harmful practices, including female genital mutilation, intersex genital mutilation, child marriage and forced marriage. Nevertheless, the Committee is concerned about:*

[...]

(b) Information on harmful practices not being readily available, in particular for ethnic minority and migrant women owing to language and cultural barriers, and the lack of a national comprehensive strategy, in particular to eliminate female genital mutilation, along with limited training for relevant professionals;

(c) Insufficient support for intersex persons who have undergone involuntary and medically unnecessary disfiguring surgical procedures when they were babies and children, often with irreversible consequences, resulting in significant physical and psychological suffering;

(d) The pressure placed on parents of intersex children by medical professionals, the media and society at large, which often forces them to give their consent for so-called “medical procedures”, justified by psychosocial indications; and the fact that intersex children and adults are often unaware of the procedures to which they have been subjected, while access to legal remedies for intersex persons affected by unnecessary medical procedures is extremely limited, with the statute of limitations often expiring by the time that intersex children reach adulthood;

(e) The lack of integration of intersex persons and their families into interdisciplinary working groups and the failure to consult those directly affected by these procedures in decisions that affect their lives.

25. *In the light of joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child on harmful practices (2014), the Committee recommends that the State party:*

(a) Systematically collect disaggregated data on harmful practices in the State party and continue to strengthen preventive and protective measures to eliminate female genital mutilation, child marriage and forced marriage;

(b) Develop awareness-raising campaigns, ensure that information is readily available to victims of female genital mutilation and ensure that relevant professionals are sufficiently trained to identify potential victims and that perpetrators are brought to justice;

(c) Ensure that, in line with recommendations by the Swiss National Advisory Commission on Biomedical Ethics, no child is subjected to unnecessary medical or surgical treatment during infancy or childhood, adopt legislation to protect the bodily integrity, autonomy and self-determination of intersex persons and provide families with intersex children with adequate counselling and support;

(d) Adopt legal provisions, under the guidance of the courts, in order to provide redress to intersex persons affected by cases of surgical or other medical treatment without their free, prior and informed consent by or that of their parents;

(e) Educate and train medical professionals on the harmful impact of unnecessary surgical or other medical interventions for intersex children and ensure that the views of intersex persons are fully considered by the interdisciplinary working groups established to review these procedures.

2016: UN CEDAW Netherlands

CEDAW/C/NLD/CO/6, paras 21(e)+22(e)-(f), 23(f), 24(f) (24 November 2016)

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fNLD%2fCO%2f6&Lang=en

Stereotypes and harmful practices

21 *The Committee welcomes the State party's efforts to combat discriminatory gender stereotypes and harmful practices such as female genital mutilation and crimes in the name of so-called honour, as well as the adoption of the Forced Marriages (Countermeasures) Act, which entered into force in December 2015. Nevertheless, the Committee notes with concern that:*

[...]

(e) Medically irreversible sex reassignment surgery and other treatments are performed on intersex children.

22. *The Committee recommends that the State party:*

[...]

(e) Continue to combat harmful practices, in particular forced marriage, female genital mutilation and crimes in the name of so-called honour, and systematically collect disaggregated data on those harmful practices;

(f) Develop and implement a rights-based health-care protocol for intersex children that ensures that children and their parents are properly informed of all options, that children are, to the greatest extent possible, involved in decision-making about medical interventions and that their choices are fully respected.

2017: UN CEDAW Ireland

CEDAW/C/IRL/CO/6-7, paras 24-25 (9 March 2017)

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fRL%2fCO%2f6-7&Lang=en

Stereotypes and harmful practices

24. *The Committee welcomes the State party's efforts to combat discriminatory gender stereotypes and harmful practices such as female genital mutilation following the adoption of the Criminal Justice (Female Genital Mutilation) Act in April 2012. The Committee is, however, concerned that:*

[...]

(b) Medically irreversible and unnecessary sex assignment surgery and other treatments are reportedly performed on intersex children.

25. *The Committee recommends that the State party:*

[...]

(b) Develop and implement an appropriate rights-based health-care protocol for intersex children, which ensures that children and their parents are properly informed of all options and that children are, to the greatest extent possible, involved in decision-making about medical interventions and that their choices are fully respected.

2017: UN CEDAW Germany

CEDAW/C/DEU/CO/7-8, paras 23-24 (9 March 2017)

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fDEU%2fCO%2f7-8&Lang=en

Harmful practices

23. *The Committee welcomes the adoption of legislative and other measures to combat harmful practices, including the forty-seventh Criminal Law Amendment Act (2013) prohibiting female genital mutilation and the establishment of an inter-ministerial working group on intersexuality/transsexuality. Nevertheless, the Committee is concerned about:*

[...]

(d) The lack of clear legislative provisions prohibiting the performance of unnecessary medical procedures on infants and children of indeterminate sex until they reach an age at which they are able to provide their free, prior and informed consent;

(e) Inadequate support and the lack of effective remedies for intersex persons who have undergone medically unnecessary surgical procedures at a very early age, often with irreversible consequences, resulting in long-term physical and psychological suffering.

24. *In the light of joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2014) on harmful practices, the Committee recommends that the State party:*

[...]

(b) Systematically collect disaggregated data on the incidence of harmful practices in the State party and continue to strengthen preventive and protective measures to eliminate female genital mutilation;

[...]

(d) Adopt clear legislative provisions explicitly prohibiting the performance of unnecessary surgical or other medical treatment on intersex children until they reach an age at which they can provide their free, prior and informed consent; provide the families of intersex children with adequate counselling and support; and ensure that the German Medical Association provides information to medical professionals on the legal prohibition of unnecessary surgical or other medical interventions for intersex children;

(e) Ensure the effective access to justice, including by amending the statute of limitations, of intersex persons who have undergone unnecessary surgical or other medical treatment without their free, prior and informed consent; and consider the proposal of the German Ethics Council to establish a State compensation fund.

2017: UN CCPR Switzerland

CCPR/C/CHE/CO/4, paras 24-25 (22 August 2017)

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fCHE%2fCO%2f4&Lang=en

Intersex persons

24. *The Committee takes note of the work of the National Advisory Commission on Biomedical Ethics regarding intersexuality and of the 6 July 2016 press statement by the Federal Council. It remains concerned, however, that the performance of surgical procedures on intersex children, causing physical and mental suffering, is still not strictly regulated. It also wishes to express concern that the conduct of surgery without consent has not yet given rise to any inquiry, sanction or reparation (arts. 3, 7, 24 and 26).*

25. *The State party should: (a) take all necessary measures to ensure that no child undergoes unnecessary surgery intended to assign sex; (b) see to it that medical records are accessible and that inquiries are launched in cases where intersex persons are subjected to treatment or surgical procedures without their effective consent; and (c) ensure that psychological assistance and reparation, including compensation, are provided for victims of needless surgical procedures.*

2017: UN CRPD Morocco

CRPD/C/MAR/CO/1, paras 36-37 (25 September 2017)

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD/C/MAR/CO/1&Lang=En

Protecting the integrity of the person (art. 17)

36. *The Committee notes with concern that persons with disabilities in the State party, particularly intersex persons with disabilities, are subjected to corrective surgeries and to the practice of forced sterilization, including forced chemical castration.*

37. *The Committee recommends that the State party prohibit and criminalize the practice of corrective surgeries on intersex persons with disabilities, in the absence of prior and informed consent, and the practice of forced sterilization, including forced chemical castration. It also recommends that the State party raise awareness of such practices as harmful and strengthen mechanisms aimed at ensuring that the informed consent of persons with disabilities is given for*

any medical and surgical treatment.

2017: UN CRPD UK

CRPD/C/GBR/CO/1, paras 10(a)+11(a), 38-41 (3 October 2017)

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fGBR%2fCO%2f1&Lang=en

10. *The Committee is concerned about:*

(a) *The challenges facing organizations of persons with disabilities, including organizations representing women, children and intersex persons with disabilities, in accessing support and being consulted and actively involved in the implementation of the Convention;*

[...]

11. *The Committee recommends that the State party:*

(a) *Allocate financial resources to support organizations representing persons with disabilities, including women and children with disabilities, and develop mechanisms to ensure the inclusive, strategic and active involvement of organizations of persons with disabilities, including women, children and intersex persons, in the planning and implementation of all legislation and measures that affect the lives of persons with disabilities;*

[...]

Freedom from exploitation, violence and abuse (art. 16)

38. *The Committee is concerned about abuse, ill-treatment, sexual violence and exploitation of women, children, intersex persons and elderly persons with disabilities, and the insufficient measures to prevent all forms of exploitation, violence and abuse against persons with disabilities. It is also concerned at reports of cases of disability hate crime, in the absence of consistent data collection and differences in legal provisions for sentencing different types of hate crime, particularly in England and Wales.*

39. *The Committee recommends that the State party, in close collaboration with organizations of persons with disabilities, and in line with target 16.3 of the Sustainable Development Goals:*

(a) *Establish measures to ensure equal access to justice and to safeguard persons with disabilities, particularly women, children, intersex persons and elderly persons with disabilities from abuse, ill-treatment, sexual violence and exploitation;*

[...]

Protecting the integrity of the person (art. 17)

40. *The Committee is concerned that persons with disabilities, including women, intersex persons, girls and boys, reportedly continue to be subjected to involuntary medical treatment, including forced sterilization and conversion surgeries.*

41. *The Committee recommends that the State party repeal all types of legislation, regulations and practices allowing any form of forced intervention or surgery, and ensure that the right to free, prior and informed consent to treatment is upheld and that supported decision-making mechanisms and strengthened safeguards are provided, paying particular attention to women,*

intersex persons, girls and boys.

2017: UN CRC Denmark

CRC/C/DNK/CO/5, paras 24, 12 (26 October 2017)

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fDNK%2fCO%2f5&Lang=en

D. Violence against children (arts. 19, 24, para. 3, 28, para. 2, 34, 37 (a) and 39) [...]

Harmful practices

24. In view of ongoing surgical interventions on intersex children, the Committee recommends that the State party:

(a) Ensure that no one is subjected to unnecessary medical or surgical treatment during infancy or childhood, guarantee bodily integrity, autonomy and self-determination for the children concerned and provide families with intersex children with adequate counselling and support;

(b) Develop and implement a child rights-based health-care protocol for intersex children, setting out the procedures and steps to be followed by health teams;

(c) Undertake investigation of incidents of surgical and other medical treatment of intersex children without informed consent and adopt legal provisions in order to provide redress to the child victims of such treatment, including adequate compensation;

(d) Educate and train medical and psychological professionals on the range of sexual and related biological and physical diversity and on the consequences of unnecessary surgical and other medical interventions for intersex children.

2017: UN CCPR Australia

CCPR/C/AUS/CO/6, paras 25-26 (1 December 2017)

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fAUS%2fCO%2f6&Lang=en

Sexual orientation, gender identity and intersex status

25. The Committee is concerned that infants and children born with intersex variations are sometimes subject to irreversible and invasive medical interventions for purposes of gender assignment, which are often based on stereotyped gender roles and are performed before the children concerned are able to provide fully informed and free consent (arts. 3, 7, 9, 17, 24 and 26).

26. The State party should give due consideration to the recommendations the Senate Standing Committee on Community Affairs made in its 2013 inquiry report on involuntary or coerced sterilization of intersex persons, and move to end irreversible medical treatment, especially surgery, of intersex infants and children, who are not yet able to provide fully informed and free consent, unless such procedures constitute an absolute medical necessity.

2018: UN CRC Spain

CRC/C/ESP/CO/5-6, para 24 (5 March 2018)

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fESP%2fCO%2f5-6&Lang=en

Harmful practices

24. *The Committee recommends that the State party prohibit unnecessary medical or surgical treatment from being performed on intersex children, when those procedures entail a risk of harm and can be safely deferred until the child can actively participate in decision-making. It also recommends that the State party ensure that intersex children and their families receive adequate counselling and support.*

2018: UN CEDAW Chile

CEDAW/C/CHL/CO/7, paras 22-23, 21, 12(d), 13(d), 14(d), 15(d) (14 March 2018)

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/CHL/CO/7&Lang=En

Harmful practices

22. *The Committee is concerned about:*

(a) *The lack of clear legislation prohibiting the performance of unnecessary medical procedures on intersex infants and children until they reach an age when they are able to give their free, prior and informed consent;*

(b) *The lack of support and effective remedies for intersex persons who have undergone medically unnecessary surgical procedures at a very early age, often with irreversible consequences and resulting in long-term physical and psychological suffering.*

23. *In the light of joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee of the Rights of the Child (2014) on harmful practices, the Committee recommends that the State party:*

(a) *Adopt legislation to explicitly prohibit the performance of unnecessary surgical or other medical treatment on intersex children until they reach an age when they are able to give their free, prior and informed consent, ensure that medical practitioners are informed about such legislation and provide families with intersex children with adequate counselling and support;*

(b) *Ensure that intersex persons who have undergone unnecessary surgical or other medical treatment without their free, prior and informed consent have effective access to justice and consider establishing a State compensation fund for them.*

2018: UN CEDAW Luxembourg

CEDAW/C/LUX/CO/6-7, paras 27(b)-(c)+28(b)-(c), 45(e)+46(e) (14 March 2018)

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/LUX/CO/6-7&Lang=En

Harmful practices

27. *The Committee takes note of the plans of the State party to adopt provisions on its extraterritorial obligations with regard to the elimination of female genital mutilation and other harmful practices, in the context of its planned ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention). It notes the following with concern:*

[...]

(b) *The performance of medically irreversible sex reassignment surgery on intersex persons, a practice which is defined as non-consensual, unnecessary genital surgery and includes other comparable procedures that violate the physical integrity of such individuals;*

(c) *The lack of support for intersex persons who have undergone involuntary and medically unnecessary disfiguring surgical procedures when they were infants or children, often with irreversible consequences, resulting in significant physical and psychological suffering.*

28. In the light of joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2014) on harmful practices, the Committee recommends that the State party:

[...]

(b) *Specifically prohibit non-consensual sex reassignment surgery on intersex persons, develop and implement a rights-based health-care protocol for intersex children that requires medical doctors to inform intersex children about all available options and requires their involvement in decision-making about medical interventions and the full respect of their choices;*

(c) *Adopt legal provisions to provide redress to intersex persons who are victims of surgical or other medical interventions performed without their free, prior and informed consent or that of their parents.*

[...]

Health

45. *The Committee welcomes the signature, on 17 July 2013, of the common policy for the promotion of emotional and sexual health and the increase in the State party's contribution to the United Nations Population Fund to support the "She decides" movement. It is concerned, however, about the following:*

[...]

(e) *The time limits restricting the ability of persons who have undergone medically irreversible sex-reassignment surgery and who have suffered related consequences to claim compensatory damages.*

46. In line with its general recommendation No. 24 (1999) on women and health, the Committee recommends that the State party:

[...]

(e) *Repeal time limits on the ability to claim compensatory damages for medically irreversible sex reassignment surgery and related consequences.*

2018: UN CRC Argentina

CRC/C/ARG/CO/5-6, para 26 (1 October 2018)

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC/C/ARG/CO/5-6&Lang=En

Harmful practices

26. *The Committee recommends that the State party develop and implement a rights-based health-care protocol for intersex children, ensuring that no child is subjected to unnecessary surgery or treatment and that children are involved, to the greatest extent possible, in decision-making about their treatment and care. Families with intersex children should be provided with adequate counselling and support.*

2018: UN CEDAW Australia

CEDAW/C/AUS/CO/8, paras 25(c)+26(c) (25 July 2018)

https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fAUS%2fCO%2f8&Lang=en

Harmful practices

25. *The Committee takes note of the State party's commitment to provide women who are victims of forced marriage with support, regardless of their cooperation with the prosecution authorities. It is concerned, however, at:*

[...]

(c) *The conduct of medically unnecessary procedures on intersex infants and children before they reach an age when they are able to provide their free, prior and informed consent, and at inadequate support and counselling for families with intersex children and remedies for victims;*

[...]

26. *Recalling the Joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child on harmful practices, the Committee recommends that the State party ensure adequate protection and support to victims of forced marriage regardless of their collaboration with the prosecution authorities, and:*

[...]

(c) *Adopt clear legislative provisions explicitly prohibiting the performance of unnecessary surgical or other medical treatment on intersex children before they reach the legal age of consent, implement the recommendations of the 2013 Senate inquiry on involuntary or coerced sterilisation of intersex persons, provide families with intersex children with adequate counselling and support, and provide redress to intersex persons having undergone medical treatment; [...]*

2018: UN CEDAW Liechtenstein

CEDAW/C/LIE/CO/5/Rev.1, paras 35+36(c) (3 December 2018)

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fLIE%2fCO%2f5%2fRev.1&Lang=en

Health

35. [...] *The Committee is further concerned about medically irreversible sex-reassignment surgery being performed on intersex persons from Liechtenstein in neighbouring countries at the State party's request, [...]*

36. *The State party should:*

[...]

(c) *Specifically prohibit non-consensual sex-reassignment surgery on intersex persons and develop and implement a rights-based health-care protocol for intersex children that requires their informed consent about the performance of medically irreversible sex-reassignment surgery; [...]*

2018: UN CEDAW Mexico

CEDAW/C/MEX/CO/9, paras 21-22 (25 July 2018)

https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fMEX%2fCO%2f9&Lang=en

Harmful practices

21. *The Committee is concerned about the limited provisions prohibiting unnecessary medical procedures on intersex children and the inadequate support and lack of effective remedies for intersex persons who have undergone medically unnecessary surgical procedures.*

22. *In the light of joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee of the Rights of the Child (2014) on harmful practices, the Committee recommends that the State party adopt provisions explicitly prohibiting the performance of unnecessary surgical or other medical procedures on intersex children until they reach an age when they can give their free, prior and informed consent and provide families of intersex children with adequate counselling and support.*

2018: UN CEDAW New Zealand

CEDAW/C/NZL/CO/8, paras 23(c)+24(c) (25 July 2018)

https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fNZL%2fCO%2f8&Lang=en

Discriminatory stereotypes and harmful practices

23. *While noting the efforts made by the State party to eliminate negative stereotypes affecting women, the Committee expresses concerns at:*

[...]

(c) *The conduct of medically unnecessary procedures on intersex infants and children before they reach an age when they are able to provide their free, prior and informed consent, and at inadequate support and counselling for families with intersex children and remedies for victims.*

24. *The Committee recommends that the State party [...]*

[...]

(c) *Adopt clear legislative provisions explicitly prohibiting the performance of unnecessary surgical or other medical treatment on intersex children before they reach the legal age of consent, provide families with intersex children with adequate counselling and support, and provide redress to intersex persons having undergone medical treatment.*

2018: UN CEDAW Nepal

CEDAW/C/NPL/CO/6, paras 18(c)-(d)+19(a),(d),(e) (14 November 2018)

https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fNPL%2fCO%2f6&Lang=en

Stereotypes and harmful practices

18. *The Committee welcomes the criminalization of a number of harmful practices, including chhaupadi, dowry, accusation of witchcraft, discrimination against Dalit persons, and child marriage. It expresses its concern, however, about the following:*

[...]

(c) Discrimination against intersex persons, namely, abuse, reported infanticide, forced marriage and the conduct of medically unnecessary procedures on Nepali intersex infants and children on the territory of the State party or abroad before they reach an age at which they are able to provide their free, prior and informed consent;

(d) The underreporting of harmful practices and insufficient short- and long- term support for victims.

19. *Recalling its previous recommendation ([CEDAW/C/NPL/CO/4-5](#), para. 18), the Committee recommends that the State party, in line with the joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2014) on harmful practices, and with target 5.3 of the Sustainable Development Goals, to eliminate all harmful practices:*

(a) Expedite the adoption of legislation prohibiting all forms of harmful traditional practices, investigate and prosecute the perpetrators of such practices, impose adequate sanctions and provide compensation to victims;

[...]

(d) Adopt legislative provisions that explicitly prohibit the performance of unnecessary surgical or other medical procedures on intersex children before they reach the legal age of consent and train medical and psychological professionals on the rights of intersex persons;

(e) Ensure that victims of harmful practices can file complaints without fear of retribution or stigmatization and that they have access to effective remedies and victim support, such as legal, social, medical and psychological assistance and shelters.

2018: UN CAT Netherlands

CAT/C/NLD/CO/7, paras 52-53 (18 December 2018)

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT/C/NLD/CO/7&Lang=En

Intersex persons

52. *The State party is concerned at reports that unnecessary and irreversible surgery and other medical treatments are performed on intersex children without their informed consent and impartial counselling. It is concerned that such procedures, which cause long-term physical and psychological suffering, have not been the object of any inquiry, sanction or reparation and that there are no specific legal provisions providing redress and rehabilitation to the victims.*

53. *The State party should:*

(a) *Take the legislative, administrative and other measures necessary to guarantee respect for the physical integrity and autonomy of intersex persons and to ensure that no one is subjected during infancy or childhood to non-urgent medical or surgical procedures intended to decide the sex of the child without his or her informed consent;*

(b) *Guarantee impartial counselling services and psychological and social support for all intersex children and their parents, so as to inform them of the consequences of unnecessary and non-urgent surgery and other medical treatment to decide on the sex of the child and the possibility of postponing any decision on such treatment or surgery until the persons concerned can decide by themselves;*

(c) *Guarantee that full, free and informed consent is ensured in connection with medical and surgical treatments for intersex persons and that non-urgent, irreversible medical interventions are postponed until a child is sufficiently mature to participate in decision-making and give effective consent;*

(d) *Undertake investigation of instances of surgical interventions or other medical procedures performed on intersex persons without effective consent and prosecute and, if found responsible, punish perpetrators. It should also ensure that the victims are provided with redress including adequate compensation.*

2019: UN CRC Italy

CRC/C/ITA/CO/5-6, para 23 (28 February 2019)

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC/C/ITA/CO/5-6&Lang=En

Harmful practices

23. *The Committee recommends that the State party:*

(a) *Develop and implement a child rights-based health-care protocol for intersex children, setting the procedures and steps to be followed by health teams, ensuring that no one is subjected to unnecessary medical or surgical treatment during infancy or childhood, guarantee bodily integrity, autonomy and self-determination to children concerned, and provide families with intersex children with adequate counselling and support;*

(b) *Educate and train medical and psychological professionals on the range of sexual, and related biological and physical, diversity and on the consequences of unnecessary surgical and other medical interventions for intersex children.*

2019: UN CRC Belgium

CRC/C/BEL/CO/5-6, paras 25(b)+26(e) (28 February 2019)

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC/C/BEL/CO/5-6&Lang=En

Harmful practices

25. *The Committee notes with concern that:*

[...]

(b) *Intersex children are subjected to medically unnecessary surgeries and other procedures.*

26. With reference to joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child on harmful practices (2014) and taking into account target 5.3 of the Sustainable Development Goals, the Committee urges the State party to:

[...]

(e) *Prohibit the performance of unnecessary medical or surgical treatment on intersex children where those procedures can be safely deferred until children are able to provide their informed consent; ensure that intersex children and their families have access to adequate counselling and support and to effective remedies, including by lifting the statute of limitations.*

2019: UN CAT UK

CAT/C/GBR/CO/6, paras 64-65 (7 June 2019)

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT/C/GBR/CO/6&Lang=En

Intersex persons

64. *While noting that in January 2019 the Government Equalities Office launched a call for evidence to better understand the experiences of intersex persons in the United Kingdom, the Committee remains concerned about reports of cases of unnecessary surgery and other medical treatment with lifelong consequences, including severe pain and suffering, to which intersex children have been subjected. The Committee is further concerned about the lack of legal provisions providing redress and rehabilitation in such cases (arts. 14 and 16).*

65. The State party should ensure that:

(a) *The parents or guardians of intersex children receive impartial counselling services and psychological and social support, including information on the possibility of deferring any decision on unnecessary treatment until they can be carried out with the full, free and informed consent of the person concerned;*

(b) *Persons who have been subjected to such procedures without their consent and resulting in severe pain and suffering obtain redress, including the means for rehabilitation.*

2019: UN CRC Malta

CRC/C/MLT/CO/3-6, paras 28(b)+29(d)-(e) (26 June 2019)

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC/C/MLT/CO/3-6&Lang=En

Harmful practices

28. *While welcoming the State party's efforts to eliminate harmful practices against children, including the amendment to article 251 of the Criminal Code that criminalizes female genital mutilation, forced sterilization and forced marriage, and the adoption of the Gender Identity, Gender Expression and Sex Characteristics Act which provides for the recognition of gender identity on the basis of a person's self-identification rather than harmful medical and surgical*

requirements, the Committee remains concerned:

[...]

(b) *That there are cases of intersex children who have allegedly been subjected to surgical and other procedures, which were medically unnecessary, without their consent to such procedures, which often entail irreversible consequences and can cause severe physical and psychological suffering; and at the lack of redress and compensation in such cases.*

29. With reference to joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2014) on harmful practices, and taking note of target 5.3 of the Sustainable Development Goals, the Committee urges the State party to:

[...]

(d) *Ensure that intersex children are not subjected to unnecessary medical or surgical procedures during infancy or childhood, and guarantee the bodily integrity, autonomy and self-determination of the children concerned, and provide families with intersex children with adequate counselling and support;*

(e) *Investigate effectively incidents of surgical and other medical treatment of intersex children without informed consent and provide redress to victims of such treatment, including adequate compensation and rehabilitation.*

2019: UN CRC Australia

CRC/C/AUS/CO/5-6, para 31(b) (1 November 2019)

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FAUS%2FCO%2F5-6&Lang=en

Harmful practices

31. The Committee welcomes the criminalization of forced marriage and taking note of target 5.3 of the Sustainable Development Goals, urges the State party to:

[...]

(b) *Enact legislation explicitly prohibiting coerced sterilisation or unnecessary medical or surgical treatment, guaranteeing bodily integrity and autonomy to intersex children as well as adequate support and counselling to families of intersex children.*

2019: UN CRC Portugal

CRC/C/PRT/CO/5-6, para 28(b) (9 December 2019)

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FPRT%2FCO%2F5-6&Lang=en

Harmful practices

28. With reference to its joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child on harmful practices (2014) and taking note of target 5.3 of the Sustainable Development Goals, the Committee urges the State party to:

[...]

(b) *Continue to implement measures, including legal and administrative, to guarantee that no child, including intersex, is subjected to unnecessary medical or surgical treatment, during infancy or childhood, in line with the rights of children to bodily integrity, autonomy and self-determination, and provide social, medical and psychological services, where necessary, as well as adequate counselling, support and reparations to families with intersex children.*

2019: UN CRPD India

**CRPD/C/IND/CO/1, paras 22-23, 36(c)+37(c), 50(b)+51(b), 12(c), 18(c), 38(a)
(29 October 2019)**

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fIND%2fCO%2f1&Lang=en

Right to life (art. 10)

22. *The Committee is concerned about the deaths of children with disabilities in institutions, and information about “mercy killings” of intersex children with disabilities. It is also concerned about information about alleged extrajudicial executions of persons with intellectual or psychosocial disabilities in conflict areas.*

23. *The Committee recommends that the State party adopt measures to ensure respect for the right to life of all persons with disabilities, enforce investigations aimed at identifying the cause of death of children with disabilities in institutions and sanction the perpetrators. It also recommends that the State party protect intersex children from attacks against their lives and any related harmful practices, and adopt measures to prevent the execution of persons with disabilities in relation to violence and armed conflict.*

[...]

Protecting the integrity of the person (art. 17)

36. *The Committee is concerned about:*

[...]

(c) *Sex-assignment or “sex-normalizing” surgery on intersex children, stigmatization and bullying against intersex children and their restricted access to community services.*

37. *The Committee recommends that the State party:*

(c) *Adopt measures to prevent sex-assignment or “sex-normalizing” surgery, stigmatization and bullying against intersex children and ensure their right to respect for their physical and mental integrity.*

[...]

Education (art. 24)

50. *The Committee is concerned about:*

[...]

(b) *Rejection from school of children with disabilities, particularly children affected by leprosy, and bullying against intersex children, causing many to drop out of school;*

[...]

51. *The Committee recommends that the State party, guided by the Committee's general comment No. 4 (2016) on the right to inclusive education and taking account of targets 4.5 and 4.a of the Sustainable Development Goals:*

[...]

(b) *Take measures to prevent the rejection, stigmatization and bullying of children with disabilities, particularly children affected by leprosy and intersex children, review regulations to ensure access to education, undertake campaigns to combat disability stereotypes and establish complaint mechanisms and sanctions in cases of discrimination;*

2019: UN CRPD Australia

CRPD/C/AUS/CO/2-3, paras 33(b)+34(b) (15 October 2019)

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fAUS%2fCO%2f2-3&Lang=en

Protecting the integrity of the person (art. 17)

33. *The Committee is seriously concerned about:*

[...]

(b) *The unregulated use of involuntary surgery on infants and children born with variations in sex characteristics, and other intrusive and irreversible medical interventions, without their free and informed consent or evidence of necessity.*

34. *The Committee urges that the State party to:*

[...]

(b) *Adopt clear legislative provisions that explicitly prohibit the performance of unnecessary, invasive and irreversible medical interventions, including surgical, hormonal or other medical procedures on intersex children before they reach the legal age of consent; also provide adequate counselling and support for the families of intersex children and redress to intersex persons having undergone such medical procedures;*

2019: UN CCPR Belgium

CCPR/C/BEL/CO/6, paras 21-22 (6 December 2019)

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fBEL%2fCO%2f6&Lang=en

Sexual orientation, gender identity and intersexuality

21. *The Committee notes with concern that children born with intersex traits are sometimes subjected to invasive and irreversible medical procedures aimed at assigning them with a sex, that such actions are often based on a stereotyped vision of gender roles and that they are carried out before the persons in question are of an age to give their free and informed consent (arts. 3, 7, 9, 17, 24 and 26).*

22. *The State party should take the necessary measures to end the performance of irreversible medical acts, especially surgical operations, on intersex children who are not yet capable of*

giving their free and informed consent, except in cases where such interventions are absolutely necessary for medical reasons.

2019: UN CCPR Mexico

CCPR/C/MEX/CO/6, paras 12-13 (4 December 2019)

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fMEX%2fCO%2f6&Lang=en

Discrimination and violence based on sexual orientation and gender identity

12. *The Committee is concerned about the discrimination and the high level of violence, including a large number of homicides, that are motivated by the victim's sexual orientation or gender identity and regrets that consolidated data on investigations and prosecutions initiated, convictions and punishments handed down and reparations granted in such cases are not available. In spite of the explanations provided by the State party's delegation, the Committee is concerned about reports of irreversible and invasive medical procedures being performed on intersex children (arts. 2, 6, 7, 17 and 26).*

13. *The State party should adopt the investigation protocols necessary to ensure that: (a) crimes motivated by the victim's sexual orientation or gender identity are systematically registered and investigated from a gender perspective; (b) the perpetrators of such crimes are investigated, prosecuted and punished appropriately; and (c) victims have access to safe complaint mechanisms, due support and assistance, adequate protection and comprehensive redress. The State party should redouble its efforts to combat stereotypes and prejudice against lesbian, gay, bisexual, transgender and intersex persons and to guarantee that acts of discrimination and violence directed against them are prevented. It should also take steps to stop irreversible medical treatments being performed, in particular surgical procedures performed on intersex children who do not yet have the capacity to give fully informed and free consent, except when these procedures are absolutely necessary from the medical point of view.*

2020: UN CRC Austria

CRC/C/AUT/CO/5-6, paras 27(a)-(b) (6 March 2020)

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fAUT%2fCO%2f5-6&Lang=en

Harmful practices

27. *With reference to joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2014) on harmful practices and recalling the concluding observations of the Committee against Torture (CAT/C/AUT/CO/6 para. 45) the Committee recommends that the State party:*

(a) *Prohibit the performance of unnecessary medical or surgical treatment on intersex children where those procedures may be safely deferred until children are able to provide their informed consent;*

(b) *Gather data with a view to understanding the extent of these harmful practices so that children at risk can be more easily identified and their abuse prevented;*

2020: UN CCPR Portugal
CCPR/C/PRT/CO/5, paras 16-17 (28 April 2020)

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fPRT%2fCO%2f5&Lang=en

Sexual orientation, gender identity and intersexuality

16. *While welcoming the recent adoption of Law No. 38/2018, the Committee notes with concern reports that children born with intersex traits are sometimes subjected to invasive and irreversible medical procedures aimed at assigning them with a sex, that such actions are often based on a stereotyped vision of gender roles and that they are carried out before the persons in question are of an age to give their free and informed consent (arts. 3, 7, 9, 17, 24 and 26).*

17. *The State party should strengthen the measures to end the performance of irreversible medical acts, especially surgical operations, on intersex children who are not yet capable of giving their free and informed consent, except in cases where such interventions are absolutely necessary for medical reasons.*

2021: UN CCPR Finland
CCPR/C/FIN/CO/7, paras 20+21(c) (3 May 2021)

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fFIN%2fCO%2f7&Lang=en

Sexual orientation, gender identity and intersex status

20. *[...] The Committee is also concerned that irreversible and invasive medical interventions continue to be performed on intersex children. It notes with concern that such actions are often based on a stereotyped vision of gender roles and carried out before children are of an age to allow them to give their full, free and informed consent (arts. 3, 7, 9, 17, 24 and 26).*

21. *The State party should take legislative and other measures to:*

[...]

(c) Effectively prevent the performance of irreversible medical interventions, especially surgical operations, on intersex children who are not yet capable of giving their full, free and informed consent, unless such procedures constitute an absolute medical necessity. Access to effective remedies for victims of such interventions should also be ensured.

2021: UN CCPR Kenya
CCPR/C/KEN/CO/4, paras 12(e)+13(e) (11 May 2021)

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fKEN%2fCO%2f4&Lang=en

Sexual orientation, gender identity and intersexuality

12. *The Committee is concerned about:*

[...]

(e) Cases of non-urgent, irreversible surgical procedures, infanticide and abandonment among intersex children (arts. 2, 6, 7, 17 and 26).

13. *The State party should take appropriate steps to:*

[...]

(e) *Strengthen measures to end the performance of irreversible medical acts, especially surgical operations, on intersex children who are not yet capable of giving their full, free and informed consent, except in cases where such interventions are absolutely necessary for medical reasons. Access to effective remedies for victims of such interventions should also be ensured.*

2021: UN CRC Luxembourg

CRC/C/LUX/CO/5-6, paras 13+19 (21 June 2021)

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fLUX%2fCO%2f5-6&Lang=en

Harmful practices

19. *While welcoming the Act of 10 August 2018 on changes of sex designation and forename(s) in civil status records and the first National Plan of Action to Promote the Rights of Lesbian, Gay, Bisexual, Transgender and Intersex Persons adopted in 2018, the Committee recommends that the State party ensure that no one is subjected to unnecessary medical or surgical treatment during infancy or childhood, guarantee bodily integrity, autonomy and self-determination to intersex children, and provide families with intersex children with adequate counselling and support.*

2021: UN CRC Tunisia

CRC/C/TUN/CO/4-6, paras 26, 14(c), 15(c) (2 September 2021)

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fTUN%2fCO%2f4-6&Lang=en

Harmful practices

26. *The Committee recommends that the State party:*

(a) *Ensure that intersex children are not subjected to unnecessary medical or surgical treatment, in line with the rights of the child to bodily integrity, autonomy and self-determination;*

(b) *Provide social, medical and psychological services, where necessary, as well as adequate counselling, support and reparations to families with intersex children.*

2021: UN CRPD France

CRPD/C/FRA/CO/1, paras 36(c)+37(c), 10(b) (4 October 2021)

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fFRA%2fCO%2f1&Lang=en

Protecting the integrity of the person (art. 17)

36. *The Committee notes with concern that:*

[...]

(c) *Intersex persons are subjected to medical interventions without their consent.*

37. *The Committee recommends that the State party:*

[...]

(c) *Prohibit the practice of subjecting intersex persons to medical interventions without their consent.*

2021: UN CRC Czech Republic
CRC/C/CZE/CO/5-6, para 28 (22 October 2021)

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FCZE%2FCO%2F5-6&Lang=en

Harmful practices

28. *Recalling joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2019) on harmful practices and target 5.3 of the Sustainable Development Goals, the Committee urges the State party to:*

(a) *Explicitly criminalize forced marriage and raise awareness about the harmful effects of child marriage on the physical and mental health and well-being of girls, targeting in particular the Roma community, encourage the reporting of child marriage and establish protection schemes for victims who file a complaint;*

(b) *Ensure that no child, including intersex children, is subjected to unnecessary medical or surgical treatment during childhood, in line with the rights of children to bodily integrity, autonomy and self-determination, and provide social, medical and psychological services, as well as adequate counselling, support and reparations, to intersex children and families with intersex children;*

(c) *Adopt the draft law to compensate children who are victims of forced sterilization.*

2021: UN CRC Switzerland
CRC/C/CHE/CO/5-6, para 29(b)-(c) (22 October 2021)

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FCHE%2FCO%2F5-6&Lang=en

Harmful practices

29. *The Committee welcomes the measures taken to combat female genital mutilation and to implement the federal programme to combat forced marriage, and recommends that the State party:*

[...]

(b) *Prohibit the performance of unnecessary medical or surgical treatment on intersex children where those procedures may be safely deferred until children are able to provide their informed consent;*

(c) *Provide social, medical and psychological services, as well as adequate counselling, support and reparations, to families with intersex children;*

2021: UN CCPR Germany

CCPR/C/DEU/CO/7, paras 20-21 (30 November 2021)

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2F%2FDEU%2FCO%2F7&Lang=en

Intersex persons

20. *The Committee is concerned about reports that intersex children have sometimes been subjected to invasive, medically unnecessary and irreversible medical procedures aimed at assigning them with a sex. It is also concerned that such actions are often based on a stereotyped vision of gender roles, involve humiliating and painful procedures and are carried out before the affected persons are of an age to give their free and informed consent. It is further concerned that victims of such practices face significant barriers to accessing remedies, despite lasting physical and psychological harm, including due to statutes of limitations impeding child victims seeking redress when they are adults, difficulties accessing health records and compensation not being available. The Committee commends the State party for introducing the Law on the Protection of Children with Variants of Sex Development in 2021. It nevertheless remains concerned by reports that this legislation does not specifically restrict all problematic practices”, establish criminal liability or effectively address all barriers to access to remedies for victims (arts. 2, 3, 7, 17, 24 and 26).*

21. *The State party should take all necessary steps to ensure that all acts relating to the assignment of a sex to intersex children performed without their free and informed consent, are specifically prohibited, except in cases where such interventions are absolutely necessary for medical reasons and the best interests of the child have been duly taken into account. This should include the consideration of amendments to the Law on the Protection of Children with Variants of Sex Development 2021 within the five-year period allocated for its review, if necessary. The State party should also ensure that all victims can access remedies, including through revision of the application of statutes of limitation for violations in childhood, taking steps to ensure that all victims can access their health records and considering the establishment of a dedicated compensation fund.*

2022: UN CRPD Switzerland

CRPD/C/CHE/CO/1, paras 35(c)+36(c), 10 (13 April 2022)

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2F%2FCHE%2FCO%2F1&Lang=en

Protecting the integrity of the person (art. 17)

35. *The Committee notes with concern:*

[...]

(c) *That intersex persons can be subject to unnecessary and irreversible medical and/or surgical interventions, including during infancy or childhood; and the lack of ongoing health care, psychosocial support and social reintegration for intersex persons who have been subject to intersex genital mutilation and no access to redress.*

36. *The Committee recommends that the State party:*

[...]

(c) *Adopt clear legislative provisions that explicitly prohibit the performance of*

unnecessary and irreversible medical interventions, including surgical, hormonal or other medical procedures, on intersex infants and children; provide adequate counselling and support for families of intersex children; extend the statute of limitations to enable criminal and civil remedies; and provide health care and psychosocial support to intersex persons who have been subjected to intersex genital mutilation.

2022: UN CRC Netherlands
CRC/C/NLD/CO/5-6, para 23 (9 March 2022)

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fNLD%2fCO%2f5-6&Lang=en

Harmful practices

23. *The Committee recommends that the State party:*

- (a) *Prohibit the performance of unnecessary medical or surgical treatment on intersex children where those procedures may be safely deferred until children are able to provide their informed consent, and provide reparations for children who received unnecessary treatment;*
- (b) *Provide adequate social, medical and psychological services, counselling and support to intersex children and their families;*

2022: UN CAT Kenya
CAT/C/KEN/CO/3, paras 43(c)+44(c), 43(b)+44(b) (30 May 2022)

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FKEN%2FCO%2F3&Lang=en

Sexual orientation, gender identity and intersexuality

43. *The Committee welcomes the adoption of the Registration of Persons (Amendment) Act of 2019, which provides for the legal recognition of intersex persons. It is, however, concerned about:*

[...]

- (b) *Reports of lesbian, gay, bisexual, transgender and intersex individuals experiencing harassment, discrimination and violence, including violations perpetrated by law enforcement officers and vigilante groups, and facing barriers to access to justice and remedies;*
- (c) *Cases of non-urgent, irreversible surgical procedures, undertaken without full, free and informed consent, infanticide and abandonment among intersex children (arts. 2 and 16).*

44. *The State party should:*

[...]

- (b) *Intensify its efforts to eradicate all forms of discrimination, harassment and violence on the basis of sexual orientation and gender identity and provide access to justice and remedies for victims;*
- (c) *Strengthen measures to end the performance of irreversible medical acts, especially surgical operations, on intersex children who are not yet capable of giving their full, free and informed consent, except in cases where such interventions are absolutely necessary for medical reasons. Access to effective remedies for victims of such interventions should also be ensured.*

2022: UN CRC Greece

CRC/C/GRC/CO/4-6, para 28(c) (28 June 2022)

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGRC%2fCO%2f4-6&Lang=en

Harmful practices

28. *Recalling joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2014), and Sustainable Development Goals target 5.3, the Committee urges the State party to:*

[...]

(c) *Ensure that no child, including intersex children, is subjected to unnecessary medical or surgical treatment during childhood, and provide social, medical and psychological services, as well as adequate counselling, support and reparations, to intersex children and their families.*

2022: UN CRC Iceland

CRC/C/ISL/CO/5-6, para 26(b)-(c) (23 June 2022)

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fISL%2fCO%2f5-6&Lang=en

Harmful practices

26. *Noting with concern that the Act on Sterilization Procedures of 2019 allows for the sterilization of children if it is considered that continued fertility would have negative effects on their lives and health, the Committee recommends that the State party:*

[...]

(b) *Ensure that the performance of unnecessary medical or surgical treatment on intersex children is safely deferred until children are able to provide their informed consent, in line with the prohibition of such procedures under the Act on Gender Autonomy, and provide reparations for children who received unnecessary treatment;*

(c) *Provide adequate social, medical and psychological services, counselling and support to intersex children and their families.*

2022: UN CRC Cyprus

CRC/C/CYP/CO/5-6, para 25(b) (24 June 2022)

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fCYP%2fCO%2f5-6&Lang=en

Harmful practices

25. *Recalling joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2019) on harmful practices and target 5.3 of the Sustainable Development Goals, the Committee recommends that the State party:*

[...]

(b) *Ensure that no child, including intersex children, is subjected to unnecessary medical or surgical treatment during childhood, in line with the rights of children to bodily integrity, autonomy and self-determination, and provide social, medical and psychological services, as well as adequate counselling, support and reparations, to intersex children and families with intersex children.*

2022: UN CRC Canada

CRC/C/CAN/CO/5-6, para 29 (23 June 2022)

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fCAN%2fCO%2f5-6&Lang=en

Harmful practices

29. *In the light of the reports that Canadian legislation allows for unnecessary medical interventions and surgical treatment on intersex children, the Committee recommends that the State party:*

(a) *Amend its legislation, in particular section 268 (3) of the Criminal Code, to ensure that intersex children are not subjected to unnecessary medical or surgical treatment, in line with the rights of the child to bodily integrity, autonomy and self-determination, and initiate a national consultation with intersex persons, including children, to inform amendments to the Criminal Code to prohibit non-consensual and medically unnecessary surgeries on intersex children;*

(b) *Undertake investigations of incidents of surgical and other medical treatment of intersex children without their informed consent and adopt legal provisions in order to provide redress to the victims of such treatment, including adequate compensation;*

(c) *Educate and train medical and psychological professionals on the range of sexual diversity, and the related biological and physical diversity, and on the consequences of unnecessary surgical and other medical interventions for intersex children.*

2022: UN CRC Croatia

CRC/C/HRV/CO/5-6, para 26(b)-(c) (22 June 2022)

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fHRV%2fCO%2f5-6&Lang=en

Harmful Practices

26. *The Committee recommends that the State party:*

[...]

(b) *Ensure that intersex children are not subjected to unnecessary medical or surgical treatment, in line with the rights of the child to bodily integrity, autonomy and self-determination;*

(c) *Investigate incidents of surgical and other medical treatment of intersex children without informed consent, and provide redress to victims of such treatment, including appropriate compensation.*

2022: UN CRC Zambia

CRC/C/ZMB/CO/5-7, para 25(c) (27 June 2022)

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fZMB%2fCO%2f5-7&Lang=en

Harmful practices

25. *Recalling joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2019) on harmful practices, and taking note of target 5.3 of the Sustainable Development Goals, the Committee recalls its previous recommendation⁶ and recommends that the State party:*

[...]

(c) Ensure that intersex children are not subjected to unnecessary medical or surgical treatment without their consent, in line with the rights of the child to bodily integrity, autonomy and self-determination, and that victims of such treatment have access to justice, reparation and indemnity.

2022: UN CRC Chile

CRC/C/CHL/CO/6-7, para 22 (22 June 2022)

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fCHL%2fCO%2f6-7&Lang=en

Harmful practices

22. *While noting steps taken regarding the eradication of harmful treatment of intersex children, the Committee recommends that the State party:*

(a) Ensure that intersex children are not subjected to unnecessary medical or surgical treatment, in line with the rights of the child to bodily integrity, autonomy and self-determination;

(b) Investigate incidents of surgical and other medical treatment of intersex children without informed consent and provide redress to victims of such treatment, including appropriate compensation.

2022: UN CCPR Luxembourg

CCPR/C/LUX/CO/4, paras 11-12 (14 September 2022)

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fLUX%2fCO%2f4&Lang=en

Sexual orientation, gender identity and intersex persons

11. *While welcoming the adoption of the National Plan of Action to Promote the Rights of Lesbian, Gay, Bisexual, Transgender and Intersex Persons, dated 13 July 2018, and the fact that a draft bill is being prepared on the right to self-determination of intersex children, the Committee notes with concern that children with variations in sexual development at birth sometimes undergo invasive and irreversible medical procedures aimed at assigning them a sex, that these procedures are often based on a stereotypical view of gender roles and that they are performed before the persons concerned are of an age to give their free and informed consent. The Committee is also concerned about the lack of centralized statistics on interventions of this nature and on the rehabilitation and compensation measures that have been provided to persons who have undergone*

such interventions (arts. 2, 7, 24 and 26).

12. The State party should strengthen the measures to end the performance of irreversible medical acts, especially surgical operations, on intersex children who are not yet capable of giving their free and informed consent, except in cases where such interventions are absolutely necessary for medical reasons. In this regard, the State party should expedite the adoption of a law to this effect, as foreseen by the above-mentioned plan of action. The State party should also accelerate the establishment of a centralized system for the collection of relevant statistics, including on rehabilitation and compensation measures.

2023: UN CCPR Ireland

CCPR/C/IRL/CO/5, paras 19+20(b) (26 January 2023)

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fIRL%2fCO%2f5&Lang=en

Sexual orientation, gender identity and intersex person

19. The Committee is concerned about social stigmatization and discrimination against persons based on their sexual orientation or gender identity. While noting the information provided on the ongoing review of conversion practices, the Committee is concerned about reports of the continued practice of conversion therapy. The Committee is also concerned that irreversible and invasive medical interventions continue to be performed on intersex children. It notes with concern that such actions are often based on a stereotyped vision of gender roles and carried out before children are of an age to allow them to give their full, free and informed consent (arts. 3, 7, 9, 17, 24 and 26).

20. The State party should: [...]

(b) Take all steps necessary to ensure that all acts relating to the assignment of a sex to intersex children performed without their free and informed consent are specifically prohibited, except in cases in which such interventions are absolutely necessary for medical reasons and the best interests of the child have been duly considered.

2022: UN CRC North Macedonia

CRC/C/MKD/CO/3-6, para 26(b) (20 October 2022)

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fMKD%2fCO%2f3-6&Lang=en

Harmful practices

26. Recalling joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2019) on harmful practices, the Committee recommends that the State party:

(b) Do not subject intersex children to unnecessary medical or surgical treatment, in line with the rights of the child to bodily integrity, autonomy and self-determination, and provide redress to victims of such treatment, including appropriate compensation, while providing adequate social, medical and psychological services, counselling and support to intersex children and their families.

2022: UN CRC Germany
CRC/C/DEU/CO/5-6, para 24(c) (13 October 2022)

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fDEU%2fCO%2f5-6&Lang=en

Harmful practices

24. *Recalling joint general recommendation No. 31 of CEDAW/general comment No. 18 of CRC on harmful practices, the Committee recommends that the State party:*

[...]

(c) *Enforce the Act on the Protection of Children with Variants of Sex Development, and establish procedural safeguards and accountability mechanisms for medical doctors.*

2022: UN CRPD New Zealand
CRPD/C/NZL/CO/2-3, paras 35(b)-(d), 36(b)-(c)+(f), 8(b), 55-56, 57-58
(26 September 2022)

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fNZL%2fCO%2f2-3&Lang=en

Protecting the integrity of the person (art. 17)

35. *The Committee is seriously concerned about:*

[...]

(b) *The lack of a prohibition on non-urgent, intrusive and irreversible medical interventions or the imposition of hormones on intersex infants and children before an age at which they can provide informed consent;*

[...]

(d) *The lack of data in relation to sterilization and abortion procedures performed on persons with disabilities without their personal consent, non-urgent medical interventions on intersex children without their consent and growth attenuation treatment.*

36. *The Committee urges the State party to:*

[...]

(b) *Adopt clear legislative provisions that explicitly prohibit the performance of unnecessary, invasive and irreversible medical interventions, including surgical, hormonal or other medical procedures on intersex children before an age at which they can provide informed consent;*

(c) *Recalling previous recommendations made by the Committee on the Rights of the Child,⁴ develop and implement a child rights-based health-care protocol for intersex children, setting the procedures and steps to be followed by health teams, ensuring that no one is subjected to unnecessary medical or surgical treatment during infancy or childhood, guaranteeing the rights of children to bodily integrity, autonomy and self-determination, and provide families with intersex children with adequate counselling and support;*

[...]

(f) *Develop measures to ensure reporting and data collection on sterilization,*

contraception and abortion procedures performed without personal consent, on non- urgent medical interventions performed on intersex children and on growth attenuation treatment.

2022: UN CEDAW Finland

CEDAW/C/FIN/CO/8, paras 21(b)+22(b) (1 November 2022)

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FFIN%2FCO%2F8&Lang=en

Harmful practices

21. *The Committee notes the proposed amendment of the law on verification of gender to remove the requirement of proof of sterilization for a transsexual person. It also notes that a working group was established to prepare best practice guidance to help health-care professionals advise parents with intersex children. The Committee further notes that forced marriage is punishable as human trafficking or as coercion. The Committee notes with concern, however:*

[...]

(b) The performance of surgical interventions on intersex children with the aim of “normalizing” their genitalia;

[...]

22. *Recalling joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2019) on harmful practices, and the Committee’s previous recommendations (CEDAW/C/FIN/CO/7, paras. 17 and 29), the Committee recommends that the State party:*

[...]

(b) Specifically criminalize surgical interventions on the genitalia of intersex children, unless medically necessary;

2022: UN CEDAW Belgium

CEDAW/C/BEL/CO/8, paras 23(c)+24(c), 45(c), 46(c) (1 November 2022)

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FBEL%2FCO%2F8&Lang=en

Harmful practices

23. *The Committee notes with concern that despite the existing legislation and measures taken, there are still harmful practices against women and girls in the State party. In this regard, the Committee express its concern that:*

[...]

(c) Children with intersex variations at birth are at times subjected to invasive and irreversible medical interventions to assign a sex;

[...]

24. *The Committee recommends that the State party:*

[...]

(c) *Put an end to irreversible medical interventions, in particular surgery, on intersex children; [...]*

2022: UN CEDAW Switzerland

CEDAW/C/CHE/CO/6, paras 55(f)+56(d) (1 November 2022)

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FCHE%2FCO%2F6&Lang=en

Health

55. *The Committee welcomes the State party's efforts to ensure access to quality health care for women and girls. It notes with concern, however:*

[...]

(f) *That there is a performance of unnecessary surgical interventions on intersex children with the aim of "normalizing" their genitalia.*

56. *The Committee recommends that the State party amend its legislation to prohibit discrimination against women with regard to insurance premiums and ensure that additional costs for health insurance related to childbearing are subsidized to ensure that women are not considered as childbearers by default and that those women who do bear children are not penalized. It furthermore recommends that the State party:*

[...]

(d) *Specifically criminalize surgical interventions on the genitalia of intersex children unless medically necessary.*

2023: UN CRC Sweden

CRC/C/SWE/CO/6-7, para 27(c)-(d) (7 March 2023)

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FSWE%2FCO%2F6-7&Lang=en

Harmful practices

27. *The Committee takes notes of the entry into force in 2020 of a specific child marriage offence and more severe penalties for honour-related criminal offences but is concerned about the number of children who have been or are at risk of being subjected to child marriage and female genital mutilation, and the lack of criminal prosecutions in this regard. Recalling joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2019) on harmful practices, the Committee recommends that the State party:*

[...]

(c) *Ensure that the performance of unnecessary medical or surgical treatment on intersex children is safely deferred until children are able to provide their informed consent, and provide adequate social, medical and psychological services, counselling and support for intersex children and their families;*

(d) *Provide reparations and support for intersex children who received unnecessary*

medical or surgical treatment, including by ensuring that their access to justice is not hindered by any statute of limitations.

2023: UN CRC New Zealand

CRC/C/NZL/CO/6, para 25(b)-(c) (28 February 2023)

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FNZL%2FCO%2F6&Lang=en

Harmful practices

25. The Committee welcomes the criminalization in 2018 of forced marriage and, taking note of target 5.3 of the Sustainable Development Goals, recalls its previous recommendations⁸ and further recommends that the State party:

[...]

(b) Finalize the guidelines and protocol being developed by the Intersex Working Group, ensuring that it sets out guarantees for the mental and bodily integrity, autonomy and self-determination of intersex children including by:

(i) Prohibiting non-urgent and non-essential (including feminizing or masculinizing) medical or surgical treatment of intersex children before they are of sufficient age or maturity to make their own decisions and provide free, prior and informed consent;

(ii) Ensuring independent oversight of decision-making to ensure that medical treatments for children with intersex traits who are unable to consent are necessary, urgent and the least invasive option;

(iii) Providing redress to victims of non-urgent and non-essential treatment, including appropriate compensation;

(c) Ensure that all intersex children, adolescents and their families have access to community-based psychosocial and peer support.

2023: UN CRC France

CRC/C/FRA/CO/6-7, para 30(b)-(c) (4 December 2023)

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FFRA%2FCO%2F6-7&Lang=en

Harmful practices

While noting the First National Action Plan to Eradicate Female Genital Mutilation (2019–2022), the Committee refers to joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2019) on harmful practices, recalls target 5.3 of the Sustainable Development Goals and recommends that the State party:

[...]

(b) Provide adequate social, medical and psychological services, counselling and support to intersex children and their families and ensure that children's consent is sought, to the greatest extent possible, in decision-making regarding their treatment and care and that no child is subjected to unnecessary surgery or treatment;

(c) *Educate and train medical and psychological professionals on sexual and related biological and physical diversity and on the consequences of unnecessary surgical and other medical interventions on intersex children.*

2023: UN CRC Finland

CRC/C/FIN/CO/5-6, para 24(a)-(b) (15 November 2023)

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FFIN%2FCO%2F5-6&Lang=en

Harmful practices

24. *Recalling joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2019) on harmful practices, the Committee recommends that the State party:*

(a) *Ensure that the performance of unnecessary medical or surgical treatment on intersex children is safely deferred until the children are able to provide their informed consent, and provide adequate social, medical and psychological services, counselling and support for intersex children and their families;*

(b) *Provide reparations and support to intersex children who received unnecessary medical or surgical treatment, including irreversible medical interventions, sometimes without their consent, by ensuring that their access to justice is not hindered by any statute of limitations;*

2023: UN CRC UK

CRC/C/GBR/CO/6-7, para 35(d) (22 June 2023)

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FGBR%2FCO%2F6-7&Lang=en

Harmful practices

35. *Recalling joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2019) on harmful practices and its previous recommendations, the Committee recommends that the State party:*

[...]

(d) *Legally prohibit non-urgent and non-essential (including feminizing or masculinizing) medical or surgical treatment of intersex children before they are of sufficient age or maturity to make their own decisions, ensure that such incidents are investigated, provide redress and psychosocial support to victims and establish a mechanism to independently monitor the implementation of the legal prohibition.*

2023: UN CAT Luxembourg

CAT/C/LUX/CO/8, paras 35-36 (2 June 2023)

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FLUX%2FCO%2F8&Lang=en

Intersex persons

35. *The Committee takes note of the implementation of the National Action Plan to Promote the Rights of Lesbian, Gay, Bisexual, Transgender and Intersex Persons, presented in July 2018, which includes actions prohibiting the “normalization” of non-vital medical treatments performed without the free and informed consent of the intersex person and the cessation of their reimbursement by the State. However, it is concerned that these principles have not yet been transposed into Luxembourg law.*

36. *The State party should continue its efforts, including the ongoing preparation of a bill on surgical operations for variations in sexual development, to end the performance of irreversible medical acts, especially surgical operations, on intersex children who are not yet capable of giving their full, free and informed consent, except in cases where such interventions are absolutely necessary for medical reasons. Measures should also be taken to ensure that victims of such interventions have access to effective remedies and to strengthen the collection of statistics on this issue.*

Follow-up procedure

37. *The Committee requests the State party to provide, by 12 May 2024, information on the follow-up to its recommendations on searches, sexual and gender-based violence, and intersex persons (see paras. 18, 34 and 36). In that context, the State party is invited to inform the Committee about its plans for implementing, within the coming reporting period, some or all of the remaining recommendations in the concluding observations.*

2023: UN CAT Switzerland

CAT/C/CHE/CO/8, paras 37-38 (11 December 2023)

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FCHE%2FCO%2F8&Lang=en

Intersex Persons

37. *The Committee remains concerned about reports of unnecessary and irreversible surgery and other medical treatment to which intersex children have been subjected without their informed consent and impartial counselling. The Committee is concerned that such procedures, which can cause long-term physical and psychological suffering, have not been the object of inquiry, sanction or reparation and that there are no specific legal provisions for providing redress to the victims. The Committee takes note of motion No. 22.3355 on the criminal prohibition of interventions to change the biological sex of intersex children (arts. 2, 12, 14 and 16).*

38. *The State party should ensure that:*

(a) *Children are not subjected without their consent, during infancy or childhood, to unnecessary medical or surgical procedures intended to decide their sex;*

(b) *The parents or guardians of intersex children receive professional counselling services and psychological and social support, including information on the possibility of deferring any decision on unnecessary medical or surgical treatment until such treatment can be carried out with the full, free and informed consent of the person concerned;*

(c) *Medical records can be consulted and investigations initiated in all cases in which intersex persons were treated or operated on without their effective consent;*

- (d) *Adequate redress is provided for the physical and psychological suffering caused by such practices to intersex persons;*
- (e) *Legislative and policy measures are taken to protect the rights of intersex persons, in particular children;*
- (f) *Training is provided to persons working with or for intersex persons, in particular children.*

2023: UN CAT New Zealand

CAT/C/NZL/CO/7, paras 53-54 (24 August 2023)

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FNZL%2FCO%2F7&Lang=en

Intersex persons

53. *While noting the establishment, in 2017, of the Child and Youth Intersex Clinical Network, the Committee is concerned about reports of cases of unnecessary surgery and other medical treatment with lifelong consequences, including severe pain and suffering, to which intersex children have been subjected before they reach an age at which they are able to provide their free, prior and informed consent. It is also concerned about the inadequate provision of support and counselling for the families of intersex children and of redress and rehabilitation for victims (arts. 2 and 16). [13]*

54. The State party should:

- (a) *Finalize the guidelines and protocol being developed by the Child and Youth Intersex Clinical Network, ensuring that they set out guarantees for the mental and bodily integrity, autonomy and self-determination of intersex children;*
- (b) *Consider adopting legislative provisions that explicitly prohibit the performance of non-urgent and non-essential medical or surgical treatment of intersex children before they are of sufficient age or maturity to make their own decisions and provide free, prior and informed consent;*
- (c) *Ensure independent oversight of decision-making to ensure that medical treatments for children with intersex traits who are unable to consent are necessary and urgent and the least invasive option;*
- (d) *Provide redress to victims of non-urgent and non-essential treatment, including appropriate compensation and rehabilitation, and ensure that all intersex children and adolescents and their families receive professional counselling services and psychological and social support.*

[13] CEDAW/C/NZL/QPR/9, para. 9; CEDAW/C/NZL/CO/8, paras. 23 and 24; CRC/C/NZL/CO/6, para. 25; and CRPD/C/NZL/CO/2-3, paras. 35 and 36.

2023: UN CRPD Austria

CRPD/C/AUT/CO/2-3, paras 39-40, 71(b)+72 (28 September 2023)

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2FC%2FAUT%2FCO%2F2-3&Lang=en

Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)

[...]

39. *The Committee is concerned about the continued performance of sex-reassignment surgery on intersex children.*

40. *The Committee recommends that the State party enact a legal ban on non-live-saving sex-reassignment medical intervention on intersex children.*

[...]

Statistics and data collection (art. 31)

71. *The Committee notes with concern:*

[...]

(b) *The lack of disaggregated data, including in relation to the situation of lesbian, gay, bisexual, transgender and intersex persons with disabilities, refugees and stateless persons with disabilities, persons with disabilities in refugee-like situations, persons with disabilities under temporary protection, children with disabilities (in particular concerning education), women and girls with disabilities and persons with disabilities in institutions.*

72. *The Committee recommends that the State party develop a comprehensive national disability data framework to ensure appropriate, nationally consistent measures for the collection, interpretation and public reporting of disaggregated data on the full range of obligations under the Convention, in particular with regard to lesbian, gay, bisexual, transgender and intersex persons with disabilities, refugees and stateless persons with disabilities, persons with disabilities in refugee-like situations, persons with disabilities under temporary protection, children with disabilities, women and girls with disabilities and persons with disabilities in institutions.*

2023: UN CRPD Israel

CRPD/C/ISR/CO/1, paras 39-40, 13-14, 65-66 (9 October 2023)

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2FC%2FISR%2FCO%2F1&Lang=en

Protecting the integrity of the person (art. 17)

39. *The Committee is concerned about cases of forced sterilization performed on persons with disabilities, and medically unnecessary and irreversible surgery and interventions on intersex children, and the lack of measures to ensure accountability and reparations.*

40. *The Committee recommends that the State party:*

(a) *Prohibit sterilisation without the free and informed personal consent of the person concerned;*

(b) *Take measures to prohibit medically unnecessary and irreversible surgery and medical interventions on intersex children until they are able to provide personal consent and adopt measures to provide redress and reparations for the physical and psychological harms inflicted.*

2023: UN CRPD Germany

CRPD/C/DEU/CO/2-3, paras 39-40, 11-12 (3 October 2023)

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2FC%2FDEU%2FCO%2F2-3&Lang=en

Protecting the integrity of the person (art. 17)

[...]

39. *The Committee is concerned that the Act on the Protection of Children with Variations in Sex Development of 2021 does not provide comprehensive protection for all intersex children from invasive or irreversible medical procedures that modify sex characteristics.*

40. *The Committee recommends that the State party closely consult and actively involve representative organizations of intersex persons to review and amend the Act on the Protection of Children with Variations in Sex Development of 2021 to ensure comprehensive protection for intersex children from invasive or irreversible medical procedures that modify sex characteristics unless necessary to avoid serious, urgent and irreparable harm.*

2023: UN CRC Liechtenstein

CRC/C/LIE/CO/3-4, para 24(b)-(c) (17 October 2023)

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FLIE%2FCO%2F3-4&Lang=en

Harmful practices

24. *With reference to joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2019) on harmful practices, noting the criminalization of female genital mutilation in the State party since 2011 and recalling target 5.3 of the Sustainable Development Goals, the Committee recommends that the State party:*

[...]

(b) *Ensure that no one is subjected to unnecessary medical or surgical treatment during infancy or childhood, guarantee bodily integrity, autonomy and self-determination to the children concerned and provide families with intersex children with adequate counselling and support;*

(c) *Educate and train medical and psychological professionals on sexual diversity, and related biological and physical diversity, and on the consequences of unnecessary surgical and other medical interventions for intersex children.*

2023: UN CAT Denmark

CAT/C/DNK/CO/8, paras 32-33 (8 December 2023)

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FDNK%2FCO%2F8&Lang=en

Intersex persons

32. *The Committee is concerned over reports that unnecessary and irreversible surgery and other*

medical treatments are performed on intersex children without their informed consent and that intersex adults in need of gender-affirming care who disagree with their assigned gender at birth experience discrimination in treatment when compared with intersex persons who access medical care based on their originally assigned gender (arts. 2, 11–14 and 16).

33. *The State party should ensure that its legislation, which prohibits irreversible surgical operations that are performed on intersex children for cosmetic reasons, is adequately enforced and should conduct studies into this matter in order to better understand and approach it. The parents or guardians of intersex children should receive impartial counselling services, psychological and social support and information, including information on the possibility of deferring any decision on treatment until it can be carried out with the full, free and informed consent of the persons concerned. All persons who experience severe pain and suffering as a result of unnecessary medical procedures conducted without their consent should have access to effective remedies. The State party should also ensure that all intersex persons receive the same level of specialized care, regardless of their conformity with the gender they were assigned at birth or place of residence.*

2024: UN CRC Bulgaria

CRC/C/BGR/CO/6-7, para 27(b)-(c) (15 March 2024)

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FBGR%2FCO%2F6-7&Lang=en

Harmful practices

27. *The Committee welcomes the amendment of the Family Code to remove exceptions to the age of marriage of 18 years, but remains concerned about the persistence of child marriages and cases where children's marriages were authorized by a judge. Recalling joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2019) on harmful practices, the Committee recommends that the State party:*

[...]

(b) *Ensure that the performance of unnecessary medical or surgical treatment on intersex children is safely deferred until children are able to provide their informed consent, that incidents of unnecessary medical or surgical treatment of intersex children are legal provisionsd, and that victims receive redress and psychosocial support;*

(c) *Train medical and psychological professionals on sexual, biological and physical diversity and on the consequences of unnecessary surgical and other medical interventions for intersex children.*

2024: UN CRC South Africa

CRC/C/ZAF/CO/3-6, para 27(h) (11 March 2024)

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FZAF%2FCO%2F3-6&Lang=en

Harmful practices

27. *The Committee remains concerned about the harmful practices carried out on*

children in the State party, including the abduction of girls for the purpose of forced marriage (ukuthwala), child and forced marriage, so-called “virginity testing”, witchcraft, violent or harmful initiation rites, and female genital mutilation. Recalling joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2014) on harmful practices, and taking note of target 5.3 of the Sustainable Development Goals, the Committee recalls its previous recommendations¹¹ and urges the State party:

[...]

(h) To ensure that intersex children are not subjected to early unnecessary medical or surgical treatment, and to provide adequate counselling to intersex children and their parents, in line with the rights of the child to bodily integrity, autonomy and self-determination as they reach the age and maturity to consent to interventions

2024: UN CRPD Sweden

CRPD/C/SWE/CO/2-3, paras 37-38, 13-14, 65-66 (29 April 2024)

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2FC%2FSWE%2FCO%2F2-3&Lang=en

Protecting the integrity of the person (art. 17)

37. The Committee is concerned about the unnecessary, invasive or irreversible medical interventions that modify the sex characteristics of intersex children.

38. The Committee recommends that the State party closely consult and actively involve representative organizations of intersex persons to ensure comprehensive protection for intersex children from unnecessary, invasive or irreversible medical interventions that modify sex characteristics.

2024: UN CCPR Chile

CCPR/C/CHL/CO/7, paras 23-24 (1 May 2024)

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2FCHL%2FCO%2F7&Lang=en

Children with variations of sex characteristics (intersex)

23. The Committee welcomes the adoption of Ministry of Health circular No. 15 of 7 November 2023, which instructs health teams to take all measures necessary to ensure respect for the best interests of children and adolescents with variations of sex characteristics. However, the Committee is concerned about reports that the circular is not yet being effectively and fully implemented (arts. 7, 17, 24 and 26).

24. The State party should ensure the effective and immediate implementation of circular No. 15 and take steps to end the administration of irreversible medical treatment, especially surgical operations, on intersex children who are not yet capable of giving their full, free and informed consent, except in cases where such interventions are absolutely necessary for medical reasons. The State party should consider enacting a law to that effect, and:

(a) Provide victims of the above practices with access to remedies and effective

reparation, mental health and social services, and legal assistance, including support for families;

(b) Strengthen awareness-raising and education programmes on the harmful consequences of the above practices and on the rights of intersex children and adolescents, with a view to eradicating these practices, with a particular focus on health professionals.

2024: UN CAT Austria

CAT/C/AUT/CO/7, paras 42-43 (12 June 2024)

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FAUT%2FCO%2F7&Lang=en

Intersex persons

42. *While expressing appreciation for the assurances provided by the delegation that surgical interventions on intersex children are carried out only when necessary, following medical and psychological opinions, the Committee is concerned about reports of cases of unnecessary and irreversible surgery and other medical treatment with lifelong consequences, including severe pain and suffering, to which intersex children have been subjected before they have reached an age at which they are able to provide their free, prior and informed consent (arts. 2 and 16).*

43. *The State party should:*

(a) Consider adopting legislative provisions that explicitly prohibit the performance of non-urgent and non-essential medical or surgical treatment on intersex children before they are of sufficient age or maturity to make their own decisions and provide their free, prior and informed consent;

(b) Ensure independent oversight of decision-making to ensure that medical treatments for children with intersex traits who are unable to consent are necessary, urgent and the least invasive option;

(c) Provide redress, including appropriate compensation and rehabilitation, to victims of non-urgent and non-essential treatment, and ensure that all intersex children and adolescents and their families receive professional counselling services and psychological and social support.

2024: UN CAT Finland

CAT/C/FIN/CO/8, paras 44+45(b)-(d) (3 June 2024)

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FFIN%2FCO%2F8&Lang=en

Transgender and intersex persons

44. *While noting the adoption of the Act on Legal Recognition of Gender, which abolishes the requirements for medical examinations and sterilization, and the action plan on equal opportunities for lesbian, gay, bisexual, transgender and intersex persons in Åland society, the Committee is concerned that consenting transgender children may be unable to access the procedure for legal gender recognition. It is also concerned about reports of cases of unnecessary surgery and other medical treatment with lifelong consequences, including severe pain and suffering, to which intersex children have been subjected before reaching an age at which they are able to provide their*

free, prior and informed consent. It is further concerned about the inadequate provision of support and counselling for the families of intersex children and of redress and rehabilitation for victims (arts. 2 and 16). [17]

45. The State party should:

[...]

(b) Consider adopting legislative provisions that explicitly prohibit the performance of non-urgent and non-essential medical or surgical treatment on intersex children before they are of sufficient age or maturity to make their own decisions and provide free, prior and informed consent;

(c) Ensure independent oversight of decision-making to ensure that medical treatments for children with intersex traits who are unable to consent are necessary and urgent and the least invasive option;

(d) Provide redress to victims of non-urgent and non-essential treatment, including appropriate compensation and rehabilitation, and ensure that all intersex children and adolescents and their families receive professional counselling services and psychological and social support.

[17] CCPR/C/FIN/CO/7, paras. 20-21.

2024: UN CRPD Netherlands

CRPD/C/NLD/CO/1, paras 39(a)-(b)+40(a)-(b), 67-68 (27 September 2024)

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2FC%2FNLD%2FCO%2F1&Lang=en

Protecting the integrity of the person (art. 17)

39. The Committee is concerned about:

(a) Information on possible treatment and counselling by medical experts still being based on the medical model of disability, for example concerning intersex children as well as the information provided to pregnant women undergoing prenatal screening;

(b) The reports of non-consensual, unnecessary and irreversible medical interventions and treatment performed on intersex persons, including during infancy and childhood, including sterilization and castration, hormone treatment and genital surgery often performed under the age of 12;

[...]

40. The Committee recommends that the State party:

(a) Ensure that counselling and information services in areas relating to disability, namely for intersex parents and their families and for pregnant women undergoing prenatal screening, are based on the human rights model rather than the medical model of disability;

(b) Adopt clear legislative provisions that explicitly prohibit the performance of unnecessary and irreversible medical interventions, including surgical, hormonal or other medical procedures, on intersex infants and children; provide adequate counselling and support

for families of intersex children; and provide health care and psychosocial support to intersex persons who have been subjected to intersex genital mutilation;

2024: UN CRPD Belgium

CRPD/C/BEL/CO/2-3, paras 34(c)+35(c) (30 September 2024)

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2FC%2FBEL%2FCO%2F2-3&Lang=en

Protecting the integrity of the person (art. 17)

34. *The Committee is concerned:*

[...]

(c) That, despite the adoption of the ‘Resolution for recognising the right to bodily integrity of intersex minors’ in February 2021, there is, as of yet, no legislative framework in place specifically prohibiting unnecessary medical interventions, particularly ‘normalisation’ surgery and hormone treatments of intersex persons, particularly minor intersex persons, without their full and informed personal consent.

35. *The Committee recommends that the State party, in accordance with the human rights model of disability and the joint statement by the Committee on the Rights of Persons with Disabilities and the Committee on the Elimination of All Forms of Discrimination against Women as well as the General Comment No. 3 on women and girls with disabilities, and the Istanbul Convention, and in close consultation and active involvement of persons with disabilities, in particular women and girls with disabilities through their representative organisations;*

[...]

(c) Expedite the adoption and implementation of legislative frameworks covering the whole area of the State party that would explicitly prohibit the performance of medically unnecessary and irreversible medical interventions, including surgical, hormonal or other medical procedures on intersex minors, and would provide criminal, civil and administrative remedies, health care and psychosocial support for intersex persons who were subjected to intersex genital mutilation.

2024: UN CRC Argentina

CRC/C/ARG/CO/7, para 39 (18 October 2024)

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FARG%2FCO%2F7&Lang=en

G. Health (arts. 6, 24 and 33)

[...]

Intersex children

39. *Welcoming the commitment of the State party to the human rights of intersex persons, the Committee recommends that the State party:*

(a) Adopt the draft bill on the comprehensive protection of sex characteristics which

prohibits intersex genital mutilation;

(b) Implement a healthcare system for intersex children, and adopt measures to eliminate non-urgent and irreversible surgical and other procedures.

2024: UN CCPR Iceland

CCPR/C/ISL/CO/6, paras 13-14 (7 November 2024)

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2FISL%2FCO%2F6&Lang=en

Children with variations in sex characteristics (intersex)

13. *While welcoming the adoption of Act No 154/2020 amending the Act on Gender Autonomy (atypical sex characteristics), which stipulates that carrying out surgical procedures on intersex children who are unable to provide consent is prohibited unless the operation is completely necessary for medical reasons, the Committee is concerned by reports that the Act provides for exceptions to this requirement for certain variations in sex characteristics and that intersex children continue to be subjected to medically unnecessary surgical interventions (arts. 2, 7 and 26).*

14. *The State party should take all steps necessary to ensure that all surgical procedures on intersex children who are unable to provide free and informed consent are prohibited unless the operation is completely necessary for medical reasons and the best interests of the child have been duly taken into account. This should include the consideration of amendments to the Act on Gender Autonomy (atypical sex characteristics) as amended by Act No 154/2020. The State party should also ensure access to effective remedies, including by ensuring that victims have access to their health records and that statutes of limitation are of appropriate duration to permit victims to seek redress for violations.*

2025: UN CEDAW Nepal

CEDAW/C/NPL/CO/7, paras 42(f)+43(f) (28 February 2025)

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FNPL%2FCO%2F7&Lang=en

Health

42. *The Committee notes with concern the following:*

[...]

(f) Reported cases of medically unnecessary and irreversible surgery and treatment performed on intersex children, including girls, and on girls with disabilities.

43. *The Committee recalls its general recommendation No. 24 (1999) on women and health and target 3.7 of the Sustainable Development Goals, on universal access to sexual and reproductive healthcare services, and recommends that the State Party:*

[...]

(f) Prohibit non-essential medical or surgical interventions on intersex children, including girls, and on girls with disabilities, before they are of sufficient age or maturity to take autonomous decisions and give their free, prior and informed consent; adopt and implement human rights-based healthcare protocols for intersex children, including girls, that uphold their

autonomy and physical integrity; and ensure that intersex children and their families have access to free legal assistance and medical and psychosocial services.

2025: UN CEDAW Luxembourg

CEDAW/C/LUX/CO/8, paras 42(a)+43(b) (28 February 2025)

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Health

42. *The Committee takes note with interest of the approval of a bill abolishing the practices of issuing virginity certificates, performing hymenoplasties and stipulating a three-day mandatory reflection period for abortion. However, it notes with concern:*

(a) That non-emergent medical treatments continue to be carried out in the State Party to “sexually normalize” intersex people without their informed consent;

[...]

43. *In the light of joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child and recalling its previous recommendations ([CEDAW/C/LUX/CO/6-7](#), para. 46), the Committee recommends that the State Party:*

[...]

(b) Specifically prohibit non-consensual sex reassignment surgery on intersex persons and develop and implement a rights-based healthcare protocol for intersex children that requires their informed consent about the performance of medically irreversible sex reassignment surgery;

2025: UN CAT France

CAT/C/FRA/CO/8, paras 44+45, 42+43(b) (22 May 2025)

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Intersex persons

44. *While noting that the number of surgical operations on intersex children has, according to the delegation of the State Party, dropped considerably since the adoption of Act No. 2021-1017 of 2 August 2021, the Bioethics Act, and that such operations take place only when necessary, following medical and psychological advice, the Committee remains concerned about reports of unnecessary and irreversible surgery and other medical treatment with lifelong consequences, including severe pain and suffering, to which intersex children have been subjected before they have reached an age at which they are able to provide their free, prior and informed consent (arts. 2 and 16). [25]*

45. *The State Party should:*

(a) Consider adopting legislative provisions that explicitly prohibit the performance of non-urgent and non-essential medical or surgical treatment on intersex children before they are old enough or mature enough to make their own decisions and provide their free, prior and

informed consent;

(b) Ensure independent oversight of decision-making to ensure that medical treatments for children with intersex traits who are unable to consent are necessary, urgent and the least invasive option;

(c) Provide redress, including appropriate compensation and rehabilitation, to victims of non-urgent and non-essential treatment and ensure that all intersex children and adolescents and their families receive professional counselling services and psychological and social support.

[25] CRPD/C/FRA/CO/1, paras. 36 and 37, and CRC/C/FRA/CO/6-7, para. 30.

2025: UN CRC Norway

CRC/C/NOR/CO/7, para 30, 13, 18 (22 July 2025)

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FNOR%2FCO%2F7&Lang=en

Intersex children

30. Welcoming the State Party's commitment to protecting intersex children from violence and harmful practices, but concerned about persisting cases of medically unnecessary and irreversible surgery and other treatment on intersex children without their informed consent and about the lack of redress and compensation in such cases, the Committee recommends that the State Party:

(a) Explicitly prohibit and adequately sanction the performance of involuntary, deferrable medical or surgical treatment on intersex children, and provide reparations to children who have received unnecessary treatment, including by extending the statute of limitations;

(b) Provide social, medical and psychological services, as well as adequate counselling, peer support and reparations, to the families of intersex children;

(c) Systematically collect data with a view to understanding the extent of these harmful practices so that children at risk can be more easily identified and their abuse prevented.

2025: UN CRPD Finland

CRPD/C/FIN/CO/1, paras 32(b)+33(b) (24 September 2025)

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2FC%2FFIN%2FCO%2F1&Lang=en

Protecting the integrity of the person (art. 17)

32. The Committee notes with concern:

[...]

(b) That despite Finland's leadership role in the adoption of the Human Rights Council resolution, "Combating Discrimination, Violence, and Harmful Practices against Intersex Persons", there are insufficient measures to protect intersex children from unnecessary and deferable medical interventions.

33. The Committee recommends that the State Party, in close consultation and active

involvement of persons with disabilities, including women and girls with disabilities and intersex persons through their representative organisations:

[...]

(b) Adopt and implement a legislative and policy framework to explicitly prohibit the performance of medically unnecessary and deferable interventions, including surgical, hormonal or other medical procedures on intersex minors, and provide criminal, civil and administrative remedies, healthcare and psychosocial support for intersex persons who have been subjected to intersex genital mutilation.