

Universal Periodic Review of Switzerland - 4th cycle 42nd session (23 January 2023 - 3 February 2023)

InterAction – Association Suisse pour les Intersexes
InterAction – Verein Intergeschlechtliche Menschen Schweiz
InterAction – Swiss Association for intersex people

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12 July 2022

InterAction Switzerland is a non-governmental organization (article 60ff. Swiss Civil Code) for and by intersex women, men and non-binary intersex people of all ages and from all linguistic parts of the country, founded on 26 October 2017.ⁱ We are committed to the criminal prohibition of non-consensual and non-vital treatment through political advocacy, providing education in schools and to medical professionals, higher education institutions and medical students, public awareness-raising and monthly community meetings. We offer training and education. Above all, we want to give intersex people and their parents the opportunity to interact with each other or to get involved in political advocacy.

Core beliefs:

1. to create safe spaces for people with a variation of sex characteristics,
2. to find the words to talk and exchange,
3. to support each other to escape isolation and to be proud of ourselves,
4. Intersex means being different from the binary **sex** categories of male or female and should not be confused with **gender** identity or a “third legal sex category”,
5. Speech can be hurtful, e.g., when referring to a "disorder" or "malformation". We reject these terms because they are associated or correlated with human rights violations.
6. InterAction Switzerland is part of the LGBTIQ+ family and other human-rights-networks and child protection organizations.

ⁱ See our by-laws on our website (French)).

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I. Key words and Executive Summary

What does Intersex mean?

- ¹ **Intersex is an umbrella term**, a spectrum to describe innate variations of sex characteristics (**VSC**) regarding reproductive organs / internal or external sex / genital characteristics, hormonal structure and/or levels and/or chromosomal patterns that are different from the definition of male or female. – Intersex children are either boys or girls. Intersex should be distinguished from gender identity (e.g., non-binary gender identity, men/boys or women/girls). Mostly, medical interventions are not proportionate but aim to fit the child into a socio-medical norm.ⁱ We understand **modifications of sex characteristics** as all forms of modifying internal or external sex / genital characteristics and as harmful practices. As every human being, intersex people may later in life have a non-binary gender-identity or have any kind of sexual orientation (lesbian, gay, bisexual or heterosexual etc.). People with a VSC are therefore as diverse as the rest of the Swiss population (endosex people).

Key words

- ² Intersex or Variations of sex characteristics; Reproductive health; Sterilizing procedures; Forced and coercive medical interventions; Bodily integrity; Modifications of sex characteristics; Children's and human rights; Swiss Criminal Code (RS 311.0)¹ and Swiss Civil Code (RS 210)²; Fundamental rights; Legal security; Best interest of the child, Harmful practices; Discrimination; Violence against intersex women/girls, intersex men/boys, intersex non-binary people; Access to justice; Access to education and health care; Stereotypes of gender and sex; Discrimination against LGBTI-people; Adequate compensation; Peer-to-peer counselling; Psychological counselling; Action plan; Public awareness-raising measures; Practices modifying a child's innate sex characteristics without medical need.

Executive Summary

- ³ This report is submitted by InterAction Switzerland. We may also refer to the joint NGO submission of the Swiss NGO Platform for Human Rights we are working with in this UPR cycle. Our report examines the human rights situation in Switzerland with a focus on the rights of intersex children and adults:
- lack of the implementation and legal security of existing laws and the Swiss Constitution³,
 - human rights of intersex persons are not explicitly protected,
 - lack of access to justice and compensation,
 - absence of a strategy or action plan to promote awareness, health and rights.

In this report, we evaluate Switzerland's highly limited progress in implementing human and fundamental rights of intersex persons as children and adults and harmful practices in childhood.

¹ Hereafter Criminal Code.

² Hereafter Civil Code.

³ Hereafter Fed.Cst. (RS 101 : "Recueil systématique" (<https://www.fedlex.admin.ch/eli/cc/1999/404/fr>).

II. Development since preceding Review

There is currently no awareness of the serious violations of children with a variation of sex characteristics, the surgical-hormonal interventions, and the thereby caused serious consequences in adulthood. Instead, reference is regularly made to issues of civil register status, which are of secondary importance and often a consequence of misdirected, sex-altering interventions in bodily integrity. In A/HRC/WG.6/28/CHE/1 intersex issues were mentioned once only in a confusing and even misleading way (no. 51).

| Recommendation | NGO 2017* State** | UN- No. | Implementation | Comment |
|---|-----------------------|------------|--|--|
| Supported recommendations (without inclusion of intersex children/people) | | | | |
| Provide training to security forces, prosecutors, judges and social workers to prevent discrimination based on sexual orientation and gender identity | ** Israel | 146.45 | Very limited improvements for LGBT-people: Some cantonal parliaments supported the demand for training for prosecution authorities, little training is provided, none for intersex people. No national action plan was accepted. | Without training of professionals who take charge of people who experience violence, the consequences for LGBTI victims violates human rights. People with a VSC have not been mentioned by this recommendation regarding being Intersex. |
| Redouble efforts in all the cantons to avoid discrimination based on race, origin and sexual orientation and gender identity | ** Colombia | 146.47 | Canton BS ⁱⁱ (Independent from the UPR process) as best practice. No improvement at the federal level. | People with a VSC (Intersex) have not been mentioned by this recommendation as Intersex. Intersex people would be concerned if this cantonal law were to enter into force. |
| Adopt legislation to eliminate the sterility prerequisite for legal change of gender, in conformity with the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights) | ** Sweden * No. 14 | 146.48 | Implemented (new article 30b paragraph 1 and 2 Civil Code). | Worsened for children capable of judgement under the age of 16 (article 19c Civil Code). (new article 30b paragraph 4 Civil Code) ⇒ IV. Recommendation: Withdraw para. 4. |

| | | | | |
|---|------------------------------|----------------|--|--|
| Promote awareness-raising campaigns on preventing discrimination and bullying based on sexual orientation and gender identity to the broader public, and in particular to students and teachers | ** Israel | 147.32 | Very limited improvements for LGBTQ+-people. Great disparity of application between the cantons, no national law (no improvement for Intersex people). | People with a VSC have not been mentioned by this recommendation regarding being Intersex. |
| Take the necessary steps to put an end to discrimination faced by same-sex couples, in particular, by ensuring they can marry and adopt children | ** Germany *No. 13 | 147.34 | Marriage for same sex couples, in force since 1 July 2022, but some discriminations still remain especially regarding lesbian woman. | Remaining discrimination of e.g., intersex and endosex lesbian woman compared to intersex and endosex gay men. |
| Noted recommendations (refused) | | | | |
| Recommendation | NGO 2017* State** | UN-No. | Implementation and/or Comment | |
| Protection against discrimination of LGBT | ** Ireland *No. 11 | 148.42 | Protection only based on sexual orientation (LGB) regarding article 261bis Criminal Code, trans and intersex people excluded from protection. Recommendation: adopt a policy of general law on equal treatment and take explicitly into account discrimination of LGBTI- and, disabled persons, migrants, and other minority groups. | |
| Equality of LGBTI-minorities | ** Greece * No. 11 | 148.43 | no improvement on federal level | |
| Action plan to combat discrimination of LGBTI | ** Honduras | 148.44 | no improvement | |
| Include transgender people in Statistics | ** Slovenia | 148.45 | no improvement | |
| Family as the natural and fundamental group unit | ** Kenya | 148.58 | See 147.34 | |
| Legislation prohibiting discrimination | ** Australia | 147.33 | no improvement | |
| Awareness-raising and education via a national action plan in cooperation with LGBTI-people | **Netherlands | 147.35 | no improvement | |
| Rights of transgender people | **Portugal, South Africa | 147.36, 147.37 | Training is provided based on individual initiatives only, no improvement. | |

| Recommendations of the NGO-report, not included in the UPR report | | | | |
|---|----------------------|------------|----------------|--|
| Recommendation | NGO 2017* State** | UN- No. | Implementation | Comment |
| “Cosmetic genital operations” practised on intersex children | * No. 15 | - | | ⇒IV. Recommendation Motion 22.3355 was submitted in in the Council of States on 18 March 2022 (not debated yet in the national Parliament and independent from the previous UPR process). |

* JS2 - Joint Submission 2 (JS1 – Joint Submission 2, No. 15)

** A/HRC/37/12

Intersex *girls and boys* have been a blind spot for the Swiss administration and legislation and in the past UPR-cycle.ⁱⁱⁱ They are still surgically-hormonally forced into male or female sex categories without medical need.

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III. Implementation of international children's rights and legal framework

- ⁶ In several concluding observations of **UN treaty bodies**, Switzerland had been recommended to stop non-voluntary, deferrable, irreversible modifications of sex characteristics of intersex children.^{iv} On the **regional level**, ECRI required the same in 2019^v; GREVIO will publish recommendations this year.^{vi} We described in Annex I of our report on the CRC, Cycle V/VI in a more precise way the legal framework for the protection of children.
- ⁷ On the **national level**, the NCE recommended already twice to prohibit sex modifying procedures in intersex children lacking capacity.^{vii} – In addition to constitutional law, civil law is of particular importance, especially the protection of children's rights (**articles 19c and 296ff. Civil Code**). Any restriction on fundamental rights must have a legal basis and must be justified as being in the public interest and be proportionate; above all, the essence of fundamental rights is inviolable (article 36(4) Fed.Cst.). Regarding female genital mutilation, FGM, a new provision (article 124) was added to the **Criminal Code** in 2012 to put an end to the lack of legal security. No such provision in the Criminal Code, *hence* legal security exists against harmful medical treatment of intersex children (e.g., articles 12, 19, 24(3), 37a CRC). Their constitutional and human rights are not protected.

IV. Best practices

- ⁸ There are currently no best/good practices in Switzerland regarding effective and concrete protection of intersex children/adults. Regarding Motion 22.3355^{viii} the government has correctly stated that the decision on which anatomical sex a child belongs to constitutes an absolutely strictly personal right (article 19c paragraph 2 Civil Code), thus the parents cannot represent the child in this area and cannot validly consent to an intervention (if not lifesaving). Yet, the Federal Council ignores the fact that there is no legal security. It is as well not correct that in Switzerland surgical or/and hormonal interventions are no longer performed until the child has the necessary capacity of judgement (see endnote xiii).

V. Recommendations for the State under Review

- ⁹ Meanwhile, several statements and reports have addressed violence against intersex children and adults.^{ix} During past UPR-cycles, specific intersex issues were not supported or noted (margin5). The following recommendations aim to promote the human rights situation of intersex people and especially children in Switzerland.

(1) EXPLICITLY PROHIBIT ANY PRACTICE THAT MODIFIES CHILDREN'S SEX CHARACTERISTICS WITHOUT MEDICAL REASONS AND FULL AND INFORMED CONSENT UNLESS THE INTERVENTION IS LIFESAVING OR OF CRUCIAL IMPORTANCE FOR THE CHILD'S HEALTH.

Position / NGO 2017 / State: Not submitted/noted /

JS2 - Joint Submission 2 (JS1 / Joint Submission 2, No. 15) /

Themes: Right to health; Equality and non-discrimination; Self-determination; Implementation of legal security; Constitutional and legislative framework; Children: definition; general principles; Prohibition of torture and ill-treatment.

Comment: Motion [22.3355](#) was submitted in the Council of States on 18 March 2022. We refer to the joint general recommendation of CEDAW and CRC^x and definitions of harmful practices. Explicit legislation to protect the bodily integrity and self-determination of intersex children doesn't exist yet. A prohibition in the Criminal Code of modifications of sex characteristics of children not capable of judgement is crucial to ensure legal security. The legal situation is essentially the same as it was before the ban on female genital mutilation in article 124 Criminal Code. The recommendations from the Swiss Ethics Commission have not been implemented by the Swiss Government (endnote vii).

(2) WITHDRAW PARAGRAPH 4 OF ARTICLE 30B SWISS CIVIL CODE (HERE: SCC).

Position / NGO 2017 / State: Supported / 146.48 / No. 14 / Sweden

Themes: Equality and non-discrimination; Right to health; Constitutional and legislative framework; Children: definition; Gender recognition; Rights related to name and gender identity

Comment:

In the State Report (CEDAW/C/CHE/6)⁴, Switzerland did not respond to the Concluding Observations (CEDAW/C/CHE/CO/4-5). Instead, SPR/6 mentions a simplified gender recognition in the civil status register that affects intersex persons only marginally.

With respect to a “third **legal** gender status” (SPR/6, no.155f.), having a non-binary gender identity is not limited to trans or intersex people. **We support the legal gender recognition of all gender identities, regardless of whether the person is intersex or endosex.**

We also strongly criticize the government's legislative proposal of a *simplified* gender recognition in the civil status register: in this bill, the government has linked the *simplified* legal gender recognition with a **previously non-existent consent of parents for minors capable of judgement**.^{xi} Paragraph 4 of article 30b SCC does discriminate against children under the age of 16 who are capable of judgement (article 19c SCC), while children *not capable of judgement* above the age of 16 can change their civil register without the consent of their legal representative.

The government's proposal was a profoundly serious step backwards regarding article **paragraph 4** of article 30b SCC. A step backwards rejected by all child protection organizations in Switzerland, criticized by child protection experts (COPMA/KOKES) by the National Advisory Commission on Biomedical Ethics (NCE), and all human rights NGO.^{xii}

(3) COLLECT SYSTEMATIC, DISAGGREGATED (I.A. AGE, MEDICAL REASONING) DATA REGARDING THE NUMBERS OF IRREVERSIBLE SEX-MODIFYING PRACTICES ON CHILDREN WITH A VSC.

Position / NGO 2017* / State:** none

Themes: Data collection & research; Right to health; Statistics and indicators; Peace, justice and strong institutions

Comment:

Detailed statistics on medical practices in relation to hormonal/surgical treatments of intersex girls and boys are not available. 141 intersex infants aged 0-2 years received medical treatments in a hospital in Switzerland between 2010 and 2017. According to data from the Children's Hospital in Zurich (Jan 2022), 85-135 genital operations are performed each year on children with a VSC.^{xiii}

⁴ Hereafter SPR/6 (State party report).

(4) PROVIDE FAMILIES WITH INTERSEX CHILDREN AND INTERSEX PEOPLE WITH ADEQUATE COUNSELLING, EMPOWERING SUPPORT AND PEER-TO-PEER COUNSELLING.

Position / NGO 2017* / State:** none

Themes: Sexual and gender-based violence; Violence against women; Support to victims and witnesses; Access to justice & remedy

Comment:

- 15 Several studies have shown that there is currently little evidence that surgical practice has changed in recent years. Supporting families in parenting intersex children has not been developed or supported by governmental healthcare systems.^{xiv} Moreover, learning from empowerment and peer-to-peer concepts and counselling, such as initially developed by psychiatric patient groups, the exchange between lived-experience experts, relatives and experts should be promoted to enhance mutual understanding of the different perspectives – but not be instrumentalized.^{xv} In Switzerland no such independent counselling services exist.

(5) A) PROVIDE ADEQUATE COMPENSATION TO INTERSEX PEOPLE AFFECTED BY SURGICAL OR OTHER MEDICAL TREATMENT WITHOUT THEIR FREE AND FULL INFORMED CONSENT AND ESTABLISH SPECIFIC FUNDS FOR COMPENSATION.

B) EXTEND THE RETENTION PERIOD FOR MEDICAL RECORDS TO 40 YEARS, BEGINNING WITH THE AGE OF MATURITY, AND ESTABLISH A FEDERAL CENTRAL REGISTER.

Position / NGO 2017* / State:** none

Themes: Right to an effective remedy; Administration of justice and fair trial

Comment:

- 16 Intersex people in Switzerland have undergone severe experiences, need lifelong hormone replacement therapies and have been surgically-hormonally “normalized”. We therefore consider that they deserve compensation for the human rights violations they have suffered and are suffering from.^{xvi} Should be noted: access to legal remedies is rendered impossible, as the retention period for medical records often expired by the time intersex children reach adulthood. Therefore, access to justice or compensation is rendered impossible.

(6) ADOPT A NATIONAL ACTION PLAN TO PREVENT ALL FORMS OF VIOLENCE AGAINST INTERSEX CHILDREN/ADULTS, INCLUDING E.G.: AWARENESS-RAISING MEASURES, TEACHING OF MEDICAL STUDENTS AND PUPILS IN MEDICAL CURRICULA, SCHOOLBOOKS, LACK OF HEALTH-CARE, INTERSEX IN HEALTH SURVEYS AND REGISTERS, GENDER AND SEX STEREOTYPES.

Position / NGO 2017* / State:** noted/148.44 / Honduras

Themes: Right to an effective remedy; Administration of justice and fair trial

Comment:

- 17 As for female genital mutilation under article 124 Criminal Code, intersex-specific supplementary measures to a criminal ban (Recommendation 1) will be necessary.

- i Already: WHO, Sexual health, human rights and the law, June 2015, sections 3.4.9, 5.2.7, visited June 2022 (<https://www.who.int/publications/i/item/9789241564984>); see also Appendix 2 of our submission.
- ii [Kantonales Gleichstellungsgesetz](#) (visited July 2022).
- iii About 10% of intersex people have a non-binary gender identity; Ramesh Babu/Utsav Shah, Gender identity “disorder” (GID) (sic!) in adolescents and adults with differences of sex development (DSD): A systematic review and meta-analysis, *Journal of Pediatric Urology* (17/1) 2021, p. 39-47: mean: 15%; however, men with hypospadias (one of the most common variations) are not included in surveys; European Union, Agency for Fundamental Rights, A long way to go for LGBTI equality, Luxembourg 2020, p. 60: 7%.
- iv 2015: CAT/C/CHE/CO/7, para.20(a-c) and CRC/C/CHE/CO/2-4, para.43(b) (Harmful practices); 2016: CEDAW/C/CHE/CO/4-5, para.25(a-e) (Harmful practices) and 2017: CCPR/C/CHE/CO/4, para.25(a-c); **2021: CRC CRC/C/CHE/CO/5-6**, para.29(a-d), para.39(d); para.15(a); see our website or in the [TB database](#) (88. Session)).
- v ECRI Report on Switzerland (sixth monitoring cycle), on 10 December 2019 (rec. no. 5 "effectively protected"/"prohibition of sex-“normalising” surgery”).
- vi First (baseline) evaluation regarding the Istanbul Convention and our report, supported in the common Alternative report: <https://www.coe.int/en/web/istanbul-convention/switzerland> (visited June 2022).
- vii National Advisory Commission on Biomedical Ethics, NCE (<https://www.nek-cne.admin.ch/en/publications/opinions>):
- On the management of differences of sex development, no.20/**2012**, rec. 3 and 4;
 - Officially recorded gender. Ethical considerations on the management of the recording of gender in the civil register, no.36/**2020**, p. 29.
- viii Motion 22.3355: Interdiction pénale des interventions visant à modifier le sexe biologique des enfants nés avec une variation des caractéristiques sexuelles (enfants intersexués).
- ix See [Appendix 2](#) to our submission.
- x Committee on the Elimination of Discrimination against Women, and Committee on the Rights of the Child, 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.
- xi Art. 30b al. 4 Swiss Civil Code (see [article 19c CC](#)).
- xii See Conférence en matière de protection des mineurs et des adultes (**COPMA**): (https://www.kokes.ch/application/files/8015/9110/2452/Vernehmlassung_KOKES.pdf, visited July 2022) and National Advisory Commission on Biomedical Ethics NCE (https://www.nek-cne.admin.ch/inhalte/Themen/Vernehmlassungsantworten/NEK-CNE_CC_changement_de_sexe_a_l_etat_civil_final.pdf), para. 5; our joint statement here: <https://us8.campaign-archive.com/?e=&u=d73952ab7f346daa87bfce51&id=fa589b31f4> (visited June 2022).
- xiii See our [media release of 23 of July 2019](#) (French): 4ème rapport périodique de la Suisse sur la mise en œuvre de la Convention internationale relative aux droits économiques, sociaux et culturels; Ulrike Klöppel, Zur Aktualität kosmetischer Operationen „uneindeutiger“ Genitalien im Kindesalter, Zentrum für transdisziplinäre Geschlechterstudien, Bulletin Texte 42, Berlin 2016; Josch Hoenes/Eugen Januschke/Ulrike Klöppel, Häufigkeit normangleichender Operationen „uneindeutiger“ Genitalien im Kindesalter - Follow Up-Studie, Bochum 2019, 2: Surgeries continue to be carried out. - **Voir Canton de Zurich RRB-2022-0125** : selon les données de l'Hôpital pour enfants de Zurich, 85 à 135 opérations génitales sont effectuées chaque année sur des enfants présentant des "variantes du développement sexuel": Postulat du 15.11.2021, Extrait du procès-verbal du Conseil d'Etat du canton de Zurich du 26.01.2022, KR-Nr. 394/2021 (visited June 2022).
- xiv Martine Cools/et al., Caring for individuals with a difference of sex development (DSD): a Consensus Statement, *Nature Reviews/Endocrinology* 2018 (14), 415-429, 416.
- xv Ute Lampalzer/Peer Briken/Katinka Schweizer, Psychosocial care and support in the field of intersex/diverse sex development (dsd): counselling experiences, localisation and needed improvements, *Sexual Medicine Journal* 2021(33), 228–242, 238 f.; Susanne Krege/et al., Variations of sex development: The first German interdisciplinary consensus paper, *Journal of Pediatric Urology* 2019(15), 114-123, 115 f.
- xvi CEDAW/C/GC/35, no.33.

Appendix 1: Shape of an action plan regarding our recommendations

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We recommend the following plan of action in general...

- Awareness-raising measures: demonstrate that variations of sex characteristics are not a disease, and that culture, custom, tradition should not be considered as justification for violence against intersex children.
- Establish independent and interdisciplinary working groups (including intersex peer experts).
- Education and awareness-raising in hospitals and schools.
- Awareness-raising and training of medical staffs (e.g. midwives) on the harmful effects of non-urgent medical interventions on intersex children.
- Raising media awareness to draw attention to intersectional discrimination.
- Increase the visibility of intersex girls and boys in society and reduce isolation and stigmatization.

...and in particular

an information, counselling and prevention campaign by the Federal Social Insurance Office FSIO – comparable to the measures against female genital mutilation. In our opinion, such a campaign should include us, InterAction Switzerland, as a specialized NGO on the harmful consequences of violence and domestic violence against intersex children and adults.

A campaign should underline the negative consequences that violence and domestic violence can have on children - e.g., regarding their right to empowerment, their development and their physical and mental health. On the other hand, such a campaign should raise awareness to reveal that variations of sex development are not a disease.

The following aspects should be included in the Lehrplan21¹ – with a positive effect against stereotypes:

- understanding the diversity in variations of sex characteristics;
- understanding that intersex variations may be different from the traditional understanding of “male” or “female” bodies;
- understanding that children born intersex are usually as healthy as all other children and that, as a rule, no medical intervention is proportionate;
- understanding that intersex children are very different from each other (variations) and that these variations are not as rare as often assumed;
- understanding that intersex children should not be grouped as a new category, as “third-sex-children”, the vast majority of people with a variation of sex characteristics have a gender identity as women or men.

¹ Lehrplan 21, based on article 62 Fed.Cst. - The Key facts:
<https://www.lehrplan21.ch/sites/default/files/The%20key%20facts%20at%20a%20glance.pdf>

Educational curricula, teaching and vocational materials should:

- implement intersex and VSC as a healthy variation of the human body in medical education and regular medical training, medical curricula and schoolbooks;
- ensure that sensitive teaching materials are available, including information on VSC;
- implement measures to ensure that girls and boys with a variation of sex characteristics are portrayed in textbooks as healthy human beings in a non-pathologizing and empowering manner;
- address the lack of consultation and advice of intersex people in interdisciplinary working groups at all stages and professions of medical training/education as a non-pathologizing and human rights-based perspective.

Other prevention and protection measures:

- Leaflets and other information for authorities (e.g., police, judiciary, medicine, Child and Adult Protection Authority) on all forms of violence against intersex children should be developed in order to make violence against intersex children visible.
- Counselling and prevention services and psychological care for parents and adolescent intersex people are to be set up outside and in addition to the medical health care in the cantonal hospitals.
- In cooperation with InterAction Switzerland, counselling services independent of medicine are to be set up for pregnant women who are expecting a child with a variation of sex characteristics (intersex). Many of these women consent to abortion because of inadequate and pathologizing counselling.
- InterAction Switzerland should be involved and financed for counselling services.

An action plan does not replace legislative action for a criminal prohibition due to legal security considerations.

Appendix 2: Sources of statements, reports by human rights institutions and Voices of Intersex people

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a. UN regarding Switzerland

2015: [CAT/C/CHE/CO/7](#), para.20(a-c); [CRC/C/CHE/CO/2-4](#), para.43(b)

2016: [CEDAW/C/CHE/CO/4-5](#), para.25(a-e)

2017: [CCPR/C/CHE/CO/4](#), para.25(a-c)

2021: [CRC/C/CHE/CO/5-6](#), para.29(a-d): recommending a prohibition of the performance of medical or surgical treatment on intersex children where those procedures may be safely deferred until children are able to provide their informed consent; para.39(d): adequate counselling, support; para.15(a): cooperation with children's organizations as InterAction in the formulation, implementation and monitoring of public policies and programmes concerning their rights

b. European Commission against Racism and Intolerance (ECRI)

2019: [ECRI REPORT ON SWITZERLAND](#) (sixth monitoring cycle), Adopted on 10 December 2019, recommendation no. 5. (§ 23): recommending a prohibition of sex-“normalising” surgery and other treatments are prohibited until such time as the child is able to participate in the decision, based on the right to self-determination and on the principle of free and informed consent.

c. Reports

- **Australian Human Rights Commission (AHRC)**, Ensuring health and bodily integrity: towards a human rights approach for people born with variations in sex characteristics, October 2021.
- Committee on the Elimination of Discrimination against Women, and Committee on the Rights of the Child, 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.
- Council of Europe, Office of the Commissioner for Human Rights: Office of the High Commissioner for Human Rights/African Commission on Human and Peoples' Rights/Council of Europe/Office of the Commissioner for Human Rights/Inter-American Commission on Human Rights/Special Rapporteur on torture and other cruel, inhuman, or degrading treatment or punishment/Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health/Special Rapporteur on violence against women, its causes and consequences/Special Representative of the UN Secretary-General on Violence against Children, Intersex Awareness Day – Wednesday 26 October, Public statement of UN and regional human rights experts, “End Violence and Harmful Medical Practices on Intersex Children and Adults, 2016; also Background Note on Human Rights Violations against Intersex People (<https://www.ohchr.org/sites/default/files/BackgroundNoteHumanRightsViolationsagainstIntersexPeople.pdf>, October 2019 (last visited July 2022).

- Council of Europe, GREVIO, Explanatory Report to the Council of Europe Convention on preventing and combating violence against women and domestic violence, Istanbul, 11.V.2011.
- Council of Europe, Parliamentary Assembly, Promoting the human rights of and eliminating discrimination against intersex people, Resolution 2191 (2017), 12/10/2017.
- Council of Europe, Commissioner for Human Rights, Human rights and intersex people, 2015.
- Council of Europe, Parliamentary Assembly, Children's Right to physical integrity, Resolution 1952 (2013), 01/10/2013.
- Council of Europe, Commissioner for Human Rights, Issue paper on human rights and gender identity, CommDH/IssuePaper(2009)2, July 2009.
- Council of Europe, Explanatory Report to the Convention for the Protection of Human Rights and Dignity of the Human Being with Regard to the Application of Biology and Medicine (CETS 164), 1997: Art. 8 (Emergency situations), N 56-59.
- **European Commission**, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions Empty - EU strategy on the rights of the child, Brussels 2021, COM(2021) 142 final.
- European Commission, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - Union of Equality: LGBTIQ Equality Strategy 2020-2025, Brussels 2020, COM(2020) 698 final.
- **European Union**, Agency for Fundamental Rights. A long way to go for LGBTI equality, Vienna 2020.
- European Union, Agency for Fundamental Rights, FRA Focus Paper, The Fundamental Rights Situation of Intersex People, Vienna 2015.
- European Parliament Resolution of 14 February 2019 on the rights of intersex people (2018/2878(RSP)).
- European Union, Agency for Fundamental Rights (FRA), Homophobia and Discrimination on Grounds of Sexual Orientation and Gender Identity in the EU Member States: Part II: The Social Situation, Vienna 2009.
- **Human Rights Commission, City & county of San Francisco**, Marcus de María Arana, A Human Rights Investigation into the medical "Normalization" of Intersex People. A Report of a Public Hearing, April 28, 2005: www.sf-hrc.org > Publications > Reports, Research & Investigations (last visited July 2022), San Francisco 2005.
- **IACHR/ACHPR/United Nations**, Joint thematic dialogue on sexual orientation, gender identity and intersex related issues between the Inter-American Commission on Human Rights, the African Commission on Human and Peoples' Rights and United Nations human rights mechanisms - Final report and annexes, Washington DC 2018.
- **International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) World**, Kseniya Kirichenko, United Nations Treaty Bodies: References to sexual orientation, gender identity, gender expression and sex characteristics: Annual Report 2019, Geneva 2020.
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