Council of Europe Recommendation CM/Rec(2025)7

Equal Rights for Intersex People

The Recommendation CM/Rec(2025)7 of the Council of Europe's Committee of Ministers on Equal Rights for Intersex Persons provides **comprehensive guidance to protect and promote their human rights**. Building on the European Convention on Human Rights and other existing standards, the Recommendation offers a holistic approach covering all areas of life and promoting the meaningful participation of intersex persons in public life.

What do "intersex" and "sex characteristics" mean?

The Recommendation defines **sex characteristics** as each person's physical and biological features relating to sex. These include internal and external genitalia, sexual and reproductive anatomy, gonads, chromosomes, hormones, and the distribution of body hair, fat, and muscle mass.

Intersex refers to persons who have **innate variations of sex characteristics** that vary from the societal and/or medical understanding of typical female and male bodies. **Innate** means **inherent**, **present from birth**, and such variations can either be visible at birth or emerging later, for example during puberty.

The use of terminology can vary. Not all persons with innate variations of sex characteristics identify as intersex. Some may prefer alternative terms. Certain terminology used to describe intersex persons may be considered as **pathologising** (treating natural variations as disorders that require "fixing") or stigmatising. It is essential to respect personal preferences and to remain sensitive to the implications of terms.

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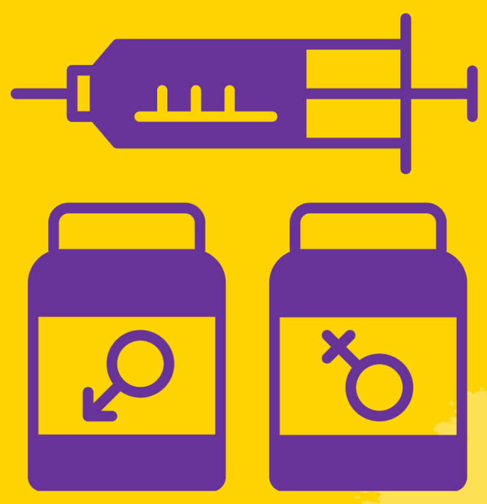
The Recommendation recognises the **unique experiences**, **challenges** and **vulnerabilities** of intersex persons who continue to face **serious abuses of their rights**.

Challenges faced by intersex persons



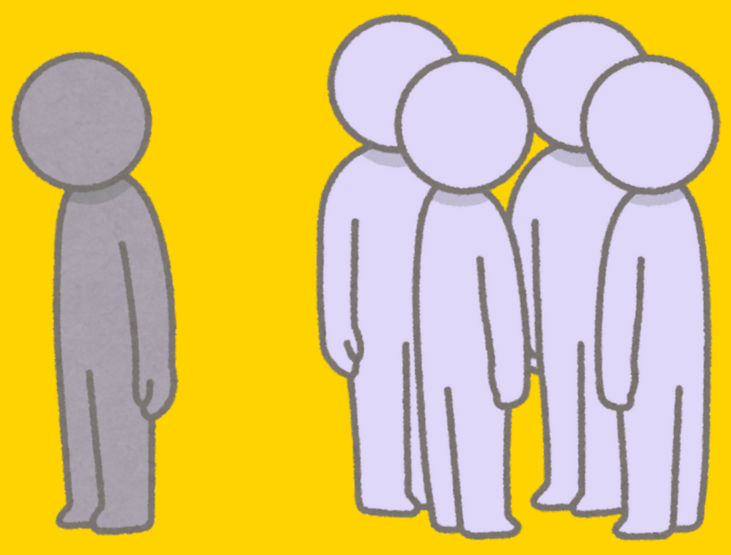
Intersex infants and children are often subjected to **non-consensual medical interventions** such as **irreversible surgeries or hormone treatments** without urgent medical need, often just because they look different.

These can cause infertility, loss of sexual function and sensation, trauma, the need for repeated surgical interventions and other lifelong medical consequences. Many of these medical interventions happen **without the consent of the intersex person themselves**.

Violence and harassment: Intersex persons often face physical, psychological and sexual violence, both in public and private settings. This includes bullying, domestic violence, and targeted harassment in schools, workplaces, sport and healthcare.

Intersex persons also experience **systemic discrimination** in education, employment, housing, healthcare, culture and political life. Few equality laws explicitly prohibit discrimination on grounds of sex characteristics.

These violations are often rooted in **pathologisation** and **stereotypes** related to sex, sexuality and gender. They amount to grave breaches of dignity, bodily integrity, autonomy, and protection from inhuman or degrading treatment. These seriously affect physical and mental well-being and hinder full and equal participation in society.



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The Recommendation affirms that equal protection, respect and enjoyment of human rights for intersex persons require **comprehensive and coherent approaches**, including appropriate legislation, policy and other protective measures, across all sectors, that are effectively implemented and regularly reviewed, supported by data collection and analysis.

What Governments should do:

Prohibition of non-consensual medical interventions

Prohibition of non-consensual interventions should be guaranteed for intersex persons, as for any other person, through legislation explicitly banning medical interventions on sex characteristics, including surgical, hormonal or mechanical procedures, without prior, free, informed, express and documented consent.

Interventions on children or others without capacity to consent must be **postponed** until they can decide for themselves. Exceptions should be allowed only in cases of imminent threat to life or serious physical harm, or where a sufficiently mature minor explicitly requests intervention with robust safeguards in place.

Monitoring, accountability and redress

Monitoring, accountability and redress should be ensured through mechanisms to oversee **compliance**. In case of past violations, access to justice, compensation and other remedies, as well as full access to medical records and information should be ensured.

Asylum procedures

Intersex persons should be protected in asylum procedures by recognising persecution on grounds of sex characteristics as a valid basis for asylum.

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Places of deprivation of liberty

In all places of deprivation of liberty, tailored protocols should be developed to ensure dignity, healthcare and privacy for intersex persons.

Hate crime and hate speech

Hate crime and hate speech legislation should encompass sex characteristics as a protected ground and ensure protection, support and remedies for victims. This should be underpinned by systematic data collection and monitoring.

Equality and non-discrimination

Equality and non-discrimination should be ensured by promoting inclusion and diversity policies across education, work, sport, healthcare, housing, cultural and political life. Discrimination on the ground of sex characteristics should be prohibited in all sectors.

In **education**, this requires safe and supportive environments free from bullying and exclusion, inclusive curricula that reflect the diversity of sex characteristics, and effective support for intersex students. Participation in **sport** at all levels should be ensured without any additional requirements, such as specific examinations or medical interventions on sex characteristics.

Healthcare

Healthcare provision should be equitable, lifelong, publicly funded and tailored to the needs of intersex persons, including psychological and social support, fertility preservation, gender-affirming care where relevant, and reparative treatment for past harms. Families and caregivers should also have access to appropriate support. Medical protocols and training should be human-rights-compliant, non-discriminatory and regularly reviewed with the participation of intersex-led organisations.

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Private and family life

Private and family life should be protected by reviewing timeframes and ensuring privacy in birth registration, quick and accessible legal gender recognition procedures, and equal access to family rights, including partnerships, marriage and parenting.

Data and research

Data and research disaggregated by sex characteristics should be collected, include intersex persons and their organisations at all stages, study the long-term impact of non-consensual interventions, and fully protect privacy.

Training and awareness raising

Training and awareness raising should be ensured across all relevant sectors, emphasising the natural occurrence of variations in sex characteristics rather than framing them as a disease, promoting human rights based, accurate, stigma-free public and media representations.

Empowerment of intersex communities

Empowerment of intersex communities should enable them to meaningfully participate in policy processes, to exercise freedom of expression, assembly and association, and ensure funding and peer-to-peer counselling.

International co-operation

International co-operation should ensure cross-border protection of intersex persons' rights, promote the exchange of good practices, and support human-rights-based reviews of international medical classifications and guidelines.

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