

Universal Periodic Review of Switzerland - 4th cycle

42nd session (23 January 2023 - 3 February 2023) – Pre-Session 42

InterAction – Association Suisse par et pour les Intersexes
InterAction – Verein Intergeschlechtliche Menschen Schweiz
InterAction – Swiss Association by and for intersex people

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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.

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 trainings and education.

I. Main Recommendations for the State under Review

Main Recommendations	UPR documents	Comment
Rec. 1: Explicitly prohibit modifications of sex characteristics of intersex children in the Criminal Code	Not submitted/noted Summary (A/HRC/WG.6/28/C HE/3, para 19): JS2, para.15 JS1, para.13-15	Several statements and reports by human-rights institutions have addressed harmful practices against intersex children. ¹ Motion 22.3355 was submitted in the Parliament. Legal situation is essentially the same as it was before the ban on FGM in art. 124 Criminal Code. Recommendations from the Swiss Ethics Commission have not been implemented by the Swiss Government yet.
Rec. 6: Specific National Action Plan on Intersex to prevent all forms of violence against intersex children/adults	Noted in Report of the Working Group (A/HRC/37/12): 148.44 (Honduras)	As for Female Genital Mutilation under article 124 Criminal Code, intersex-specific measures to a criminal ban (Rec.1) will be necessary.
Rec. 4: Provide families with intersex children with adequate counselling		No evidence that medical practices has changed or will change. Supporting families in parenting intersex children has not been developed or supported by governmental healthcare systems.

¹ [Appendix 2](#) to our submission.

II. Issues – Mentions in UPR-Documents - Questions

Issues	<p>Bodily integrity, reproductive health, self-determination, fundamental rights, and legal security is not guaranteed yet in Switzerland for intersex children. Sterilizing procedures or forced and coercive modifications of sex characteristics (IGM) without medical need are still performed on intersex children – with lifelong consequences for adult intersex people.</p> <p>Explicit legislation to protect the bodily integrity and self-determination of intersex children doesn't exist yet.</p> <p>Joint General Recommendation of CEDAW/CRC²</p>
Mentions in key UPR / UN-documents	<p>a. Compilation on Switzerland (A/HRC/WG.6/28/CHE/2, para 18): according to CRC/C/CHE/CO/2-4, paras. 24-25 <u>AND</u> CRC/C/CHE/CO/5-6, para 29(a-d) <u>AND</u> CEDAW/C/CHE/CO/6, para 56(d) <u>AND</u> CAT/C/CHE/CO/7, para 20 – recommendations from the Swiss Ethics Commission have not been implemented by the Swiss Government since 2012.</p> <p>b. Summary (A/HRC/WG.6/28/CHE/3, para 19): JS1 (para.13-15) / JS2 (para. 15), same as a.</p> <p>c. Submission InterAction Switzerland, 12 July 2022.</p>
Questions during the dialogue of the UPR	<ul style="list-style-type: none">• Why does Switzerland deny a need for affirmative action and legal security as the National Ethics Committee has repeated in 2020 its recommendation of 2012 to explicitly ban irreversible sex-modifying practices on children with Variations of Sex Characteristics, VSC (=Intersex) (same situation as for FGM in 2012)?• Is Switzerland willing to implement a specific Action Plan?

III. Additional information

[Motion 22.3355](#): Criminal prohibition of sex-modifying procedures for children with a innate variation of sex characteristics (Intersex), submitted to the Council of Cantons

[Recommendations of the Committee on the Elimination of Discrimination against Women to Switzerland of 31 October 2022](#) (unedited, N. 56(d)) and report of InterAction and ILGA World of 10 September 2022

[Recommendations of the UN Committee on the Rights of the Child to Switzerland of 22 October 2021](#) (N. 29) and [Factsheet of July 2021 on our report to the UN Committee on the Rights of the Child](#)

[Recommendations of the European Commission against Racism and Intolerance, ECRI of 10.12.2019](#) (recommendations n. 5)

[National Advisory Commission on Biomedical Ethics \(NCE\)](#)

- Officially recorded gender. Ethical considerations on the management of the recording of gender in the civil register, Opinion no. 36/2020 (approved on 5 October 2020), Bern, 5 October 2020, p. 29.
- On the management of differences of sex development. Ethical issues, Opinion No. 20/2012 (adopted on 31 August 2012), Bern November 2012, p. 18, in particular recommendations 3 and 4.

² 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.