

Intersex Danmark



This statement is delivered by Intersex Danmark on behalf The Danish UPR Coalition of NGO's

Intersex Danmark is human rights-based, non-profit, intersex lead, NGO, working for the recognition of the rights of intersex people in Denmark.

Intersex Danmark is a member of The Danish UPR Coalition of NGO's, and have in this capacity, participated in UPR processes at the national level since 2018.

Intersex Danmark is a member of Organization Intersex International, Europe.



Statement: Human Rights of Intersex people

The Human rights of intersex people include, but is not limited to, the rights to:

- Bodily autonomy, Physical Integrity, Self-determination.
- Highest attainable standard of health including reproductive health
- Live free from CIDT, torture and harmful practices
- The child's right to legal capacity, and to be heard in all matters concerning the child

This statement on the Human Rights of Intersex people will touch upon the following issues:

1. Human Rights violations against intersex children and infants in the health care system.
2. The obligation to investigate indications of CIDT and torture.
3. Discrimination based on gender in the Health care system
4. The lack of access to redress and reparations in Denmark.

UN remarks regarding IGM



A/HRC/29/23, UN High Commissioner for Human Rights(2015)

Para 13

”States have an **obligation to protect** all persons, including LGBT and **intersex persons**, **from torture and other cruel, inhuman or degrading treatment** or punishment in custodial, **medical** and other settings. **This obligation extends to prohibiting, preventing, investigating and providing redress for torture and ill-treatment in all contexts of State control, including by ensuring that such acts are offences under domestic criminal law.**”

Para 14

“The medical practices **condemned** by United Nations mechanisms in this context include so-called “**conversion**” therapy, forced genital and anal examinations, **forced and otherwise involuntary sterilization and medically unnecessary surgery and treatment performed on intersex children.**”

Para 38

Other medical procedures that can, when forced or otherwise involuntary, **breach the prohibition on torture and ill-treatment** include “**conversion**” therapy, **sterilization, gender reassignment, and unnecessary medical interventions involving intersex children.**

Amnesty international “First do no Harm”(2017)

Documented that 200+ Surgeies including hypospadias repairs take place in Denmark every year.

Obligation to investigate



A/HRC/60/50 UN HRC “Discriminatory laws and policies, acts of violence and harmful practices against intersex persons” (2025)

At 50.

“States should conduct prompt, thorough and independent investigations into violations of the human rights of intersex persons, hold perpetrators accountable and ensure that intersex persons have access to justice and effective remedy, including redress and compensation. States should review statutes of limitations and combat impunity, including for past violations.”

Twice UN bodies have called on Denmark to Undertake an investigation of incidents of surgical and other medical treatment of intersex children without their informed consent

- 1. CRC/C/DNK/CO/5 (2017)**
(c) Undertake investigation of incidents of surgical and other medical treatment of intersex children ...
- 2. E/C.12/DNK/CO/6 (2019)**
(e) Identify and investigate human rights violations against intersex persons in the context of the examination of the living conditions of intersex persons to be conducted in 2020;

Recommendations

On IGM:

1. Develop and implement a human rights-based legislation that prohibits all forms of treatment and surgery, that affect the sexual anatomy of intersex children, until the individual is mature enough to understand the consequences, participate in decision-making and give full, free and informed consent; except in cases where treatments or surgeries are exclusively aimed at alleviating immediate danger to life..

2. Ensure that surgeries and treatments that do not meet these criteria are offences under domestic criminal law, equal to Female Genital Mutilation.(FGM)

On the obligation to investigate

1. Immediately initiate an independent investigation into incidents of surgical and other medical treatment of intersex children, carried out without the individuals' full, free and informed consent;

(Investigation will not grant effective torture prevention, if the authorities against whom allegations are being made, are themselves investigating their peers, subordinates or superiors.)

Discrimination in healthcare



Intersex people seeking gender affirming care in Denmark, are divided into 2 groups:

- 1. People who identify with their sex assigned at birth are:**
 - Treated by teams highly specialized in intersex care,
 - Covered by the treatment guarantee.
- 2. People who do not identify with their sex assigned at birth are:**
 - Treated by teams specialized in transgender care, but not highly specialized in intersex care.
 - Not covered by the treatment guarantee
→ Long waiting lists for gender affirming surgeries, for some up to 4 years.

In **2023 CAT (CAT/C/DNK/CO/8)**

Expressed concern 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.

CAT called on the state party to:

“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.”

Recommendations

On Discrimination based on gender in the Danish health care system:

1. Develop a human rights-based legislation that ensures that all treatment of intersex people, regardless of their gender identity, is carried out by teams, highly specialized in intersex care.
2. Guarantee all intersex individuals, equal and unhindered access to hormone treatment, and surgeries needed to keep their body healthy, or to align their body with their gender identity - If they wish to do so.
3. Immediately include gender affirming care, under the treatment guarantee, and allocate resources, to reduce the waiting lists for gender affirming surgeries, to maximum 1 year.

Access to redress and reparations



The Committee of Ministers, at Council of Europe (2025) unanimously adopted resolution **CM/Rec(2025)7** calling on member states to:

“provide intersex persons who have been subjected to medical interventions or treatments that violated their rights with effective access to justice, access to effective remedy, adequate redress and reparation and safeguards against repetition of these acts...”

Since 2017 Denmark twice received recommendations by different UN bodies, to provide redress and remedies to victims

1. **CRC/C/DNK/CO/5 (2017)**

(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;

2. **CAT/C/DNK/CO/8 (2023)**

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.

Recommendations

On access to redress and reparations:

1. Repeal the complaint deadlines, as it was done in Act No. 140 of 28/02/2018, in all cases of sex normalizing treatments and surgeries, including but not limited to: treatment with Fetal-Dex, Hypospadias repairs, hormonal treatments, and conversion therapy, without the individual's full free and informed consent
2. Simplify the complaint process, including for access to seek compensation, for intersex victims of all forms of unnecessary, irreversible “normalizing” treatment and surgeries as mentioned in recommendation 1.