SITUATION OF INTERSEX PERSONS IN GREECE

Brief Assessment of the Implementation of the Cycle 3 of the UPR: *Refer to SOGIESC recommendations made during the last cycle, the level of implementation or not of those recommendations as well as positive advances made on SOGIESC issues in the past 5 years.*

First, it should be noted that in all cycles, including Cycle 3, **intersex issues have not been treated as a separate issue. Intersex is usually used together with LGBT, hence, as of now, no particular attention has been given to the particular issues that the intersex community is facing in Greece.**

Regarding the level of implementation of the Cycle 3, see below:

Recommendation 130.45 (Iceland): Partially implemented
"*Adopt the European Convention on Human Rights definition of hate speech crimes, and investigate, prosecute and condemn racist violence crimes and hate speech crimes against LGBTI+ persons"*

Greece has taken some legislative measures to include "sex characteristics" within aspects of its legal framework. Article 1 of Law 927/1979 was amended in 2017 to include "sex characteristics" in relation to public incitement to violence or hatred, and Law 4619/2019 included "sex characteristics" in the Penal Code provision on racist motives as an aggravating circumstance. These are important developments. However, implementation remains limited.

Recommendation 130.46 (Israel): Partially implemented
"Continue to develop policies to fight hate speech crimes, including those against LGBTQI persons"

Greece has continued developing some policy frameworks, including through the 2021 National Strategy for Equality of LGBTQI+ persons and the inclusion of "sex characteristics" in anti-bullying provisions in education under Law 5029/2023. However, these policy measures have not yet translated into effective prevention, awareness, protection, or accountability.

National framework: *Outline relevant legislation, statistics, policies and/or initiatives*

With Law 4958/2022, Greece became one of the first countries in the world to prohibit medically unnecessary sex-normalising procedures on intersex minors under the age of 15. This is a significant step and constitutes an important legislative good practice. However, **implementation remains deeply inadequate**:
a) the Ministry of Health has not formed the required interdisciplinary committee under Article 18,
b) official guidance to hospitals and medical personnel has not been issued,
c) there is no visible state monitoring mechanism to verify compliance, document violations, or provide redress.

Intersex Greece has already received at least **3 anonymous complaints** since 2023 suggesting that **medically unnecessary interventions may still be taking place (the details are confidential and not shared in this document). Moreover, we have observed that some doctors advertise this kind of interventions publicly on their websites even though they are banned.**

Lastly, Article 19 of Law 4958/2022 states that in the event of the performance of medical procedures or treatments which have resulted in 'a discrepancy with the registered gender of the intersex minor, the registered gender can be amended by the competent court'. In Greece, the genders on birth certificates and identity documents are two, "female" and "male". **Therefore, intersex persons are not yet legally able to identify as they wish if their gender does not comply with the female/male binary.**

The rights most commonly violated: *Please include the most violated rights e.g. freedom of expression, equality and non-discrimination, right to health etc.*

Right to bodily integrity	**Right to health**
Right to equality and non-discrimination	**Right to self-determination**

***take into account that the rights of the child are also violated since surgeries are performed on infants and children**

Challenges *(please include the top 5 challenges. This should be directly related to your proposed recommendations)*	**Cases, facts, comments, impact** *(these should explain the importance of the requested recommendation)*
Implementation of the Law 4958/2022	Absence of the interdisciplinary committee required under Article 18.
Absence of training for those who are involved in the implementation of the law (i.e. healthcare practitioners, ministries, lawyers, judges).	Implementation of the law is hindered by low awareness among healthcare practitioners, legal professionals and justice actors. Intersex Greece reports that healthcare practitioners and legal professionals are often unfamiliar with intersex issues and with the legal framework intended to protect intersex minors. The School of Judges reportedly organised only one seminar involving intersex issues, and this took place before the adoption of the 2022 law. Two to three trainings have been delivered to healthcare practitioners by Intersex Greece.
Absence of a monitoring mechanism to oversee the implementation of the Law 4958/2022 (and all laws on intersex)	Without an independent monitoring mechanism, it is impossible to oversee compliance with the prohibition on medically unnecessary sex-normalising interventions on intersex minors, including accessible complaint and redress procedures.
Law 4958/2022 grants access to legal gender recognition only to intersex persons who identify within the female/male binary	Since 'normalising' interventions are prohibited, many intersex persons wish to identify as intersex, non-binary or other gender identities beyond the binary. The current law allows for an accessible, easy and fast LGR process but only to those who identify with the binary.

RECOMMENDATIONS

Please include your top 7 S.M.A.R.T. recommendations

1. Fully implement Law 4958/2022 by establishing, **with no further delay**, the interdisciplinary committee required under Article 18 and by issuing binding implementation protocols to all hospitals and healthcare providers.

2. Establish an independent monitoring mechanism to oversee compliance with the prohibition on medically unnecessary sex-normalising interventions on intersex minors, including accessible complaint and redress procedures.

3. Ensure that intersex persons and their families have access to medical records, independent counselling, and non-pathologising psychosocial support services**.**

4. Provide mandatory training for judges, prosecutors, lawyers, police, equality bodies, and child protection actors on intersex rights and the implementation of relevant laws.

5. Review legal and administrative frameworks to ensure respect for the autonomy and dignity of persons whose identity may not fit within rigid binary categories, including by examining options for more inclusive gender marker systems.

6. Ensure accessible legal remedies for intersex persons subjected to unlawful medical interventions, degrading treatment, discrimination, or violence.

ADVANCED QUESTIONS

- *What measures has Greece taken for the effective implementation and monitoring of Law 4958/2022?*
- *Has the Ministry of Health formed the Interdisciplinary Committee stated under Art.18?*
- *Has the Ministry of Health issued any binding implementation protocols to hospitals and healthcare providers?*
- *What measures has Greece taken to train those involved with the implementation of the Law 4958/2022 (i.e. judges, prosecutors, lawyers)?*

CONTACT INFORMATION

Dr Nikoletta Pikramenou, lawyer of Intersex Greece

nicole@intersexgreece.org.gr