



Nonconsensual Harmful Medical Practices on Intersex Children

OCTOBER 2025

KEY POINTS

- **Intersex** is a broad umbrella term describing nearly two percent of the population with innate physical variations of sex characteristics, such as genitals, reproductive organs, chromosomes, and/or hormones, that don't align with typical notions of either a female or a male body. Intersex traits may be discovered in utero, at birth, or later in childhood or adolescence.
- Intersex people globally are subjected to various forms of **discrimination** and suffer **human rights violations** in all aspects of society, including in medical settings.
- Under international human rights law, governments must **eradicate harmful medical practices** such as non-consensual genital and other surgeries on intersex children (sometimes referred to as "intersex genital mutilation" or "IGM").
- Laws prohibiting harmful medical practices on intersex children should be **intersex-informed** and conform to international principles of human rights law.

What are the harmful medical practices that affect intersex children?

Because their bodies are seen as different, intersex children and adults are often stigmatized and subjected to multiple human rights violations in medical settings, including forced and coerced surgeries and other medical interventions on infants and children, often for cosmetic or social reasons. These surgeries may include the removal of healthy gonads, the reduction of the size of the clitoris, the creation of a vaginal canal, or the relocation of the urethra on a penis.

"When I was three- or four-years-old, my clitoris, the most political organ in my body, began to grow beyond the 'permitted' measurements. At five years old, I was mutilated by doctors... When I was 12, the doctors wanted to operate on me again, and I was lucky enough to refuse and to be left alone... I was denied the right to exist with all of my parts, sewn up like a cloth."

-Pauli, Argentina¹

Many intersex people experience emotional trauma in medical settings related to invasive medical exams, sometimes by numerous doctors and residents, dehumanizing medical display and photography, and insensitive, discriminatory language.

"That day, three specialist doctors made me undress and examined every corner of my body. At the end of the consultation, one of them told me: 'You know that in this world, there are men and there are women; that is normal, but you are neither man nor woman; you are abnormal.'"

-Frida, Mexico, reflecting on a traumatic visit to the doctor as a child²

What impact do harmful medical practices have on intersex people?

Surgeries on infants and young intersex children always carry the risk of surgically assigning the wrong sex. This risk can be between five and 40 percent. The removal of gonads amounts to sterilization if those gonads had fertility potential, and will lead to lifelong need for hormone therapy. Irreversible genital surgeries can result in loss of sexual sensation and chronic pain.³

"I was born with typically 'male' XY chromosomes and internal testes instead of ovaries and a uterus, but my body developed to appear typically female. My intersex trait was invisible until I reached puberty and failed to menstruate like other girls. On the advice of doctors, my parents agreed that I should have surgery to remove my healthy internal testes, without my knowledge or consent. My natural hormone production ceased, and I was forced onto hormone replacement therapy for the rest of my life. Doctors also recommended to my parents that I receive invasive surgery to create a more 'normal' sized vagina to have sex with a husband someday – thankfully, my parents refused."

-Kimberly, United States⁴

These irreversible surgeries and other medical practices can cause long-lasting physical and psychological harm. These can include:

- Scarring
- Chronic pain
- Lack of sexual sensation
- Incontinence
- Sterility
- Shame
- Distrust of medical professionals
- Anxiety
- Depression
- Post-traumatic stress disorder
- Gender dysphoria, which occurs when the assigned sex does not align with the person's gender identity.⁵

Many intersex human rights defenders around the world consider the eradication of harmful medical practices, such as genital mutilation, to be their most urgent human rights advocacy priority. They also see these harmful medical practices as intrinsically linked to the lack of access to intersex-affirming health care and services everywhere in the world.

"I basically recall pain and hurt...down there...in the genital area. I sure didn't want [the doctors] touching me down there. It's like having doctors sexually abuse you."

- Dierdre, an intersex woman who was subjected to at least six surgeries as a child in the United States⁶

Referred to by many intersex human rights defenders as "intersex genital mutilation" or "IGM," the harmful medical practices described above violate a range of intersex people's rights that are protected by international and regional human rights frameworks. These include rights to the highest attainable standard of health, bodily autonomy, physical integrity, freedom from torture and ill-treatment, as well as the right of the child to preserve their identity.⁹ Intersex adults are sometimes denied access to their medical records, a violation of the right to the truth about their bodies and medical histories.¹⁰

The international framework prohibiting female genital mutilation (FGM)—grounded in principles of bodily autonomy, protection from harmful practices, and the best interests of the child—offers clear guidance that should equally apply to intersex children. Like FGM, non-consensual, medically unnecessary surgeries on intersex minors (IGM) are irreversible procedures rooted in gender norms, performed without the individual's informed consent, and often justified under social or cultural rationales. International human rights bodies must ensure consistency in applying these principles to protect all children from such harmful practices.

What human rights are violated when children are subjected to harmful medical interventions?

Like everyone else, intersex people are entitled to the protection, respect, and fulfillment of their human rights, as guaranteed by the Universal Declaration of Human Rights.⁷ The rights of intersex people to live free from discrimination and violence, including in medical settings, have been affirmed by multiple United Nations (UN) bodies as well as regional human rights mechanisms from Africa, Europe, and the Inter-American system.⁸

What is the duty of states under international law regarding harmful medical practices on intersex people?

In 2024, during the 55th session of the Human Rights Council, UN member states adopted the first-ever **UN Resolution Addressing Discrimination, Violence, and Harmful Practices Against Intersex Persons**.¹¹ It was adopted without any vote against it and with the co-sponsorship of 49 UN member states from all regions of the world. The resolution expresses “grave concern about the violence and harmful practices that persons with innate variations in sex characteristics, including children, face in all regions of the world, including medically unnecessary or deferrable interventions, which may be irreversible, with respect to sex characteristics, performed without the full, free and informed consent of the person, and in the case of children without complying with the provisions of the Convention on the Rights of the Child.”

The Human Rights Council resolution called on the UN Office of the High Commissioner for Human Rights to deliver an official **report on the discriminatory laws and policies, acts of violence, and harmful practices against intersex persons** during the 60th session of the Human Rights Council in 2025.¹² The report made several recommendations, including that “States should prohibit medically unnecessary interventions to modify the sex characteristics of intersex persons without the full, free and informed consent of the person concerned, and establish sanctions for violations of this prohibition.”¹³

Several United Nations bodies have addressed states’ obligations to eradicate harmful medical practices on intersex children, including IGM.

The World Health Organization (WHO)

A 2024 review led by WHO revealed that “sex-normalizing surgeries” for intersex children are generally conducted for cosmetic reasons, parental desire, or to meet social expectations about the appearance of body parts. WHO emphasized that the potential harms of such early interventions, including lifelong consequences for physical and mental health and, in some cases, irreversible sterility, outweigh the risks of postponing decisions until the individual can participate actively in decision-making relevant to their body and health and provide their free and informed consent to any relevant medical procedure.¹⁴

The UN Human Rights Committee

“[S]trengthen measures to end the performance of irreversible medical acts, especially surgical operations, on intersex children who are not yet capable of giving their full, free, and informed consent, except in cases where such interventions are absolutely necessary for medical reasons. Access to effective remedies for victims of such interventions should also be ensured.”¹⁵

See the **Annex** for a list of other recommendations to states, many of which overlap.

Regional treaty bodies have also issued statements condemning harmful medical practices, including IGM, and calling for the respect of the rights of intersex people.

In 2023, the **African Commission on Human and Peoples' Rights** passed a **Resolution on the Promotion and Protection of the Rights of Intersex Persons in Africa**.¹⁶ Resolution 552 calls for the protection of intersex children and the promotion of their rights, taking into account the African Children's Rights Charter.¹⁷ It specifically calls on African states to protect and promote the rights of intersex individuals, including by ending non-consensual genital surgeries and addressing discrimination.

In 2017, the **Parliamentary Assembly of the Council of Europe** passed a resolution promoting the human rights of and eliminating discrimination against intersex people.¹⁸ Following soon after in 2019, the **European Parliament** promulgated a similar resolution, calling for the prohibition of medically unnecessary surgeries and treatments on intersex children without their informed consent.¹⁹

The **American Convention on Human Rights** considers that torture and cruel, inhuman, or degrading treatment is a fundamental violation of human rights. Specifically, Article 5 provides the right to have one's physical, mental, and moral integrity respected and prohibits subjection to harmful treatment.²⁰ The Inter-American Commission on Human Rights has acknowledged that various medical practices inflicted upon intersex individuals during childhood, including genital surgeries, involuntary sterilization, medical display, and the denial of medical care, amount to torture and constitute serious human rights infringements.²¹

What is the duty of health care providers?

In 2014, a UN Joint Statement on Eliminating Forced Coercive or Otherwise Involuntary Sterilization by human rights bodies, professional organizations and ethical bodies recommended that "full, free and informed consent should be ensured in connection with medical and surgical treatments for intersex persons and, if possible, irreversible invasive medical interventions should be postponed until a child is sufficiently mature to make an informed decision, so that they can participate in decision-making and give full, free and informed consent." It also states that health care professionals should be educated and trained about bodily diversity as well as sexual and related biological and physical diversity, and that professionals should properly inform patients and their parents of the consequences of surgical and other medical interventions.²²

What steps are countries taking to eradicate these harmful medical practices?

A small number of states have passed legislation or promulgated medical guidelines aiming to end nonconsensual harmful medical practices on intersex minors, including Chile,²³ Cuba,²⁴ Germany,²⁵ Greece,²⁶ Iceland,²⁷ Kenya,²⁸ Malta,²⁹ Portugal,³⁰ Spain,³¹ and Uruguay.³² These various legislative and regulatory attempts are diverse, and implementation has had mixed levels of success. The following are a few highlighted examples:

Malta's 2015 Gender Identity, Gender Expression and Sex Characteristics Act was the first national ban, stating "It shall be unlawful for medical practitioners or other professionals to conduct any sex assignment treatment and/or surgical intervention on the sex characteristics of a minor which treatment and/or intervention can be deferred until the person to be treated can provide informed consent." It makes these offenses punishable by imprisonment or a fine.³³

Iceland's Gender Autonomy Act of 2020 provides for the creation of an interdisciplinary committee of experts for the treatment of intersex children and states that "permanent changes to the sex characteristics of a child under the age of 16 born with atypical sex characteristics shall only be made in conformity with the will of the child and its level of gender identity, and always with the best interests of the child in mind." However, exceptions were made for two common types of medical intervention.³⁴

In 2023, recognizing the human rights violations of children born with variations of sex anatomy, **Chile** promulgated official medical guidelines for the treatment of intersex children, including mandating the end of surgeries and other unnecessary medical treatments.³⁵

In **Australia**, the federal Human Rights Commission called for legislative reform to protect the bodily integrity of people born with variations of sex characteristics in medical settings, and provide for resourced peer and family support, and independent oversight.³⁶ At the subnational level, the Australian Capital Territory passed a law to protect intersex people in medical settings and created an oversight body to regulate non-urgent medical interventions.³⁷

Additionally, at the subnational level in India, the state of Tamil Nadu has banned medically unnecessary surgeries on intersex infants and children.³⁸

What should governments do?

1. Prohibit all forced or coerced medical interventions concerning intersex characteristics, such as non-emergency medical interventions performed without full, free, and informed consent from the intersex person. Implementation may be in the form of statutory regulation, medical guidelines, or prohibition via an executive order.
2. Ensure full and equal access to human rights-affirming and intersex-competent health care across the lifespan.
3. Provide intersex people with full access to their medical records.
4. Promote education and awareness-raising campaigns to reduce harmful stigma and increase societal acceptance of intersex people.
5. Support access to mental health services and peer support to both intersex persons and their families.
6. Ensure the meaningful participation of intersex people and intersex-led organizations in the development, implementation, and monitoring of laws, policies, and programs that affect their rights and well-being.

Annex: UN Recommendations

The UN Committee against Torture

"[T]ake the necessary legislative, administrative, and other measures to guarantee respect for the physical integrity of intersex individuals, so that no one is subjected during childhood to non-urgent medical or surgical procedures intended to establish one's sex."³⁹

"Ensure that no surgical procedure or medical treatment is carried out without the person's full, free, and informed consent and without the person, their parents, or close relatives being informed of the available options, including the possibility of deferring any decision on unnecessary treatment until they can decide for themselves."⁴⁰

The UN Committee on the Elimination of Discrimination Against Women

"Adopt provisions explicitly prohibiting the performance of unnecessary surgical or other medical procedures on intersex children until they reach an age when they can give their free, prior, and informed consent and provide families of intersex children with adequate counselling and support."⁴¹

The UN Committee on the Rights of Persons with Disabilities

"Adopt clear legislative provisions that explicitly prohibit the performance of unnecessary, invasive, and irreversible medical interventions, including surgical, hormonal, or other medical procedures on intersex children before an age at which they can provide informed consent."⁴²

The UN Committee on the Rights of the Child

"Ensure that no one is subjected to unnecessary medical or surgical treatment during infancy or childhood, guarantee bodily integrity, autonomy and self-determination to children concerned and provide families with intersex children with adequate counseling and support; (d) Provide redress to the victims of such treatment; (e) Educate medical and psychological professionals on the range of sexual, and related biological and physical diversity and on the consequences of unnecessary interventions for intersex children."⁴³



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