Parliamentary Assembly
Assemblée parlementaire
https://pace.coe.int

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

**Doc. 14522**
05 April 2018

# Promoting the human rights of and eliminating discrimination against intersex people

**Reply to Recommendation**[1]: Recommendation 2116 (2017)
Committee of Ministers

1. The Committee of Ministers has carefully examined Parliamentary Assembly Recommendation 2116 (2017) on "Promoting the human rights of and eliminating discrimination against intersex people". It also communicated it to the Committee on Bioethics (DH-BIO), as well as to the Steering Committee for Human Rights (CDDH), for possible comments.

2. The Committee of Ministers welcomes the interest of the Assembly in strengthening children's rights in biomedicine, and including the rights of intersex children.

3. With regard to paragraph 3.1 of the recommendation, the Committee of Ministers refers to Resolution 2191 (2017) of the Assembly, and as requested, would invite the governments of all member States to give it due consideration.

4. In paragraph 3.2 of its recommendation, the Assembly invites the Committee of Ministers to "instruct the Committee on Bioethics to continue its work on strengthening children's rights in biomedicine, in particular as regards the protection of intersex children's right to physical integrity and respect for the principle of free and informed consent, with a view to drawing up Council of Europe standards and guidelines in this field."

5. The Assembly will be aware that the objective of the work carried out by the DH-BIO is to protect human dignity and individual rights in the field of biomedicine. Intersex children's rights to physical integrity and respect for the principle of free and informed consent, as protected by the Convention on Human Rights and Biomedicine (Oviedo Convention), form part of this objective.

6. The Committee of Ministers would inform the Assembly that work has already been instigated through the organisation of a hearing in June 2016 addressing, in particular, human rights issues for intersex children. Those issues were further analysed in two studies on children's rights in biomedicine, commissioned within the framework of the Strategy for the Rights of the Child, which specifically refer to the situation of children with differences in sex development and intersex conditions.

7. A Strategic Action Plan on human rights and technologies will be developed by the DH-BIO with the objective to ensure, *inter alia*, that human rights of particularly vulnerable groups are better protected. The Strategic Action Plan will be based on the outcome of the Conference organised on the occasion of the 20th anniversary of the Convention on Human Rights and Biomedicine (Oviedo Convention) in October 2017, under the auspices of the Czech Chairmanship of the Committee of Ministers, which dedicated a session to the evolution of practices in the biomedical field in relation to autonomy, consent and privacy. In the light of the work to be conducted by the DH-BIO, the Committee of Ministers can in due course consider the appropriateness of defining common European standards and providing guidance on how best to protect the human rights of intersex children, taking into account the different groups of persons involved (the child itself, its parents, health professionals, social workers, etc.).

1. Adopted at the 1312th meeting of the Ministers' Deputies (4 April 2018).

8. The Committee of Ministers encourages the DH-BIO to continue its work in this field, in close co-operation with other relevant Council of Europe bodies and institutions, bearing in mind the principles of equality and non-discrimination as well as the right to physical integrity.