

Shadow Report on “Violence against Intersex Women in Greece” May 6th 2022

Submitted to the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) by Intersex Greece

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Authors

Intersex Greece is the only intersex-led organisation in Greece that advocates for the recognition of the rights of intersex people in the country. The organisation started operating in 2013 as an informal group on Facebook where intersex individuals could share their experiences. Later, this group evolved into a collective and in 2021 Intersex Greece was officially registered as an NGO in Greece. Since 2021, Intersex Greece is also a member of OII Europe.

The following specialists were consulted during the collection of data and drafting of the report:

Dr Nikoletta Pikramenou, Legal expert & Researcher on intersex issues
Vassiliki Vouvaki, Counsellor of Mental Health, Body Psychotherapist
Eleni Pateraki, Counsellor Mental Health, Mental Health Counselor

Contact email: intersexgreece@gmail.com
Website: <https://intersexgreece.org.gr/>

Introduction

The present shadow report is produced by Intersex Greece with the aim to highlight the current situation of intersex women in Greece and propose concrete recommendations on the issues of prevention, protection and support concerning violence against intersex women. Primary data collection is based on complaints that the organisation Intersex Greece has been receiving by intersex women and girls on cases of violence against them committed mainly in medical settings. To protect intersex women victims of violence, no personal information has been included.

1. Legal framework

There is no provision that protects intersex women from violence under Greek legal frameworks. Nonetheless, the term 'sex characteristics' was first introduced with Law 4356/2015 which amended the Article 81A of the Penal Code on racist crimes and its penalty framework to include the case of crime committed against a person on the grounds of sex characteristics. In 2017, the Law 927/1979 was amended by article 7 of Law 4491/2017 to protect intersex people against hate speech: 'Anyone who intentionally, publicly, orally or through the press, through the Internet or by any other means or ways, incites, provokes, stimulates, or encourage acts or actions that may provoke discrimination, hatred or violence against a person or group of persons, identified on the basis of race, colour, religion, descent, national or ethnic origin, sexual orientation, gender identity, sex characteristics or disability in such a way that endangers public order or poses a threat to life, liberty or physical integrity of the above persons, is punished (...)'. Further, the law stipulates that the act is punishable "only if this incitement occurs in a way that endangers public order or if it includes a threat against the life, the liberty or the physical integrity" of the intersex people. As a result, intersex women are included under 'sex characteristics' and therefore protected from racist crimes and hate speech. Two years later in 2017, there were also efforts to include intersex people in the Law of Transgender Legal Recognition: Article 7 of the Draft Law (4491/2017) on Transgender Legal Recognition banned explicitly the performance of non-therapeutic gender reassignment surgeries on intersex infants/children and set a sound procedure for the gender legal recognition of intersex children. Nonetheless, the article "disappeared" when the Draft Law was sent from the Lawmaking Committee to the Ministry of Justice. As a result, the initial text never reached the Parliament. Currently, Law 4491/2017 on Transgender Legal Recognition only includes the definition of "sex characteristics" in its preamble, leaving intersex people legally invisible¹.

¹For more detailed information about intersex rights in Greece see: N. Pikramenou, *Intersex Rights: Living between sexes*, Chapter: Greece, 2019, Springer.

2. Policy framework

In 2021, the National Strategic Plan for the Equality of LGBTQI+ was published². The report includes a section specifically for intersex individuals. Nonetheless, the section is quite small (less than 3 pages) and addresses only some issues that intersex people face in a generic manner (p. 51-53) including the use of erroneous and stigmatising intersex terminology, surgeries performed on intersex infants and children, discrimination based on sex characteristics, access to healthcare services and medical records, education. In detail, the report states that:

- Medical services offered to intersex people, especially to infants, babies and children, should be provided with respect to their special needs and mainly to securing their right to decide for themselves when they have the appropriate age and maturity. Health care should be provided by interdisciplinary expert groups, which will not pathologise intersex children, but will prioritise their needs, their rights and the short term and their long-term benefit.
- A general issue that needs to be addressed and concerns most intersex people, is the inability to access their medical files and histories.
- The provision of adequate psychosocial mechanisms of support from therapists trained in intersex issues must be ensured for intersex people and their families.
- Emphasis needs to be placed on education and the training of all health professionals on the intersex situation, as a natural diversity, and its management based on modern science and human rights, with the ultimate goal of de-pathologising it.

Main issues and recommendations

1. Prevention

Article 12 – General obligations

Binary social perceptions on sex and gender prevail in the Greek society and intersex women are victims of violence and discrimination from a very young age. Intersex women have reported to Intersex Greece that prejudices against them prevail mainly in medical settings:

“A doctor came with his group of students, asked me to lift my shirt and examined my breasts in front of his students, commenting that “this is not normal breasts, but fat”. Every medical examination I did, kept on strengthening the belief inside me that my body was not

²The report is available in Greek here: https://primeminister.gr/wp-content/uploads/2021/06/ethniki_statigiki_gia_thn_isohta_ton_loatki.pdf

normal and that I was not a woman, at least in the eyes of these people who examined my body without any sensitivity and commented on it”

Such prejudices lead to violent behaviour by the medical personnel as they treat intersex women as ‘abnormal women’. Hence, medical examinations are performed in a violent and diminishing way while violating fundamental rights such as the right to be informed, the right to privacy, the right to access their medical records and history:

“A doctor was pulling my stitches abruptly; I was in a lot of pain and when I said “ouch” he said to me ironically: “did you see what happens to the girls who are in a hurry to leave the hospital and go home”?”

“My medical history was taken by the doctor’s midwife at the doctor’s office in the corridor with an open door to the living room and therefore patients and people sitting there could hear everything. There, the midwife asked me when my last period and I did not know what to say and having turned red from anger, tension and despair, I answered indignantly “Never!”. Then, she turned shocked and looked at her colleague. Once again, I felt like an alien on planet Earth”.

Another very common form of violence against intersex women in medical settings is hate speech, as practitioners tend to reject the existence of ‘intersex’ and call intersex women ‘monsters’ or ‘errors of nature’. Intersex Greece has received several complaints on hate speech taking place in medical settings:

“The first doctor who examined me was excited! He had found the material he needed to satisfy his scientific interest. I learned from him, as he was speaking to my shocked mother and never to myself, that I was a mistake of nature, a monster and that I would never have children”

Even though the ground ‘sex characteristics’ is included in the Greek law on hate speech since 2017, people are not aware of this term, nor the legal protection provided. Moreover, due to social, cultural and traditional stereotypes, intersex women-victims of hate speech tend to hesitate to report such incidents and probably they are not aware themselves that such law exists. Incidents of hate speech were also reported by intersex girls: an intersex girl student reported to us that during the class of biology the teacher was talking about human anatomy and was explaining that there are only XX and XY chromosomes for women and men respectively. The student stated that there are also XY women, and the teacher contested that such cases that fall outside the binary do not exist. It must be noted that all incidents reported to Intersex Greece have taken place at both public and private institutions such as public hospitals, private clinics, doctor’s offices, public and private schools.

We recommend that awareness raising, and behaviour change activities on social perceptions around intersex women are introduced to inform about their existence. We

also recommend that specific trainings are introduced for the medical community and therapists following modern, human-rights based and international developments on intersex. Furthermore, teachers need to be informed and trained on how to treat intersex girls at schools. The government needs to allocate specific funding for the implementation of such activities as well as the empowerment of intersex girls and women who are victims of violence.

Article 13 – Awareness- raising

Due to social stigma and prejudice, intersex women tend to grow up feeling as ‘less of a woman’. Awareness-raising activities on intersex are highly limited as no other organisations, human rights institution, equality bodies are aware of intersex issues. Intersex Greece has tried to contact human rights institutions such as the National Human Rights Commission twice, but they keep on prioritising LGBT rights. Moreover, LGBTQ+ organisations and women’s rights organisations are not familiar with intersex and therefore Intersex Greece has been trying to be in touch with them and inform them about intersex women and the current situation in Greece. The absence of information on intersex perpetuates existing stigma and prejudice against intersex women and girls coming even from women and feminist organisations. Intersex Greece has received complaints on how intersex women and girls feel marginalised due to this lack of awareness:

“When the girls around me started to grow and to be more feminine I remained stuck in a childish, girlish body. The friends were talking about periods and their new underwear, hair removal, self-satisfaction and sex and I was watching them waiting my turn patiently. But my turn never came.”

“There was an issue with my vagina’s size, but I could no longer trust the doctors nor my parents. I dealt with the issue of the vagina myself later on as an adult woman, thus wasting valuable time from the sexual intercourse that I could and that I wanted to have. However, having a huge unsightly incision, having experienced so much violation and abuse in my body with the examinations and the operation, but also the knowledge that my vagina is probably not big enough for penetration, I did not dare to engage in sexual relations and so my whole adolescence and my first youth were lost without love and sex”

“I learned to pretend to be a “normal woman” and to lie about what was happening to me and what was not happening to me in my body and consequently to myself (...). I cannot tell you what happened to my body after all this when someone touched me. It could be either a friendly hug or an erotic one. I was terrified and I could not even say it or show it. I felt that I had no right to do so”

We recommend that awareness-raising campaigns target first national human rights institutions and bodies as well as Civil Society Organisations (CSOs) so that they can be mobilised and include intersex issues in their agenda. Then, awareness-raising activities

should be introduced **to inform the general public on issues that intersex women encounter. Specific and flexible funding should be allocated by the government for the implementation of such activities.**

Article 14 – Education

Teaching material at schools should be updated especially when it comes to the course of biology where the human body is depicted as strictly female and male. Moreover, teaching material on gender stereotypes should be updated when sex will not be taught as binary but as a spectrum that includes intersex. It is also essential to update teaching material at university levels and especially at the Faculties of Medicine, Law, Psychology, Sociology, Pedagogy.

Article 15 – Training of professionals

Professionals such as psychotherapists and counsellors of mental health should be trained adequately as they usually deal with intersex women who are victims of violence and trauma. Trainings of professionals should be introduced and funded by the government and with cooperation with the civil society.

1. Protection and support

Article 18 – General obligations

Current national laws that protect intersex women against violence such as the law on racist crimes and hate speech should be properly implemented. Therefore, **it is essential to inform the judiciary, public prosecutors, law enforcement agencies and authorities on the meaning of the term ‘sex characteristics’ and the situation of intersex women in Greece.** In addition, legislative measures should be introduced to cover all forms of violence that take place against intersex women especially in medical settings. **Reporting mechanisms should also be introduced at hospitals as well as at schools for intersex women and girls where incidents of violence could be reported immediately to staff who are sensitised to intersex issues.** All relevant stakeholders should be informed about gendered violence based on gender as spectrum with the aim to include all people falling outside the binary including intersex women. **Organisations providing support to women victims of violence should extend their support to all women including intersex women. Funding schemes should be introduced by the government with the aim to empower intersex women and girls victims of violence. Moreover, social security should cover access to psychotherapy for intersex women and girls victims of violence.**

Article 19- Information

As it was already mentioned in the previous section, often, intersex women and especially intersex girls are not aware that they are experiencing violence since GBV against them mainly takes place at authoritative places. **We recommend to introduce laws and policies to ensure that intersex women and girls victims of violence receive adequate information on violence against them as well as the availability of support services and legal measures. The language used need to be simple and accessible to all ages.**

Article 20- General support services and Article 22 Specialist support services

There are no general support services available for intersex women and girls victims of violence. We recommend that the government provides funding for the creation of such services. The personnel providing such services should be trained on intersex issues and ensure that is intersex friendly. Existing specialist support services for women survivors or LGBT survivors of violence could also extend their services to include intersex women.

Article 21- Assistance in individual/collective complaints

Intersex women survivors of violence should be able to be assisted to file individual or collective complaints. **This requires the provision of mechanisms that allow them direct and immediate reporting as well as access to accurate information and a safe space where the personnel has intersex friendly behaviours. Such mechanisms will allow intersex women and girls to ask for reparations and hold perpetrators of violent incidents accountable.**

Concluding remarks

Finally, Intersex Greece is calling Greek authorities to:

1. Acknowledge the existence of intersex women by the Greek State. For example, currently, the Constitution recognises only Greek men and women.
2. Recognise that intersex bodies are healthy and intersex traits are natural variations that exist within the human biological spectrum.
3. Reform outdated medical protocols that, by presenting natural diversity of sex characteristics (intersex variations) as a “disease”, pathologise intersex people.
4. Abolish the stigmatising medical term "Disorders of Sex Development" and introduce non-medicalised empowering language and terminology on intersex issues, created in consultation with the intersex groups.
5. Abolish degrading examinations and medical practices that intersex women and girls are subjected to, even today, in some public hospitals in the country, such as a) undressing and taking pictures of intimate parts of their body for the hospital record, b) simultaneous examination of the naked intersex body by large groups of doctors and medical students (as if it were an inanimate "exhibit") or in uncomfortable postures (e.g. in a gynecological chair for intersex girls) or painful

- exams done without appropriately sized medical instruments, without prior consent or information of the individuals themselves and their guardians) c) derogatory comments/ making fun of the person from doctors / nurses about any atypical characteristic of the intersex (e.g. breast or clitoris size annotation in intersex girls, hate speech).
6. Provide information about the possible non-invasive methods that could be provided to intersex patients and their parents.
 7. Ensure adequate access of intersex women to free public health care throughout their lives and with respect of their needs.
 8. Ensure full access of intersex people to their medical records and their medical history.
 9. Prohibit medical interventions (e.g. gonadectomy, urethroplasty, vaginoplasty, etc.) if the child or adolescent does not personally consent.
 10. Update teaching materials to reflect the whole spectrum of gender and introduce a course on sexuality that includes all types of human anatomy.
 11. Introduce reporting procedures that allow for immediate and direct report for intersex women survivors of violence.
 12. Inform the general public on the existence of intersex women with the aim to change social perceptions and attitudes.
 13. Mobilise national human rights institutions and bodies as well as women's organisations to add intersex issues in their agendas following EU and international developments.
 14. Provide support that reflects intersex needs and train support personnel adequately.
 15. Inform lawyers and the judiciary about the term 'sex characteristics' and the reforms of laws on racist crimes and hate speech.

