



The status of intersex people in Greece

BRING-IN - National Situational Analysis Report

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Thanasis Theofilopoulos
Dr. Andromachi Bouna

2 Foreword

The overall objective of the “BRING-In” project is to prevent and combat discrimination on the grounds of sex characteristics, by building the capacity of social and health care professionals in order to better meet the needs of intersex people and provide them with high quality support services and avoid abusing and discriminatory practices. Panteion University of Social and Political Sciences and NGO Symplexis brought together experienced partners from Bulgaria, Hungary, Cyprus and the UK to implement a ground breaking project - one of the few at European level – to promote social inclusion and positive visibility for intersex people, that is people who “are born with physical, hormonal or genetic features that are neither wholly female nor wholly male; or a combination of female and male; or neither female nor male” (IGLYO, OII Europe & EPA, 2018:31).

In general, according to relevant literature, intersex people can “at every age” face “stigma, structural discrimination, harassment, lack of adequate medical care, lack of access to needed medication, lack of access to justice, and the invisibility of their bodies in our society” (Ghattas, 2019:13). Moreover, intersex people “often face employment discrimination based on their appearance or gender expression. Due to hospitalisation or trauma-related mental health problems, intersex people may need to take time off. Gaps in their education or employment history might be difficult to explain to employers. There is a reportedly higher risk of poverty due to lack of education as a result of pathologisation and related trauma” (Ghattas, 2019:13).

A crucial task of the “BRING-In” project was to obtain reliable and valuable information for the status of intersex people - one of the most socially invisible population groups - in Greece, Bulgaria, Hungary, and the UK, as the limited number – or in some case the total lack - of relevant scientific studies. To complete this task, “BRING-In” project’s partners conducted a combination of desk and field research on the basis of the research protocol prepared by Panteion University. The latter includes semi-structured personal interviews with relevant stakeholders and experts and, most importantly, intersex people themselves and/or close family members of them.

The results of this research – probably, the first in Greece - are included in the present publication. The research team consisted of social anthropologist Dr Andromachi Bouna and sociologist Thanasis Theofilopoulos from Panteion University and psychologist Eva Spinou from NGO Symplexis. All interviews were recorded after having received the signed informed consent of all participants. Due to the break of COVID-19 pandemic and the implementation of protective measures, some of these interviews were conducted through video meeting/conference applications. Excerpts from the interviews that are included in this report were transferred from the respective audio files without being processed - in any way - by the researchers.

Part 1 includes the desk research results while parts 2 and 3 include the field research results. Finally, Part 4, presents the main findings of both the desk and field research.



3 Part 1. Desk research results

3.1 The status of intersex people in the country

Intersex people in Greece could be described as an “invisible” population group, since there is a total lack of evidence – either from official/state or scientific or civil society sources – regarding their population size as well as their sociodemographic profile. Similarly, we don’t have a clear picture regarding hate crime, hate speech and discrimination on the grounds of sex characteristics, although the evidence suggests that that the Greek society could hardly be described as friendly and/or safe towards intersex people.

Since 2012, the members of the Racist Violence Recording Network – RVRN¹ (2012 March 21; 2013 April 2014; 2015; 2016; 2017; 2018; 2019; 2020) have recorded hundreds of homophobic, biphobic and/or transphobic hate crimes in Greece, but still, no hate crimes against intersex people have been recorded. There is also a lack of data regarding discrimination on the grounds of sex characteristics. Since 2017, the Greek Ombudsman (n.d.) which is “the national equality body with a mandate to combat discrimination and promote the principle of equal treatment”, prepares and publishes its annual equal treatment report. In 2017, the Greek Ombudsman (2018:15, 19) received 738 complaints but just 1% of them were discrimination incidents on the grounds of gender identity or sex characteristics. Furthermore, the exact number of reported cases of discrimination on the ground of sex characteristics is not made clear. In 2018, the Greek Ombudsman (2019:17) received 899 new complaints while in 2019 the same authority received 1176 (2020:15). Both years just 1% out of these complaints were discrimination incidents on the grounds of sexual orientation, gender identity and/or sex characteristics but is not clear exactly how many complaints belonged to the latter category (The Greek Ombudsman, 2019:17; 2020:15).

The results of the largest ever - at EU level - research on the perceptions and experiences of LGBTI² people that was carried out by FRA³ (2020), reveal the extent of discrimination against and insecurity towards LGBTI people in Greece while highlighting the need for measures and policies to prevent and combat these phenomena.

¹ The Racist Violence Recording Network - RVRN (2020:8) - established in 2011 by the Greek National Commission for Human Rights (GNCHR) and the Office of the United Nations High Commissioner for Refugees in Greece (UNHCR) – is, today, comprised of 47 NGOs - including LGBTIQ+ ones - while the Greek Ombudsman and the Migrant Integration Council of the Municipality of Athens, also participate as observers (Racist Violence Recording Network (2020). Annual Report 2019, p. 8. Retrieved from: <http://rvrn.org/wp-content/uploads/2020/06/ETHSIA-EKTHESH-2019-english.pdf>). RVRN was established on the basis of the following two findings: “a) the identified absence of an official and effective data collection system on racist violence and b) the need to coordinate organisations which recorded, on their own initiative, incidents of racist violence against people who sought their services” (Ibid, p. 8).

² This is the term used in FRA’s LGBTI Survey II of 2020.

³ From May until July 2019, European Union Agency for Fundamental Rights – FRA (2020:57), conducted the largest ever EU Survey on the perceptions and experiences of lesbian, gay, bisexual, transgender and intersex (LGBTI) persons, with 139.799 respondents from EU 28 members states (UK included) together with respondents from North Macedonia and Serbia (European Union Agency for Fundamental Rights – FRA (2020). EU-LGBTI II. A long way to go for LGBTI equality. Luxembourg: Publications Office of the European Union, p. 57. Retrieved from: https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-lgbti-equality-1_en.pdf). Intersex people as well as respondents aged 15 to 17 years old took part for the first time in the FRA’s EU LGBT survey (Ibid, p. 57). In total, 4502 Greek LGBTI people took part in this research but just 76 (2%) of them were intersex (Ibid, p. 58).

However, this survey does not provide any detailed information about the status of intersex people (in particular) in the country.

According to survey's results, 9% of the Greek respondents aged 15 years or older who describe themselves as LGBTI experienced physical and/or sexual attack for being LGBTI, in the five years before the survey (FRA, 2020:40), while 33% experienced harassment due to being LGBTI, in a 12 months period before the survey (FRA, 2020:44). Moreover, 43% of LGBTI Greek respondents said that they were almost never open about being LGBTI (FRA, 2020:24).

Furthermore, Greece has the highest rate (71%) - at EU level - of trans and intersex respondents aged 15 - 17 years old who felt discriminated against in at least one area of their life in the 12 months before the survey (FRA, 2020:33). According to FRA (2020:33): "This shows a need for policy measures targeting children and young people belonging to these groups". Finally, 19% of Greek LGBTI respondents said that they "felt discriminated against due to being LGBTI when looking for work in the 12 months before the survey" (the respective EU average was 10%), while 31% of them "felt discriminated against due to being LGBTI at work in the 12 months before the survey" – the respective EU average was 21% (FRA, 2020:32-33).

Clearer – and quite alarming – evidence regarding the status of intersex people in Greece are provided by European Commission's Eurobarometer Discrimination in the European Union (European Commission, 2019 May), which shows a lack of acceptance of intersex people in Greece and the existence of negative attitudes towards them. Greece has the third biggest percentage of respondents in the EU (including the UK) who believed that "discrimination on the basis of being intersex" is "total widespread" in the country: 54%, while the EU average was 39% (European Commission, 2019 May:45). When asked how they would feel if an intersex person held the "highest elected position" in Greece, 45% of respondents replied "total uncomfortable" which is the eighth biggest rate in EU28, while the EU average who would feel the same was more than half - 21% (European Commission, 2019 May:49).

Furthermore, when asked how they would feel if a colleague of theirs with whom they were "in daily contact" was "an intersex person", 44% responded "total comfortable" which was the 7th lowest percentage at EU28 level and far from the EU28 average which was 66% (European Commission, 2019 May:57). Finally, when asked how they would feel if one of their children – whether they really had children or not – was in a "love relationship" with "an intersex person", 70% of the respondents replied that they would feel "total uncomfortable" which was the second – together with that of Lithuania - highest rate at EU28 level, while the respective EU28 average was 31% (European Commission, 2019 May:60).

3.2 National legal framework

In April 2015, Malta passed the ACT No. XI of 2015 "for the recognition and registration of the gender of a person and to regulate the effects of such a change, as well as the recognition and protection of the sex characteristics of a person" and "became the first EU Member State to provide protection against discrimination



explicitly on grounds of ‘sex characteristics’” (FRA, 2020:52). According to Ghattas (2015 December:7), at the time, Malta was “the first country in the world to protect intersex people’s physical autonomy and bodily integrity on the ground of ‘sex characteristics’ “. The same year, Greece became the second country in Europe to “explicitly protect intersex people against discrimination” (Ghattas, 2015 December:7,15).

In more detail, according to Article 21 of Law No. 4356 of 2015, Article 81A of the Greek Penal Code was amended. The new Article 81A regarding “criminal acts with a racist motivation”, provided stricter penalties (imprisonment) for criminal acts motivated by prejudice/bias against the victim’s sex characteristics, in comparison with penalties imposed for the same criminal acts but without the prejudice/bias motivation. The Penal Code was later ratified by Law 4619 of 2019. The “new” Penal Code includes Article 82A which similarly provides harsher penalties (imprisonment) for hate crimes on the grounds of sex characteristics in comparison with penalties imposed for the same - but not bias/prejudice motivated - crimes.

On the other hand, this new Penal Code has two major drawbacks. According to Article 82A, penalties imposed for bias-motivated felonies are now less strict than those that could be imposed according to the provisions of the previous Penal Code. Moreover, Article 361B according to which the exclusion of people from goods or services (or the announcement of such exclusion) because of their sex characteristics was a punishable act, is now repealed.

In 2016, Law No. 4443/2016 was passed. According to the so called “anti-discrimination law”, discrimination on the grounds of sex characteristics – among others – is forbidden in the employment sector (both private and public) as well as “during sales of goods or provision of services to the public”. The law also includes an explicit reference of the “supposed characteristics” (e.g., sexual orientation, gender identity, sex characteristics, national or ethnic origin, religious beliefs etc.) of the victim, thus it is the perpetrator’s motivation that matters and not if the “characteristic” of the victim is “actual” or “real”. Furthermore, the perpetrator is the one who has to prove that he/she did not actually, discriminate against the victim. The law also provides the victims with protection against any kind of retaliation. Yet again a major legal gap can be found. Law No. 4443/2016 does not include an explicit reference to sex characteristics as protected ones against discrimination in a number of sectors namely social protection, social benefits, tax reliefs, education, housing.

Legal registration after birth, is regulated according to the provisions of Law 344/1976. Article 22, provides that the birth certification of the newborn must include the child’s sex. No other details are provided but as we are going to see at the following Parts of the present research, newborns are categorized either as males or females, in other words there is no such thing as a “third” or “x” choice/option for gender marker.

Regarding medical procedures performed on the bodies of intersex minors without their consent, Law 3418/2005 on “Code of Medical Ethics” has major gaps that lead to the violation of intersex people’s human rights. While according to Article 2, medical services are provided with “absolute respect for human life and human dignity” and they are “addressed to all people without discrimination on the grounds of sex, race, nationality, age, sexual orientation, social status or political ideology”, there is no explicit reference to sex characteristics - as well as to gender identity - as protected features against discrimination.

Articles 12 of Law 3418/2005 refers to the “informed consent of the patient”. According to the provisions of this Article, a doctor “is not allowed to perform any medical procedure without the prior consent of the patient”. On the other hand, if “the patient is a minor”, then “consent is given by those who exercise parental responsibility or custody”. The opinion of a patient of a minor age “is also taken into account”, but only if “he/she - according to the doctor’s opinion - has the age, mental and emotional maturity to understand his/her health status, the content of the medical act and the consequences or the results or the risks of this act”. In other words, according to the law, if a new-born baby - or a child - is identified as an intersex person, the parents are the ones to provide consent for medical procedures related to the baby’s sex characteristics. Intersex people have no right to their own bodies until they become adults. Others have the right to make decisions for them - decisions that may lead to dire consequences that will follow intersex people for the rest of their lives.

Since 2017, the Greek Transgender Support Association (2017 October 26) is calling the Greek Government(s) to transpose the provisions of Resolution 2191 (2017) of the Parliamentary Assembly “Promoting the human rights of and eliminating discrimination against intersex people” to the national legal framework, and, in particular, the prohibition of unnecessary sex “normalization” surgeries, sterilization or other treatments applied to intersex children without their consent in as well as the inclusion of sex characteristics as protected characteristics against discrimination in all areas of life as well as and the provision of specialized and holistic health care practices to intersex people⁴.

⁴ According to this Resolution:

“(....) the Assembly calls on Council of Europe member States to:

7.1 with regard to effectively protecting children’s right to physical integrity and bodily autonomy and to empowering intersex people as regards these rights:

7.1.1. prohibit medically unnecessary sex-“normalising” surgery, sterilisation and other treatments practised on intersex children without their informed consent;

7.1.2. ensure that, except in cases where the life of the child is at immediate risk, any treatment that seeks to alter the sex characteristics of the child, including their gonads, genitals or internal sex organs, is deferred until such time as the child is able to participate in the decision, based on the right to self-determination and on the principle of free and informed consent;

7.1.3. provide all intersex people with health care offered by a specialised, multidisciplinary team taking a holistic and patient-centred approach and comprising not only medical professionals but also other relevant professionals such as psychologists, social workers and ethicists, and based on guidelines developed together by intersex organisations and the professionals concerned;

7.1.4. ensure that intersex people have effective access to health care throughout their lives;

7.1.5. ensure that intersex people have full access to their medical records;

7.1.6. provide comprehensive and up-to-date training on these matters to all medical, psychological and other professionals concerned, including conveying a clear message that intersex bodies are the result of natural variations in sex development and do not as such need to be modified;

7.2 with a view to assisting intersex people, their parents and the people around them in dealing with the challenges posed, *inter alia*, by social attitudes towards variations in sex characteristics:

7.2.1. ensure that adequate psychosocial support mechanisms are available for intersex people and their families throughout their lives;

7.2.2. support civil society organisations working to break the silence around the situation of intersex people and to create an environment in which intersex people feel safe to speak openly about their experiences;

7.3 with regard to civil status and legal gender recognition:

7.3.1. ensure that laws and practices governing the registration of births, in particular as regards the recording of a newborn’s sex, duly respect the right to private life by allowing sufficient flexibility to deal with the situation of intersex children without forcing parents or medical professionals to reveal a child’s intersex status unnecessarily;

Regarding legal gender recognition, in 2017, the Greek Parliament enacted the Law No. 4491 which describes the legal procedure that transgender persons must follow in order to change their identity card as well as the rest of the identification papers. While the law allows trans persons to proceed to the legal recognition of their gender identity without the obligation to undergo any kind of medical procedures or treatments, the Greek Ombudsman (2018:105) has highlighted that this law “does not fully comply with the European and international requirements” because it is not in line with the relevant recommendations “for the establishment by the State of quick, transparent and easily accessible procedures for changing the identity card and other identification documents of the transgender persons on the basis of the principle of self-determination”.

Moreover, under Law 4491/2017, minors under 15 years old are not allowed to correct their - assigned at birth - gender in their documents, while minors between 15 and 17 years old have to receive the consent of their parents or guardians as well the approval of a scientific committee, in order to be allowed to proceed to the legal recognition of their gender identity. The Greek Ombudsman has stressed (2018:105) that the legal recognition of gender identity of minor trans persons is “a decisive step for the prevention of them being targeted”.

Furthermore, Greek LGBTQI+ organizations have identified many gaps in Law 4491/2017, including those related to intersex and non-binary people.⁵ For example, Greek Transgender Support Association (2017

7.3.2. simplify legal gender recognition procedures in line with the recommendations adopted by the Assembly in [Resolution 2048 \(2015\)](#) and ensure in particular that these procedures are quick, transparent and accessible to all and based on self-determination;

7.3.3. ensure, wherever gender classifications are in use by public authorities, that a range of options are available for all people, including those intersex people who do not identify as either male or female;

7.3.4. consider making the registration of sex on birth certificates and other identity documents optional for everyone;

7.3.5. ensure that, in accordance with the right to respect for private life, intersex people are not prevented from entering into a civil partnership or marriage or from remaining in such a partnership or marriage as a result of the legal recognition of their gender;

7.4. with regard to combating discrimination against intersex people, ensure that anti-discrimination legislation effectively applies to and protects intersex people, either by inserting sex characteristics as a specific prohibited ground in all anti-discrimination legislation, and/or by raising awareness among lawyers, police, prosecutors, judges and all other relevant professionals, as well as intersex people, of the possibility of dealing with discrimination against them under the prohibited ground of sex, or as an “other” (unspecified) ground where the list of prohibited grounds in relevant national anti-discrimination provisions is non-exhaustive;

7.5. collect more data and carry out further research into the situation and rights of intersex people, including into the long-term impact of sex-“normalising” surgery, sterilisation and other treatments practised on intersex people without their free and informed consent, and in this context:

7.5.1. conduct an inquiry into the harm caused by past invasive and/or irreversible sex-“normalising” treatments practised on individuals without their consent and consider granting compensation, possibly through a specific fund, to individuals having suffered as a result of such treatment carried out on them;

7.5.2. in order to build a complete picture of current practice, keep a record of all interventions carried out on children’s sex characteristics;

7.6. carry out campaigns to raise awareness among the professionals concerned and among the general public as regards the situation and rights of intersex people.

8. Finally, the Assembly invites national parliaments to work actively, with the participation of intersex people and their representative organisations, to raise public awareness about the situation of intersex people in their country and to give effect to the recommendations made above” (Council of Europe - Parliamentary Assembly (2017 October 12). Resolution 2191 (2017) Promoting the human rights of and eliminating discrimination against intersex people. Retrieved from: <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=24232&lang=en>).

⁵ Article 7 of the draft version of Law 4491/2017 explicitly prohibited medical surgeries on intersex infants and at the same time provided a clear legal framework for the legal recognition of gender identity in case of medical procedures. But, when the draft finally submitted, Article 7 was missing and was replaced by the new Article 7 “Other provisions” which does not concern intersex people. Dr. Nikoletta Pikramenou argues that the “mysterious” deletion of Article 7 as well as the global trend for illegal protection of intersex people reveals the complexity of gender issues as they touch on ideals, values and ideals deeply rooted in modern society that are difficult to overthrow (Pikramenou, N. (2019). *Intersex Rights. Living Between Sexes*, Springer, p. 178-181).

October 10) has highlighted the total lack of protection measures for intersex people, while Colour Youth (2017 October 10) referred to the exclusion of intersex and non-binary persons from the legal gender recognition procedure because of the lack of a third/alternative sex option in public/official papers⁶.

One of the positive aspects of the Law is Article 7 by which Articles 1 and 2 of the “anti-racist” Law No. 927/1979 were amended. According to this last amendment, sex characteristics were added as a protected characteristic. Law No 927/1979 was first amended by Law No. 4285/2014. The amended Law No. 927/1979 provides that imprisonment and fines up to 20.000 euro can be imposed against anyone “who intentionally, publicly, orally or through the Press, the Internet or any other means, incites, provokes, induces or urges, acts or actions that may cause discrimination, violence or hatred against a person or group of persons or a member of such a group who are defined base to (...) sex characteristics”, but only if this incitement etc. occurs “in a way that put public order into danger or if it includes threat against the life, the freedom or the physical integrity of the above mentioned persons”. In other words, after the amendments of Law No. 4285/2014, hate speech may be punished only under certain circumstances for example if it jeopardizes public order.

In 2019, the Greek Parliament voted on a law that includes provisions against stereotypes and inequality in the media sector and content. While gender identity and sexual orientation are explicitly referred in some provisions of this Law, the same does not apply for sex characteristics: according to Article 24 of Law No 4604/2019, “in codes of conduct drawn up by public service broadcasters, in self-employment contracts that may be concluded by them and in the self-regulatory rules that are established and perhaps approved by the competent authorities, regulations aiming at the realization of the equal treatment principle and the elimination of stereotypes on the grounds of gender, gender identity and sexual orientation are mandatorily adopted in the field in which they operate”. Moreover , while the same Article includes provisions regarding the “equal representation of the female gender in all areas of the country’s social, economic, cultural and political life” by all TV and radio stations as well as the inclusion of thematic issues “contributing to the promotion of Gender Equality, the identification and elimination of discrimination, and the fight against stereotypes”, no explicit reference is made to sex characteristics as well as to gender identity and sexual orientation.

Additionally, while - according to the same Article - speech “involving discrimination on the grounds of gender, as well as any other reference with a relevant verbal or other behaviour” when “reproducing advertising, television or radio messages” is prohibited, there is no relevant provision regarding sex characteristics, sexual orientation or gender identity. Finally, according to the same Article, the National Council for Radio and Television (NCRTV) publishes directives “on integrating the principle of gender equality and non-discrimination

⁶ According to the personal blog of Vassilis Sotiropoulos - alternate member of the National Commission for Human Rights (EEDA) and the lawyer who handled the case - in September 2020, a Greek Court ruled – for the first time in the country – that a non-binary person could change their first and last name in their documents/papers (E-Lawyer (2020 September 17). Recognition of non-binary gender identity by the district civil court of Kallithea [“Αναγνώριση μη δυαδικής ταυτότητας φύλου - non binary από το Ειρηνοδικείο Καλλιθέας”]. Retrieved from: <http://elawyer.blogspot.com/2020/09/non-binary.html>). The decision of the court was based on Article 5 of the Greek Constitution regarding the “free development of personality, personal freedom”, the provisions of Law No.344/1976 regarding registration acts (e.g. birthday, marriage and death certificates), Article 782 of the Code of Civil Procedure as well as on Law 4491/2017 (ibid).

on the grounds of gender, gender identity and sexual orientation into the broadcasted programs of radio and TV broadcasters” - as well as on the aforementioned provisions of the same Article - but yet again not on the grounds of sex characteristics. Sex characteristics are partially or not at all included in national legal framework, highlighting the invisibility of intersex people at the legal level as well and failing to effectively - in legal terms - to protect their human rights.

3.3 National central policies and good practices

No central policies focusing on the prevention of hate speech, hate crime and/or discrimination against intersex people or on the promotion of their social inclusion and protection of their human rights, are known to have been implemented in the country.

One important initiative of the Greek State, addressing the roots of discrimination and abuse of intersex people but not focusing particularly on intersex issues (although including them), was the “Thematic Week” for secondary education schools. It involved training and awareness raising activities in many topics including human rights. This initiative was introduced in 2016 and was organized by the Institute of Educational Policy of the Ministry of Education and Religious Affairs, in collaboration with other bodies, organizations and institutions, including LGBTQI+ organizations. For example, during the Thematic Week 2018-2019, the NGO Rainbow School prepared and provided the awareness and educational material “Awareness of students on Sexual Orientation, Gender Identity, Gender Expression and Sex Characteristics issues” targeting secondary school students. In January 2020 though, it was announced by the undersecretary of the Ministry of Education (2020 January 31), that, during 2019/2020 and from now on, the Thematic Week will no longer be implemented. Regarding intersex-focused initiatives from other organizations or institutions, besides the “BRING-In” project no relevant projects are known to have been implemented in the country whether by the academic/research community or the civil society sector. Intersex people will usually find support to some LGBTQI+ organizations but the only civil society organization that is intersex led is “Intersex Greece”, an informal – but rather active and dynamic – group that consists of intersex people, members of their families as well as defenders of the rights of intersex people. Other organizations that have advocated - and still do - the human rights of intersex people include - mainly - the NGOs Greek Transgender Support Association and Colour Youth Athens LGBTQ Youth Community, both based in Athens.

When it comes to official reporting procedures, if a discrimination incident on the grounds of sex characteristics occurs, a person may file an official complaint to the Greek Ombudsman which is the national equality body that combats discrimination and promotes the equal treatment principle. One of this Independent Authority’s departments is that of the Equal Treatment, responsible for handling cases of discrimination (and) on the grounds of sex characteristics. A person may submit a report online (through a special electronic form), by post, email or at the Authority’s premises during a meeting with a staff member of the Equality Department. The procedure is totally charge free and the Ombudsman does not proceed to any interventions without the informed consent of the person that filed the report.

In case of a hate crime on the grounds of sex characteristics, a person can file an official report to the Police Service for Combating racist crime, which operates a 24hr special and charge free line and also provides the option of an online complaint submission. The procedure is also charge free and police officers working in the Service have participated in training and awareness activities of LGBTQI+ organizations, regarding human rights and/or anti-LGBTQI+ hate crime⁷. But while there are available options for intersex people to officially report hate crimes and discrimination incidents on the grounds of sex characteristics, the abusive and/or discriminatory behaviors from some police officers against members of the LGBTQI+ community⁸ seem to undermine the trust towards Police and this is one of the reasons for underreporting of cases (Theofilopoulos et al. 2018:125). This implies the need for continuing training and raising awareness activities on LGBTQI+ people in general - and intersex people in particular - targeting at police officers on a broader scale (not only the officers of the aforementioned special police service) as well as the need for (independent) research and prosecution of illegal police violence and/or discriminatory practices.

⁷ For example, members of this Police Service participated in training and awareness workshops regarding anti-LGBTQI hate crime, organized by Colour Youth Athens LGBTQ Youth Community and deliver by the then Project Manager Thanasis Theofilopoulos - along with invited experts - in the framework of the Project "Come Forward: Empowering and Supporting Victims of Anti-LGBT Hate Crimes", funded by the Rights, Equality and Citizenship Programme of the European Union (Colour Youth Athens LGBTQ Youth Community (2018 September 28). PRESS RELEASE "Come Forward" training Workshops. Retrieved from: <https://www.colouryouth.gr/2018/10/01/come-forward-deltio-typou/>). During the workshops, participants became familiar with key concepts such as "intersex" and "sex characteristics" - among other LGBTQI+ terms and concepts - the current legal framework for racist crime and discrimination on the grounds of sex characteristics. etc.

⁸ For example, LGBTQI+ and other human rights organizations denounced the involvement of Police officers to the abuse -and perhaps the death - of the well known LGBTQI+ activist Zak Kostopoulos in 2018 and the homophobic verbal and physical attack against a couple of gay men in 2019 (Proud Parents, Colour Youth Athens LGBTQ Youth Community, Rainbow Families, Greek Transgender Support Association, Lesbian and Gay Community of Greece OLKE, Proud Seniors Greece, Rainbow School, LGBTQI+ Employment Support Group, Athens Pride, Positive Voice and Praxis (2018 September 28). PROTEST - MARCH OF LGBTQI+ ORGANIZATIONS FOR THE MURDER OF ACTIVIST ZAK KOSTOPOULOS ["ΔΙΑΜΑΡΤΥΡΙΑ – ΠΟΡΕΙΑ ΤΩΝ ΛΟΑΤΚΙ+ ΟΡΓΑΝΩΣΕΩΝ ΓΙΑ ΤΗ ΔΟΛΟΦΟΝΙΑ ΤΟΥ ΑΚΤΙΒΙΣΤΗ ΖΑΚ ΚΩΣΤΟΠΟΥΛΟΥ"]. Retrieved from:

<https://transgendertextsupportassociation.wordpress.com/2018/09/28/%ce%b4%ce%b9%ce%b1%ce%bc%ce%b1%cf%81%cf%84%cf%85%cf%81%ce%b9%ce%b1-%cf%80%ce%bf%cf%81%ce%b5%ce%b9%ce%b1-%cf%84%cf%89%ce%bd-%ce%bb%ce%bf%ce%b1%cf%84%ce%ba%ce%b9-%ce%bf%cf%81%ce%b3%ce%b1/> / Greek Transgender Support Association, Athens Pride, Rainbow Families, Proud Seniors Greece, Rainbow School, Colour Youth Athens LGBTQ Youth Community, Lesbian and Gay Community of Greece OLKE (2019 September 9). PRESS RELEASE: "Joint statement by LGBTQI organizations regarding a homophobic racist attack on two citizens by Riot Police men" ["ΔΕΛΤΙΟ ΤΥΠΟΥ: «Κοινή δήλωση LGBTQI οργάνωσεων σχετικά με ομοφοβική ρατσιστική επίθεση σε βάρος δύο πολιτών από άντρες των ΜΑΤ»"]. Retrieved from:

<https://transgendertextsupportassociation.wordpress.com/2019/09/02/%ce%b4%ce%b5%ce%bb%cf%84%ce%b9%ce%bf-%cf%84%cf%85%cf%80%ce%bf%cf%85-%ce%ba%ce%bf%ce%b9%ce%bd%ce%ae-%ce%b4%ce%ae%ce%bb%cf%89%cf%83%ce%b7-lgbtqi-%ce%bf%cf%81%ce%b3%ce%b1%ce%bd%cf%8e%cf%83%ce%b5/>.

The Greek Racist Violence Recording Network has also recorded cases of anti-LGBTQI+ hate crimes by police officers (Racist Violence Recording Network (2014). Annual Report 2013, p. 8. Retrieved from: http://rvrn.org/wp-content/uploads/2014/04/Report2013_EN.pdf / Racist Violence Recording Network (2015). Annual Report 2014, p. 13 Retrieved from: http://rvrn.org/wp-content/uploads/2015/05/Report_2014eng.pdf / Racist Violence Recording Network (2016). Annual Report 2015, p. 21-22. Retrieved from: http://rvrn.org/wp-content/uploads/2016/04/Report_2015eng.pdf / Racist Violence Recording Network (2020). Annual Report 2019, p. 24. Retrieved from: <http://rvrn.org/wp-content/uploads/2020/06/ETHSIA-EKTHESH-2019-english.pdf>).

3.4 Useful contacts

Intersex organizations:

- Intersex Greece

E-mail: intersexgreece@gmail.com

Facebook group: www.facebook.com/groups/625166437539698/

LGBTQ(I) organizations:

- Athens Pride (Athens)

Tel: (+30) 6974 18 73 83

E-mail: contact@athenspride.eu

Website: www.athenspride.eu

Facebook page: www.facebook.com/athenspride

- Colour Youth –Athens LGBTQ Youth Community (Athens)

Tel: (+30) 6945 58 33 95

E-mail: info@colouroyouth.gr

Website: www.colouroyouth.gr

Facebook page: www.facebook.com/ColourYouth

- HerPride (ex LGBTQI+ Crete Pride) (Heraklion, Crete)

E-mail: herpride2019@gmail.com

Website: herpride2018.wordpress.com

Facebook page: www.facebook.com/herpridefest

- G-All, Gender Alliance Initiative

E-mail: g.all.initiative@gmail.com

Facebook Page: www.facebook.com/GenderAllianceInitiative

- Greek LGBT PwD (Athens)

E-mail: info@loatamea.gr / greeklgbtdisabled@gmail.com

Website: www.loatamea.gr

Facebook Page: www.facebook.com/loatamea

- Greek Transgender Support Association (Athens)

Tel: (+30) 210 92 10 697

E-mail: contact@tgender.gr / transgender.support.association@gmail.com

Website: www.transgender-association.gr / www.tgender.gr

Facebook page: www.facebook.com/GreekTransgenderSupportAssociation

- OLKE - Gay and Lesbian Community of Greece (Athens)

Tel: (+30) 6931 47 15 67

E-mail: info.olke@gmail.com

Website: www.olkegr.blogspot.gr

Facebook page: <https://www.facebook.com/OLKEorg>

- Orlando LGBT: Mental Health beyond the Stigma (Athens)

E-mail: contact@orlandolgbt.gr

Website: www.orlandolgbt.gr

Facebook page: www.facebook.com/orlandolgbt.gr

- Patras Pride (Patras)

E-mail: pridepatras@gmail.com

Website: www.patraspride.blogspot.gr

Facebook page: www.facebook.com/patraspride

- Proud Parents (Athens)

Tel: (+30) 6977 83 90 37

E-mail: proudparentsgreece@gmail.com

Facebook page: www.facebook.com/proudparentsgreece

- Proud Seniors Greece

Tel: (+30) 6973355124

E-mail: proudseniorsgreece@gmail.com

Facebook page: www.facebook.com/proudseniorsgreece

- Rainbow Families (Athens)

E-mail: ouraniotoksofamilies@gmail.com

Website: www.rainbowfamiliesgreece.com

Facebook page: www.facebook.com/ouraniotoksofamilies

- Rainbow School (Athens)

Tel: (+30) 6931 47 15 67

E-mail: info@rainbowschool.gr

Website: www.rainbowschool.gr

Facebook page: www.facebook.com/RainbowSchoolGR

- Thessaloniki Pride (Thessaloniki)

Tel: (+30) 231 1 289320

E-mail: contact@thessalonikipride.com

Website: www.thessalonikipride.com

Facebook page: www.facebook.com/ThessalonikiPride

National Equality Body

- The Greek Ombudsman

The Greek Ombudsman is the national equality body with a mandate to combat discrimination and promote the principle of equal treatment irrespective of sex (among others) characteristics. The Department of Equal Treatment is competent for handling cases of discrimination as they relate to access of employment, vocational training and promotion and working conditions, in both in the public and the private sector, including contractual employment, self-employment, work and pay.

Tel: (+30) 2131306600

Online Complaint Submission: www.synigoros.gr/?i=submission-system.el

Website: www.synigoros.gr

National Social Support Service

- National Centre of Social Solidarity EKKA (emergency psychological and social support services to children, adolescents, adults, families and socially vulnerable groups in a state of emergency, social exclusion and crisis)

24hr Helpline: 197 (24hr)

Website: www.ekka.org.gr

Police Services:

- Cyber Crime Unit of the Hellenic Police

The Unit's responsibilities include the investigation of racist content on the internet.

Tel: 11188 (24hr)

E-mail: ccu@cybercrimeunit.gov.gr

Website: www.cyberkid.gr (for children and their parents)

www.cyberalert.gr/feelsafe (for fraud in online environment)

- Police Service for Combating Racist Violence

Tel: 11414 (24hr)

Online Complaint Submission:

http://www.astynomia.gr/index.php?option=ozo_content&&perform=view&id=18224&Itemid=0&lang=

4 Part 2. Primary research results: interviews with experts and relevant stakeholders

4.1 Background and profile of interviewees

The research team conducted a total of twelve (12) interviews with relevant stakeholders as well as experts in the fields of gender equality studies and human rights law. In particular, interviews were conducted with representatives/spokespersons from:

- five (05) LGBTQI+ organizations - three of which have a legal status and the rest are informal groups, while four of them are based in Greece and one is based in another EU member state but has a Greek “branch”
- two (02) women’s rights organizations with legal status
- one (01) gender equality focused organization (again with a legal status)
- one (01) independent human rights body
- one (01) independent equality body

Also, two (02) interviews were conducted with two members of the academic-research community, one of whom is an expert on equality issues and the other one holds a PhD on intersex issues. Due to the protective measures against covid-19 pandemic, all interviews were conducted via teleconference applications - - and were recorded with the (signed) consent of the interviewees.

All spokesperson/representatives of the represented LGBTQI+ organizations were members of their boards and/or founding members. Four out of five of them have a humanistic sciences educational background and hold their current positions from three years to over a decade. The spokespersons/representatives of the women’s rights’ organizations hold management and/or support services positions – one of them for two years and the other one for nine years - and have social sciences educational background. The spokesperson/representative of the gender issues organization has a social sciences educational background too and is both a founding member of their organization in which he holds a management position for about a year.

Moreover, the representative/spokesperson of the human rights body is a member of the board for a year and has a law science educational background. The representative/spokesperson of the equality body also has a law science educational background, but is a member of the equality department for the last four years. Finally, the two participating experts have a different educational background - social sciences and law science – and work in different fields and environments: one is a university professor for two decades while the other one collaborates with human rights and women rights’ organizations during the last four years.

4.2 Basic knowledge of terminology and legal framework

In this first section, researchers focused on the identification of the level of knowledge and awareness of interviewees regarding basic terminology related to the issues addressed by this project - namely "intersex", "sex characteristics" and "discrimination", "hate crime" and "hate speech" on the grounds of sex characteristics – as well as the existing anti-discrimination and patients' rights (=due to the widespread phenomenon of the violation of intersex people's body integrity, by performing medical procedures on them without their consent) national legal framework.

Most interviewees provided (correct) definitions of "intersex" and "sex characteristics". On the other hand, three interviewees – two from LGBTQI+ organizations and one from a women rights' organizations - found it difficult to provide clear definitions for "intersex" and/or "sex characteristics". One of these three interviewees also added that they could hardly understand what intersex means.

When asked about "discrimination", "hate crime" and "hate speech" on the grounds of sex characteristics, most of the interviewees could not provide accurate definitions or identify the differences between those acts/behaviours, but answered by giving examples of these acts and behaviors. One of the interviewees – a university professor with experience on gender/equality issues - could provide neither definitions nor examples, while an interviewee from a women's rights organization provided only short definitions for hate crime and discrimination, arguing that hate crimes are "*crimes that come from prejudices*" while discrimination has to do with different kinds of "*limitations*" a person may face to different sectors of life due to their characteristics. Two interviewees – both from LGBTQI+ organizations – argued that hate crimes are more "*serious*" than hate speech, while one interviewee also from an LGBTQI+ organization argued that discrimination is the basis for hate speech and hate crimes and, similarly, an interviewee from a women's rights organization said that hate speech leads to hate crime.

Those interviewees who chose to provide examples in order to define the above-mentioned terms, referred to:

- "*institutional*" discrimination against intersex people, discrimination in everyday life – for example using the bathroom or going at the beach
- discrimination in education ("*acceptance from the school environment*")
- discrimination when born ("*surgical operations*" without their "*consent*")
- hate speech through media and /or by "*politicians, journalists, priests who can verbally target people, use problematic and abusive speech or call on other citizens or groups of citizens to exclude these people, to target them and to have a punitive attitude towards them*" as one interviewee said
- hate crimes such as the - well-known case in Greece - of a gay (or perceived as gay) young student who was bullied, tortured and then murdered.

When it comes to the national legal framework on discrimination - and especially in relation to sex characteristics - only five out of the twelve interviewees were aware of the relevant law and could provide some information. The rest either were not aware of it or - falsely – replied that there is no such legal framework in the country or even provided wrong information. Moreover, only one from the aforementioned five interviewees represented an LGBTQI+ organization and one was a representative of a women's rights



organization. The rest three were experts working in the field, one from the equality body and one from the human rights body – all three with a law science background.

Both representatives of the equality body and the human rights body stated that the national legal framework is “sufficient” and/or that “it covers many topics”. But the latter one added that even “the world’s best law is not enough if it is not implemented properly” and that there is no great experience of implementing the law in cases of violations that refer to sex characteristics. The first one added that it is questioned whether the law for legal gender recognition covers intersex people and that “an expanded interpretation of the existing provisions [of the legal gender recognition law] could include intersex people”.

The only representative from a LGBTQI+ organization that was quite aware of the relevant legal framework on discrimination, highlighted that the inclusion of sex characteristics as a protected feature was made possible due to the fact that “it occurred a bit accidentally, because they [the MPs] did not understand what they were voting for when they passed it - but - anyway - this is another discussion”. The representative from the LGBTQI+ organization also added that sex characteristics are “theoretically protected by law – [what happens in] reality is another issue”, and that the legal gender recognition law may include “some reference to sex characteristics” but “has many gaps and does not even cover trans people”. Similarly, a spokesperson from a gender issues organization also referred to law on legal gender recognition, arguing that there no provision for intersex people exists.

An expert interviewee from the academic/research sector – who was fully aware of the relevant legal framework – stated that the draft version of legal gender recognition law included provisions focused on intersex people and prohibited any medical surgeries without their consent. But, the final version of the law that was voted by the Greek Parliament was different as intersex people were excluded. According to the interviewee, this case underlines “the sociological” aspect of the issue, “that is it is a very complicated issue” and “it doesn’t only have to do with legal [aspect]” because “it involves too many issues” (=perhaps meaning dominant prejudices against intersex people and/or fear of negative reactions from conservative institutions and/or parts of the general population). Finally, when it comes to patients’ rights - related to the human rights of intersex people – seven out of twelve interviewees were able to provide information, while the remaining five had no such knowledge or provided false information.

Interviewees were also asked what happens – according to their knowledge and/or personal professional experience - when a baby born in the country is identified as intersex as well as if there are any standard procedures, protocols and/or practices. Almost all interviewees agreed that there are no such standard/specific protocols and procedures – or they have never heard anything about such protocols and procedures - and that is up to the parents to decide, based on the advice and guidance of the medical staff.

A human rights body spokesperson said that they are guessing that “what will happen, is what the parents have decided without many procedures and this is the reason why there are no specific medical protocols, because there is no protocol, the doctor doesn’t have to record [what it will be done]” and added that “There is a total difference between a doctor who has to lie about something he/she has kept a record of from not saying anything



at all. It is an enormous freedom not to have to say anything...". The equality body representative also said that from the knowledge he/she obtained from "intersex people and their representatives, the medical community and some parents, usually, parents are asked at the maternity hospital if the one or the other sex will prevail". He/she added that intersex community is asking to put an end to such medical procedures after birth – an opinion he/she agrees with – adding that there is no relevant legal framework in Greece.

Regarding the interviewees' claim that there are no medical protocols focusing on intersex people, this is not exactly true. Indeed, no medical protocols referring to "intersex" people have been identified - unfortunately, intersex people are not referred as "intersex" by the medical community while intersex diversity is not treated as a natural one. There are some medical guidelines focusing on "disorders of sex development" (such as hypospadias, clitoridomegaly etc.) as – unfortunately - all intersex diversities are still called and treated by the most members of the medical community. Terms such as "disorders of sex development", "hermaphroditism" / "pseudo-hermaphroditism" etc. pathologize intersex characteristics and bodies as "abnormalities" or "diseases", thus justifying medical interventions, even when they are not medically necessary.

The equality body representative argued that patients' rights is "a very big issue" and a complicated one "because it is related to the access to health services, the medical care, the hospitalization etc.", adding that they believe that like transgender people, intersex people continue to face "problems" related to "access to health services" and the "effective pharmaceutical care". The human rights body's representative argued that the existing legal framework is "generic enough", but somebody could be based on it in order to develop "protocols", such as "medical" ones. But they added that they are "almost sure" that "we don't have medical protocols for intersex people".

One of the two interviewed experts said that there is no such (patients' rights) specific provision in the legal framework that focuses on intersex people. According to the interviewee, an intersex person could be based on some provisions of the existing penal code in order to appeal to justice. But they added that - in legal terms - this may be a challenging and complicated issue in some cases, for example, in case of medical procedures performed on an intersex person when they were a child with the consent of their parents.

Four out of five interviewees from LGBTQI+ organizations claimed that intersex people remain unprotected in terms of patients' rights, while the rest said that they had no knowledge. One of them argued that when an intersex child is born, the parents together with the doctor(s) will make decisions regarding its sex. Another interviewee argued that there is no special care for intersex people, while a different one stated that "these people are invisible". Two out of these four interviewees also argued that there are no specific medical protocols for intersex people implemented in the country.

4.3 Status and support of intersex people in the country

When asked about the seriousness of anti-intersex hate speech, hate crime and discrimination in the country and compared to other EU member states, five out of twelve interviewees argued that no relevant data are available, while one interviewee referred to the data of the FRA's EU LGBTI Survey II (2020). As the interviewee

from the human rights body stated, *"it is a completely unknown phenomenon"*, Similar was the statement of an interviewee from a gender equality NGO who argued that intersex people are an *"invisible community"*.

Almost all interviewees – eleven out of twelve – including those that highlighted the fact that there no relevant data available, agreed that intersex people face hate speech, hate crime and/or discrimination in the Greek society and the extent of the phenomenon is quite serious. Indicatively, an interviewee from a LGBTQI+ organization said that we are not able to make a specific assessment, as there are no official numbers and statistics, but they added that *"we can speculate based on the stories of the intersex people themselves but also from what we see from society about hate crimes and hate speech in general"*, meaning that discrimination on the grounds of sex characteristics does exist in the Greek society.

Moreover, an interviewee expert suggested that this lack of data may be linked to the fact that *"intersex persons do not come out"* which reveals that there actually is anti-intersex discrimination and hate crime in the Greek society. They added that a manager from OII Europe had revealed to them that the Greek version of a guide for the support of intersex people has had the most downloads, so according to the interviewee *"this fact alone shows many things"* - perhaps implying a great need for information on the topic. The same interviewee argued that *"the most striking example"* of discrimination on the grounds of sex characteristics are medical operations on intersex children without their consent, as well as the medical advice to parents to choose abortion instead of giving birth to an intersex child. Similarly, a LGBTQI+ organization representative considered that intersex people experience hate crimes in Greece, the most serious of which is that *"others decide for them from the moment they are born"*, while an another LGBTQI+ organization representative wondered *"whether the school would be able to accept it [an intersex child], its friends, [and the] the wider society"*.

Compared with other EU member states, one women's rights organization representative argued there is no high level of anti-intersex discrimination in Greece – especially during recent years – but two interviewees from LGBTQI+ organizations and an expert argued that the status of intersex people in Greece is worse – or much worse – than in other EU member states. One of the other LGBTQI+ organizations representatives said that both in Greece and in other European countries, intersex people are socially invisible even within secure and inclusive contexts such as those of LGBTQI+ organizations - a phenomenon that has its roots in conditions of guilt-based secrecy cultivated by the way intersex people are treated by doctors and the latter's advice to the intersex persons' parents:

"There is a very strong culture that [being intersex] is something that we will not discuss about in the family, we will not discuss it further (...) that is actually said to parents when the doctor says that the child is intersex; it is something that parents were told for many years - "don't say it in the outside world, don't discuss about it" (...) there is generally a lot of secrecy, there is a lot of "shame" about the whole thing, so even today, even in LGBTQI+ organizations we see that (...) Intersex people will hardly come out and say that they are intersex, that is, the intersex people who are "out" are very few both in the activist sector and generally".

When asked about dominant social perceptions and stances towards intersex people in the country and the possible reasons behind them, almost all – eleven out of twelve interviewees – believed that they are *"negative"*



or “*mostly negative*”, while one interviewee from a human rights body argued that they are “*nonexistent*” because people “*don’t know what it [intersex] is*” but they were optimistic that “*society is much further ahead*” than what one would expect.

Regarding the reasons behind these negative perceptions and stances, the interviewee from the equality body argued that the reason is the “*fear of the different/other*”, which “*always exists in the Greek society*”, as well as the lack of the “*society’s education, in order to accept every human being, to be open as society, to protect everybody’s rights*”. An interviewee from a gender equality organization also referred to dominant perceptions and stances in society, which affect intersex people and these are the prevailing attitudes in the Greek society “*in trying to homogenize and categorize and classify people in a duality*” and then “*the dominant culture intervenes - also through the sciences - on these bodies [of the intersex people], without the individuals themselves having the right of choice, self-determination and time [to decide] if and when something might happen*”. According to the same interviewee, these dominant perceptions - which also affect intersex people - are based on the patriarchal culture, which is “*deeply rooted*” in the Greek society and creates gender stereotypes and sexism. A women’s rights interviewee similarly suggested that there are many discriminatory beliefs in the Greek society regarding gender identity and sex, so intersex people could not be excluded. She/he added that other reasons for these negative perceptions and stances towards intersex people include ignorance – both among professionals and the public - and not enough (positive) visibility.

On a similar note, most of the interviewees also referred to ignorance and/or lack of visibility of intersex people. For example, while an interviewee from a LGBTQI+ organization argued that these negative perceptions and stances towards intersex people are just representative of the respective perceptions and stances towards the LGBTQI+ in general, he/she added that there is an “*enormous ignorance*” for intersex people in particular, which is greater than for other people belonging to the LGBTQI+ spectrum and plays an important role and “*leads to very bad behavior towards these people*”. Similarly, a women’s rights’ organization’s spokesperson referred to the ignorance regarding intersex people, adding that this lack of knowledge is bigger than the one for other people belonging to the LGBTQI+ community.

On the same note, a LGBTQI+ organization’s spokesperson referred to the lack of visibility of intersex people in Greece that is responsible for a great confusion about what intersex means, to the point that “*many people think that intersex people are trans people*” and that it is “*as if they do not exist*”. An LGBTQI+ organization’s representative also referred to ignorance as the main reason for these negative stances and perceptions, adding the lack of “*visibility*” and the lack of provisions for the protection of intersex people to the national legal framework.

An interviewee expert (a university professor) referred also to the prevalence of “*very big ignorance*” about intersex, which according to them is a new term that is “*not often discussed*” and even for their students it is difficult to understand anything outside the traditional/stereotypical gender binary. Another interviewee from a LGBTQI+ organization also referred to the combination of ignorance and misinformation, which leads to negative perceptions and stances towards intersex persons. They added though the lack of representation of intersex people in media content or the way they are portrayed in it also plays an important role to the



reproduction of negative perceptions and stances towards them: *"Whether there will be no references at all, there will be no [intersex] characters (...) and if there are, they will be portrayed in a negative way with the use of the old terminology ["hermaphrodite"] and there will be abusive jokes".* An interviewee from another LGBTQI+ organization highlighted the lack of education as the main cause of these perceptions and stance, which is visible among teachers and, consequently, children.

Interviewees were also asked to identify whether the human rights of intersex people are well respected and protected (in the country) in different areas of life - namely health care, education, employment, legal gender recognition, gender marker/registration after birth, anti-intersex hate speech and hate crime, access to justice and redress.

Most interviewees - more than half of the total sample - focused on violations of human rights regarding registration after birth in connection with medical procedures without the consent of the intersex person. As a LGBTQI+ organization spokesperson said:

"Since his/her/their birth, an intersex person is deprived of the right to make any choice. That is - as it is well known - very invasive procedures which are performed on [intersex] babies (...) without these procedures to be medically necessary. [These procedures are performed] just to "match" the main external sex characteristics and to make them look like to those of either a boy or a girl (...) to attach [to the intersex person] a "label" that society has decided that it must fit to which is - obviously - a big violation of the rights of these people. That also creates health issues afterwards, it may create - perhaps - a problem in their health for the rest of their lives... such as that (...) they will have to receive hormones as well many, many other problems".

Similarly, a gender issues organizations spokesperson wondered *"what impact this may have on the person's life... what will that do to their identity, to their orientation..."* when *"intervening to make a person the way you want so that they will fit the norm"*. An interviewee expert argued that most doctors approve such medical procedures, while a women's rights organization spokesperson went further by suggesting that they believe that the *"medical community"* actually performs *"experiments"* on intersex people. Another women's rights organization representative also referred generally to violations of intersex people's human rights in the health sector, while a LGBTQI+ organization spokesperson added that intersex people face challenges when they ask for specific medical examinations which are linked to a specific biological/anatomical sex e.g., *"a mammogram"* (i.e., an X-ray picture of the breast).

Almost half of the interviewees also referred to challenges faced by intersex people regarding the legal recognition of their gender identity. A human rights body spokesperson argued that legal gender recognition is the *"most basic [issue]", since "everything starts from the [legal recognition of] the gender identity"*, because legal gender recognition is linked with the *"access to education, access to healthcare"*. But for intersex people the case is complicated, since an intersex child cannot be asked regarding their gender identity and even, they asked, *"he/she/they does not know who he/she/they is/are, what he/she/they are doing in this life, what he/she/they want(s) to do"*, as he/she claimed. The latter claim is problematic, as children may know their gender identity from an early age (Keo-Meier, C. & Ehrensaft, D., 2018). Furthermore, the *"method of therapeutic care"*



of the gender affirmative model, *"includes allowing children to speak for themselves about their self-experienced gender identity and expressions and providing support for them to evolve into their authentic gender selves, no matter at what age"* (Ehrensaft, 2017).

Interviewees from LGBTQI+ organizations also argued that the relevant national legal framework *"is not yet as it should be"*, does not allow someone to be registered as *"gender fluid"* or – as one of them said – *"in relation to their sex characteristics nothing is recognized"* by the existing law. Similarly, an expert argued that legal provisions regarding (protection of) sex characteristics and (protection of) body integrity are an issue that *"has been left behind enough"* in Greece's national legal framework.

Some interviewees also made remarks regarding the education sector. A representative of a LGBTQI+ organization said that in this sector *"there is a great violation"* of the intersex people's human rights *"and no care"* for them. Another LGBTQI+ organization spokesperson also referred to the fact that *"not even the mention of their existence [of intersex people] is made"* at school, while a women's rights organization representative said that teachers have a total lack of knowledge on such issues. In this context, a LGBTQI+ organization spokesperson said that every intersex child is exposed *"in the beliefs and convictions of every teacher"* and discrimination on the grounds of sex characteristics occurs *"from the moment the [intersex] child sets foot in school"*, because the child *"is not recognized as an individual"* and must be *"either a boy or a girl and in fact with certain social standards"*. In any other case, according to the latter interviewee, *"you will either be bullied or discriminated against"*.

When it comes to the employment sector, a LGBTQI+ organization argued that intersex people are protected (from harassment, discrimination or hate crime) just because they are invisible and, of course, this *"does not mean that they are psychologically satisfied with what is happening"* in relation to attitudes and stances in the employment sector. A women's rights organization spokesperson also said that in this sector, *"when you reveal the intersex identity, I think then you face obstacles"*. Another LGBTQI+ organization spokesperson argued that intersex people must make a double effort to prove their worth.

Regarding access to justice and redress, only an equality body interviewee argued that the *"reflexes"* of the justice system are *"slow"*. The same interviewee also added that, in general, the whole public administration system has adopted a *"phobic"* stance towards intersex issues. Some interviewees also referred to protection against hate crime and hate speech on the grounds of sex characteristics but appeared to have lack of the relevant knowledge. Three interviewees from different LGBTQI+ organizations argued that sex characteristics are not protected under the relevant legal framework – which is not true – or that they don't know whether they are protected or not.

An LGBTQI+ organization spokesperson argued that the basic rights of intersex people are covered in terms of access to education, health services and employment as well as legal gender recognition – which is not true as we have already seen in the previous part of the current report and as we are going to see to the next part - and the problem is the society's lack of education that can create difficulties to intersex people's lives. Also, an interviewee expert while arguing that there is a *"primary protection"* of the rights of intersex people in the

national legal framework, the problems begin during the *"interpretation"* of the existing legal framework by the judges as well as the *"conservatism"* that dominates in the legal and judicial community.

When asked if an intersex person or a close family member of their close family has ever sought for their support, what was the case/request and what procedures, protocols etc. were followed, nine out of twelve interviewees responded negatively. A LGBTQI+ representative said that it was only once that an intersex person had asked for their support and the request was more about the intersex person's *"socialization"* and *"psychological support"*. It is worth noting that this intersex person *"did not clearly say that they were intersex"* but this was made understood through *"discussion"* with him/her - in fact, according to the interviewee *"the person himself/herself did not know that he/she was an intersex, (...) there was ignorance about themselves by themselves; about what exactly is happening to them"*.

Regarding the existence of protocols, guidelines, etc. about the reception and support of intersex people by the organization they represent, the interviewee said that there no specific protocols/guidelines focusing on intersex people used in the organization, but some existing guidelines for proper behavior towards trans people can be also applied to intersex people e.g., *"we respect [make proper use of] pronouns"*. According to the same interviewee, the organization's general behavior guidelines towards LGBTQI+ people - such as *"not outing [\"reveal\" a person's gender or sexual orientation without his/her consent]"* or *"not ask offensive questions"* - also covers intersex individuals.

An interviewee from another LGBTQI+ organization also referred to the cases of two intersex people who joined the organization – one of whom is a college student and learned about being intersex only recently and the other one is a school student who knows about their intersex status but cannot *"come out"* at school. The organization members just conduct a research to find bodies and institutions where they can refer intersex people for focused support.

The interviewee representing the equality body, referred to a case of an intersex school student who faced harassment and stigmatization at school due to their gender expression which did not follow the registered at birth sex. The equality body managed to meet the schools' staff, students, and the students' parents to educate and raise their awareness on intersex issues and the need for respect and support.

Another problem is the fact that when a child is born in Greece, the sex must, obligatorily, be registered as either male or female. The same interviewee referred on the lack of a gender marker - as third option other than male or female - that could represent intersex people after birth. Because of this lack of option - according to the equality body representative - *"the biologically dominant or visible in any case [sex] is the one that is registered"*. And this practice – according to the same interviewee – will create many health problems to the child. Similarly, a LGBTQI+ organization spokesperson argued that such practices will lead to *"very bad consequences later in the life of the intersex person"*. According to the equality body representative, it is necessary to abolish medical procedures without the consent of the intersex person: *"it is clearly a matter of free development of anybody's personality to decide what he/she wants for his/her life, his/her body and, in general, his/her life"*. Two interviewees representing LGBTQI+ organizations also referred to the fact that

doctors may also suggest abortion, if the unborn child is identified as intersex. In general, being intersex is perceived by medical staff as something repulsive or as an interviewee put it: a *"monster of nature"*.

When they were asked to name public and/ or private organizations/institutions/bodies in the country which are specialized in intersex issues and/or provide support services for intersex people, half of the interviewees named "Intersex Greece". According to interviewees who provided more information, it is a group without a legal status that advocates the human rights of intersex people and organize education and awareness activities as well as advocacy activities including interventions in the European Parliament.⁹ Four interviewees also named the LGBTQI+ NGO "Orlando LGBT – Mental health beyond the stigma" that according to them can provide psychological support to intersex people.

Moreover, the LGBTQI+ organization "Colour Youth Athens LGBTQ Youth Community" was named by two interviewees, while the following organization and bodies/institutions were named by one interviewee (not the same interviewee each time), although - for some of these organizations, bodies, institutions - it is doubtful whether they actually have knowledge and / or experience in supporting intersex people: the LGBTQI+ organizations "Proud Parents" and "Greek Transgender Support Association", the National Centre of Social Solidarity (EKKA), the National Organization against Drugs (OKANA), the (public) Athens Office of Health Education of Secondary Education. Interviewees who referred to these organizations and bodies/institutions did not provide any information regarding the available services. One interviewee also referred to an organization called "Rainbow" - perhaps, he/she was referring to the LGBTQI+ NGO "Rainbow Families" - which according to them supports parents, while another interviewee referred to the School of Public Health that may conduct relevant scientific research. It is worth mentioning that an interviewee representing a LGBTQI+ organization argued that, in general and although they *"usually have a slightly better picture of them [the interest issues]"* even LGBTQI+ organizations, *"compared with organizations of unrelated objectives"*, present limited knowledge on the matter (knowledge *"is still little"*).

Finally, when asked where an intersex person can file an official report/complaint or at least unanimously record a case of discrimination on the grounds of sex characteristics, half of the total number of interviewees named the Greek Ombudsman. One of them provided detailed information about the procedure that is followed. Discrimination incidents on the grounds of sex characteristics in employment, education, health and social protection sector can be reported by both individuals and legal entities, online, by fax, post or after a scheduled meeting and after the report is submitted. The Ombudsman will contact both the person who submitted the report and the body/institution etc. against whom the report was submitted in order to *"solve the problem"* - while another interviewee said that Ombudsman does not only accept reports but has the right to *"intervene"*. In fact, Greek Ombudsman may attempt to resolve a problem through a mediation and / or to suggest to the competent authorities to impose penalties, in case of violation of the law. In other words, the Independent

⁹ See also the joint submission of Intersex Greece and Dutch NGO "NNID Foundation - Netherlands organisation for sex diversity" of the Report "The Rights of Intersex Children in Greece" to the UN's Committee on the Rights of the Child (Intersex Greece & NNID Foundation - Netherlands organisation for sex diversity (2019 November 1). *The Rights of Intersex Children in Greece*. Retrieved from: https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/GRC/INT_CRC_NGO_GRC_40838_E.pdf).

Authority cannot impose penalties. Three interviewees also referred to the Racist Violence Recording Network – without providing more information - and three interviewees also referred to LGBTQI+ organization Colour Youth – one of them clarifying that the organization receives anonymous reports of hate crime and discrimination cases.

Two interviewees also referred to the helpline 11528 – which is coordinated by LGBTQI+ organization Orlando LGBT – but again they did not provide more information. Moreover, two interviewees referred to the Police Service for Combatting Racist Crime – one of them said that the procedure is “charge free” – which is correct because previously people who reported hate crimes had to pay a fee (“paravolo”) - expected from a public service – but was not sure if a person can report an incident anonymously. Interviewees also referred to the following organization, bodies, institutions and services: the “Prosecutor”, “any police officer”, NGO Intersex Greece, civil Society groups in general, Greek or pan-European (such as OII Europe) LGBTQI+ organizations in general, responsible public bodies for receiving reports on discrimination incidents again, in general. In this case also, they could not provide any information about the procedure that is followed.

One interviewee could not name a body, institution etc. at all, not even make a general or vague reference like some of the aforementioned. An interviewee expert while not naming any organization, body, or institution responsible for receiving official or unofficial reports, argued that even if an intersex person appeals to a responsible body/institution to report an incident, this body or institution “will not have a clue what it is about”. In other words, the interviewee believes that no organization, body, or institution could properly handle a reported case of hate crimes or discrimination on the grounds of sex characteristics. When the interviewee was asked to give their opinion for the Greek Ombudsman – which is the responsible authority for receiving official reports (and) on the grounds of sex characteristics – the interviewee said that he/she does not have an opinion, since he/she “hasn’t ever spoken with the Ombudsman”.

4.4 Recommendations

In this final section, interviewees were asked to recommend measures and policies in different areas of life - namely health care, education, employment, legal gender recognition, gender marker/registration after birth, anti-intersex hate speech and hate crime, access to justice and redress – in order to improve (or ensure) the protection of the target group’s human rights and promote their social inclusion and equality.

The interviewee from the human rights body suggested the development of “recording protocols”, in order to collect data regarding the intersex population in the country e.g., “how many of them are out there” or “how many [intersex] babies are born”. The same interviewee suggested that we can build up focused measures based on these data e.g., “a support procedure” or “network for parents [of intersex children] and [intersex] children”, taking into consideration that based on the Convention of the Rights of the Child, the child cannot decide on his/her own (without the parental consent).

The representative of the equality body suggested the implementation of an educational and awareness campaign on intersex issues targeting the *“responsible bodies/stakeholders”*. The objective of this activity would be *“intersex people to be treated with respect”, “insults against them to be avoided”* and intersex people *“not to be discriminated in the future”*.

Two interviewees from women’s rights organizations, one interviewee expert and one representative from a LGBTQI+ organization also suggested the organization of *“information”* and *“awareness activities”* targeting the general public. The latter also noted that *“a big [major] factor in all types of discrimination is people’s ignorance”*. The interviewee from the equality body added that the State and the body where they work could be involved in the organization and delivery of such campaign/activity.

Regarding medical procedures after birth, a spokesperson/representative of a LGBTQI+ organization and representative from a women’s rights organization highlighted the need for legislative regulations to ensure the protection of the human rights of intersex people in the health sector from the day they are born, in order to put an end to practices such as the interventional medical procedures. Similarly, two more interviewees from different LGBTQI+ organizations argued that it should be up to intersex people themselves to decide regarding any medical procedures on them related to their sex – no procedure should take place without their informed consent.

When it comes to gender marker/registration after birth, two interviewees from LGBTQI+ organizations, two interviewees from women’s rights organizations and one interviewee expert suggested that the option *“other”* or *“empty”* or *“neutral”* for sex should be available during registration after birth and/or during legal gender recognition later. Regarding legal gender recognition, an interviewee from a women’s rights organization suggested that the procedure should be easier, while an interviewee from a LGBTQI+ organization similarly – but in more detail - suggested the improvement of the legal gender recognition process in order to make it easier and extrajudicial, noting that *“self-determination should be something that we respect and that it needs neither a court nor anything else”*. They also suggested that an explicit reference to sex characteristics should be included in every law that protects human rights.

Regarding health care, the representative of the equality body expressed their anxiety about the health care received by intersex people, including the place that they will be referred to and the kind of treatment that they will receive. An interviewee from a LGBTQI+ organization argued that medical *“examinations, surgeries and [health care] access should not be based only on the registered sex”* of a person because this practice creates obstacles to intersex people as some medical examination/procedures are covered by public insurance as ones used only to/for men or women. Another interviewee from a LGBTQI+ organization suggested that all medical procedures for intersex people should be covered by the public insurance system. Finally, a representative from a gender issues organization, suggested the development of *“specific”* medical *“protocols”* regarding intersex people and the *“supervision”* of their proper implementation.

Moreover, some interviewees referred to the need for training of professionals. The representative of the equality body suggested that while current and future (police academy students) police staff are trained

“almost per semester” on LGBTQI+ issues, this could be done in a more “systematic” way. He/she also added that all public sector’s “involved bodies” - namely “teachers”, staff working in “[public] administration”, “the police”, “justice” – as well as “each one of us [the general public]” should be trained. Similarly, a representative of a women’s rights organization suggested training activities on human rights of intersex people for all relevant professionals.

A spokesperson of a LGBTQI+ organization and a spokesperson of a gender issues organization highlighted the need for training and awareness activities on intersex issues, targeting – in particular - both education and health care professionals as it is “the most important thing” and “there is a lack of it” as one of them stated. The spokesperson of the gender issues organization also suggested the training and awareness “of teachers, parents’ schools, training of officials, people working in municipalities, in public administration”. An interviewee expert also suggested training activities for teachers and education staff in order to “deconstruct themselves the stereotypes” they have and then “deal with the equality issues” in the education sector, while another interviewee expert focused on the need for training activities targeting doctors.

When it comes to the education sector, the interviewee from the equality body argued that such subjects (intersex related issues) “should not be considered taboo” in education. He/she also said that the body where he/she works has already asked from the Ministry of Education to inform and train school staff on how to handle cases of intersex students (in order to support them), because even when school staff is willing to be involved and support these students when challenges/obstacles emerge, they deny to do anything without a relevant instruction from the Ministry of Education and/or because they are afraid about the possible reaction of other students and/or students’ parents. Unfortunately, he/she said, the Ministry of Education authorities have not yet responded to this request/suggestion of the equality body and keep repeating that they will think of it.

Two more interviewees - both from LGBTQI+ organizations - also suggested the organization of awareness and training activities for teachers on intersex issues and “how to speak and approach children, so that they feel they are in a safe environment” as one of them clarified. One of these two interviewees also suggested that stereotypical gender divisions should be ended and children’s self-determination as well as their right to choose the activities they want in school without gender segregation should be respected.

Similarly, an interviewee expert suggested that children learn from school that “gender is a spectrum” and that we should only refer to it as a “binary”, adding that “perceptions” are “formulated” in schools, so we should focus our efforts in favor of intersex people’s human rights in the education sector. Another interviewee from a LGBTQI+ organization suggested that the education should – in general - include focus to the respect for and “acceptance” of the “Other” while an interviewee from a women’s rights organization suggested the inclusion of intersex issues in school books.

Some interviewees also referred to higher education and/or the academic/research community. An interviewee expert highlighted the need for the inclusion of the gender perspective to university schools’ curricula. They focused on law schools – as they are a law scientist – explaining that future judges who graduate from these

schools, when they have to deal with a case of an intersex person *“they have no clue and make decisions which are very problematic”*, due to the lack of relevant education topics during their studies. Similarly, a representative of a women’s rights organization who is a social worker, stated he/she was never taught about intersex related issues during their studies. Another interviewee expert also stated that there are no scientists in the country that deal with relevant issues, including gender stereotypes.

Regarding access to justice or appeal to justice after hate crime/hate speech incidents, a representative of a LGBTQI+ organization argued that intersex people will not appeal to justice and *“pay lawyers when they know from the beginning that because of stereotypes and ignorance money is wasted and they will be abused”*. A representative from a LGBTQI+ organization noted that *“there are very few ways to report an incident [hate crime or discrimination]”* and stressed the need to *“make the reporting process easier, friendlier”*. Another interviewee from a LGBTQI+ organization suggested that even judges should be trained to distinguish between hate crimes and other *“common”* crimes. An interviewee - also from a LGBTQI+ organization - referred to the *“distancing”* stance of the (Greek Christian Orthodox) Church. He/she added that the Church fuels hate speech because of the fact that members of the clerk *“do not accept these [intersex] people”*. The same interviewee also suggested legal measures against those who use hate speech - because education may not be always an effective tool against hate crime in which hate speech leads - and legal protection for their victims.

An interviewee representing a gender equality organization, although they suggested that sex characteristics should be protected under the law for hate speech and hate crimes - which is false because they are already included in the relevant legal framework – they then expressed concern about freedom of expression, claiming that many law scientists believe that if the relevant law becomes stricter, then this *“can backfire to us”* explaining that they meant restrictions to freedom of expression. But this is a rather unfounded fear, as neither hate crimes nor hate speech fall into the category of freedom of expression. Another interviewee from a LGBTQI+ suggested the acceleration of all justice proceedings and the formulation of a protective for intersex people legal framework in general.

Finally, in relation to the employment sector, only one interviewee - a spokesperson of a LGBTQI+ organization - made a relevant recommendation, arguing that people whose gender expression is not stereotypically feminine or masculine – or is a mix of them - could hardly work - for example - as public sector employees, meaning that only *“normative”*, stereotypical gender expressions are welcome in specific working environments.

5 Part 3. Primary research: interviews with intersex people and/or close family members

5.1 Background and profile of interviewees

The research sample consists of two intersex adults and a parent (mother) of an intersex non binary child. All three interviewees live in three different areas of Greece (North, East and Southeast of Greece respectively). Regarding the intersex people, one identifies as a female intersex and the other as an intersex male - they will be referred in this report accordingly (intersex female, intersex male). The interviewed intersex-female participant is about to finish her postgraduate studies and works as a freelancer. The intersex-male interviewee has completed his undergraduate studies and works in a family business. The mother of the intersex child has completed her undergraduate studies and is currently unemployed. Her intersex child is 11 years old and is attending elementary school. The child also has some extracurricular activities.

Regarding their marital status, both intersex interviewees are not married and do not have children - both are unable to have a child for medical reasons while the intersex male interviewee had applied for adopting a child, but the application was rejected due to his status. The mother of the intersex child is married and has another adult child who is studying abroad.

In summary, both intersex interviewees have received a university education, live in a city, are unmarried and do not have children. The mother of the intersex child has received university education, she is married, her intersex child attends a regular primary school with parallel support and has another older child too.

5.2 Personal experiences and needs

The two adult intersex interviewees realized and discovered their intersex status when they were adults (at the ages of 22 and 26 years old). The interviewee intersex-man stated that

"I had the impression that I was a trans person and I got in touch with the trans community, to see in which place I belong to, they mentioned the intersex physiology and I started looking it up, and I realized that my sex characteristics belong to the intersex physiology"

The intersex female interviewee stated that due to the "normal" external genitals, she could not understand anything. Both of them were informed by their doctors, after receiving their hormonal tests' results. Both developed negative feelings, such as frustration and self-pity: "I was thinking what it went wrong with me, I am defective and thoughts like these" (intersex woman). They felt confused and as one interviewee stated, until now there are things which she could never process or realize: "they told me I cannot have a child, I swallowed it and never processed it [in my mind]" (intersex woman). The intersex *non binary* child was informed by their parents for *their (the child's) intersex status* when they [the child] were 5 years old. The child was confused, not so much about their intersex variation (for which they did not know yet), but rather because of the frequent



(preventive) visits to the doctors - "*they [the child] felt being broken/damaged*" (mother of the intersex child) - and only after they [the child] were informed, they [the child] felt relief.

As for the reaction of their family environment, the parents of all intersex people involved in our research panicked as soon as they learned the intersex status of their children; the parents of the intersex female interviewee were upset and due to their ignorance, "*they listened and did what the doctor told them to do without processing it and without putting in front what they really wanted - they just did what they were told*". Dominated by the fear of stigmatization of their family and the secrecy towards society, "*My mother became more closed to herself and to society in general, she was afraid they [other people/the society] would find out [that he is intersex] and when I decided to come out in public [as an intersex person], I remember that they both told me "you are going to ridicule us" and my father told me "you better not have been born" "* (intersex man). When the mother of the intersex child was informed - during her pregnancy - about the child's chromosome 47XXY, she felt fear and anxiety due to her ignorance at that time and the doctors urged her to terminate her pregnancy, presenting it as a teratogenic: "*They told me my baby was a monster of nature and they told me that the pregnancy should be terminated*". She rejected the doctors' proposal, she was informed by the intersex people themselves about intersex diversity and, thus, realized the truth about them. As she stated, "*since then, my fight for the rights of intersex children has started*".

As for undergoing of any kind of medical procedures / interventions, the intersex male interviewee and the intersex child have not undergone any surgery. The intersex man used to receive – until the age of 28 years old – testosterone. Similarly, the intersex child has not undergone any surgery and according to their mother they [the child] might need to receive hormones later (to deal with endocrine issues that might occur due to the child's 47XXY chromosome). On the contrary, the interviewee intersex woman underwent a "*gonadectomy*"¹⁰ at the age of 15, after being pressured by doctors who suggested the removal of her internal genitals because they were not "*fully developed*". This decision was not hers but was imposed by the doctors on her parents. She had aesthetic problems after the operation, and developed psychological trauma due to the way she was treated during her examination: "*I underwent humiliating [medical] examinations at the age of 15, they asked me to undress in front of my parents and he/she [the doctor] took pictures of me*".

Regarding their gender marker in public/official documents, none of the *adult* intersex interviewees (intersex man/intersex woman) has proceeded to any modification. According to these interviewees, the sex assigned to them after they were born agrees with their gender identity. However, they preferred a third choice/option (sex registration) to be available. As for the intersex child, according to their interviewed mother, their gender identity (non-binary) does not match the registered one (male). The child would also like to have a third option (gender marker) "*so that they [the child] do not have to explain or apologize for themselves*".

When it comes to the educational environment, all three interviewees encountered problems. The two intersex adults did not come out to the school environment because they were not aware of their intersex status anyway.

¹⁰ The procedure to remove an ovary or testis (Wiktionary, 21.09.2020)



The intersex male participant stated that *"in elementary school they considered me as a very closed child, who played with girls"*. On the contrary, the interviewed intersex woman stated that *the doctors advised her parents: "not to talk about my intersex diversity to my brothers so as they [the brothers] won't drop a hint of it [the intersex diversity] to me in any later fight between us"*. Feelings of shame and stigma seem to play an important role in hiding intersex status in the school environment.

On the contrary, the mother of the intersex child claims that she had problems with their enrollment in the kindergarten, because the responsible kindergarten's staff - out of ignorance - associated the intersex status with a disability and rejected the child. In kindergarten and in elementary school, the mother informed the child's teachers - at the beginning of each year - that the child is intersex, however, the child continued to be stigmatized by some children and some teachers because of their appearance, their gender identity or their gender expression. Specifically, according to the interviewed mother, the child

"wants to be free to wear at school the clothes they like regardless of gender stereotypes, some days they may want to wear a skirt or leggings and usually they [the child] dress in unisex style. In general, their gender expression looks androgynous, that is, they [the child] are expressed in correspondence with their non-binary gender identity".

As she noted, *"school is dominated by stereotypes, and thinking of gender exclusively as a dipole results to the targeting of every child that deviates from the "[gender] norm"*. *"My child, no matter how empowered they are, they do not stop to be bothered with such targeting, that is, they feel psychologically pressured"*. In another point, the mother argued that:

"...gender identity is defined as all those elements that give the individual the sense and perception of belonging to a particular gender category, with specific characteristics, behaviors, emotions, roles (...) In most people, gender identity and sex coincide. Typically, boys ultimately adopt behaviors that are considered "masculine" by society, and girls adopt "feminine" behaviors. It is not always like that; however, my child can experience their gender differently, even during just one single day, and due to this different (fluid) expression of their gender, we had problems in the school environment".

Eventually, the child's mother sought the Ombudsman's for Children Rights intervention to protect her child from discrimination and possible abusive behavior - after, the Ombudsman intervention, the situation improved significantly.

All interviewees have experienced discrimination in the field of health, and both LGBTQI communities and their partners. Specifically, they felt like *"guinea pigs"* -- and they were exposed to too many doctors at the same time:

"I felt that - during my surgery - I was exposed to too many doctors because doctors of many specializations were invited to watch the surgery, I really felt as being a test animal (...) they treated me as an incident [perhaps meaning as a case study] for medical students, there was no discretion in every contact I had with doctors - whether they were women or men" (intersex woman).

All interviewees reported that they have experienced discriminatory behaviors and abusive speech by health professionals. Also, the intersex man claimed that when he came out, he faced the negative reaction of members of the LGBTQI+ community: *"when I came out as intersex, I was attacked by the local [LGBTQI] community telling me that I exposed them"*. Finally, the intersex interviewees faced discriminatory behaviors by their sexual partners when they came out to them as intersex people.

Both intersex interviewees as well as the intersex child of the interviewed mother receive a psychologist's supporting services. Some of them referred to a history of depression, suicide attempt, rape, post-traumatic stress disorder, while the intersex child visits a psychologist to receive support and empowerment. They are satisfied from these services and will continue receiving them – as the intersex woman said, she could not enjoy a high-quality mental health status without this support. The intersex child's mother said that her child has established contacts with other intersex children and young persons both in Greece and abroad and they all psychologically support each other. The same interviewee participates in a group of intersex people (and close family members of them) in Greece and she participates along with her child in relevant meetings and conferences abroad.

5.3 General views – the status of intersex people in the country

All interviewees raised many issues and difficulties faced by intersex people in Greece. In particular, they stated that these individuals face many discriminatory behaviors, either when they come out [as intersex people] or when their "different" or "non-typical" sex characteristics are visible or become known. Everyone also stressed the right of intersex people to live. Since the pregnancy period, if it is determined that the unborn child is intersex, the doctors recommend termination of the pregnancy as the intersex diversity is perceived as a serious health "problem" or "disability": *"even today the pregnancy is terminated with the excuse of the quality of children's life"* (intersex man).

For some intersex people's inclusion in school/education environment may be a challenging issue, due to learning problems they may have "suffered of". The mother of the intersex child pointed out that when intersex children face learning difficulties, they should be evaluated every few years by a special committee which, however, ignores their particular learning profiles and needs. All interviewees believe that intersex children experience bullying at school either directly or indirectly because of their sex characteristics. As the intersex child's mother stated

"School can become a constant trouble for these children either due to the non-inclusive school climate, or due to learning difficulties, or due to absences [from school] because of medical treatments and interventions in the middle of the [school] year. Some children may drop out of school prematurely, especially if they are unaware of their intersex diversity and find it difficult to explain what is happening to them ... if they are not strongly supported by their close environment, it becomes even more difficult as these children are more easily exposed to school bullying and constant stress ".

Regarding the working environment, the views of the interviewees vary. The intersex man stated that he did not face any problems because he works in a family business. However, he pointed out that since the intersex status is not obvious, stigmatization is avoided. On the other hand, the mother of the intersex child claimed that the intersex status should be known in the work environment for the safety and explained: *"If you are a man on the outside, obviously at work you will be asked for jobs that require the appropriate muscle strength, but an intersex man may not have the typical 'male' muscular strength, so this can be a problem for his physical health and safety"*.

Everyone agrees that there is a stigma attached to their intersex status in the work environment and that intersex adults may find it difficult to find a job due to their lack of education, their physical problems and/or their lack of self-esteem, caused by social stigma. The intersex woman focused on the fact that employment comes second and considered that intersex people have been exposed - from an early age - to stressful situations which continue for the rest of their lives

"an intersex person experiences socially-induced psychological pressure from an early age and grows up with these feelings - you feel that you belong nowhere, that other people cannot understand you, and you feel that you have to hide things in order to be able to survive".

All interviewees do not know / have not heard of any cases of hate crimes and/or speech against intersex people in Greece. However, they believe that there are incidents of abusive or indirect hate speech, coming either from the health sector - for example doctors who recommend the termination of a pregnancy due to the intersex status of the unborn child that is called "a monster of nature" - or from the media - use of abusive speech by the latter as well as reproduction of stereotypes against intersex people. According to all interviewees, these are crimes against human rights and they conclude that Greece is not a safe place for intersex children due to the fact that doctors are actually allowed to make decisions regarding their sex (the frightened and unaware of the intersex diversity parents just follow the doctors' guidelines and suggestions). Negative stereotypes and prejudices towards intersex people prevail in the country. All interviewees agree that citizens' ignorance of what intersex means and the lack of visibility of intersex people in the country, increase negative stereotypes and fear of intersex people. Fear is a major factor contributing to their social exclusion. According to the intersex child's mother even the knowledge of the medical community *"is not evolved at all, they have remained in old theories and many [health professionals] also do not know anything relevant [to intersex status]"*.

All interviewees rightfully stated that the rights of intersex people are not protected when it comes to legal gender recognition - in general there are no laws protecting their rights at all. As the intersex man stated: *"I applied to adopt a child but was rejected because of my medical file, because the law - as they said in 2013 - forbade me to adopt, so even there, intersex people are excluded"*. Intersex people may find out that the sex assigned to them after birth (and often after medical interventions that come immediately after the birth) does not match to their gender identity. And there is no third/other option other than male/female during registration. The process that intersex individuals must go through in Greece in order to achieve the legal recognition of their gender identity requires that they self-identify as transgender. But intersex people are



afraid that they will be stigmatized again - this time as transgender [due to dominant transphobia] - and they will face integration problems, including in the LGBTQI community.

In general, they identified problems and integration challenges in many areas of their life. They say that amputations and "normalization" practices, such as genital surgery, psychological and other medical treatments, must end. Instead, intersex people need to be empowered to make their own decisions about issues of physical integrity, physical autonomy, and self-determination.

5.4 Recommendations

Unfortunately, intersex status is still treated today – by the largest part of the medical community - as a "disorder" that needs to be "corrected" through irreversible medical interventions. The dominant existence of this perception has multiple negative consequences to the lives of intersex people their recommendations of whom regarding the promotion and protection of their human rights were - as expected - quite the same in most aspects.

Regarding health sector, all interviewees suggested additional education activities on intersex issues for health professionals, asked for respectful behavior by the latter ones towards intersex people as well as ending/forbidding all sex "normalization" interventions. Specifically, one interviewee mentioned that "they should stop seeing us as "guinea pigs", it shows that they do not respect us and indirectly exclude us from the society". All interviewees claimed that the state should declare abusive all "sex normalization" interventions on intersex people's bodies, establish a third/other option for sex registration and ensure the access of intersex people to the legal gender recognition procedure.

One of the most important issues highlighted by all interviewees was the targeting and discrimination against intersex children at school when their gender expressions and/or their sex characteristics do not conform to the male or female norms. For the interviewees, school together with the family are the two most important social institutions in protecting the rights of intersex people. Interviewees suggested that courses on intersex issues should be introduced to the education curricula and that informal learning processes and games could be used as means to put an end to discrimination on the grounds of sex characteristics. The development of a "good behavior guide" towards intersex people was also suggested. They also emphasized the need for encouragement and equal inclusion of intersex children in the school environment because physical and psychological pressure from which these children may suffer – due to their stigmatization and discrimination against them (both in school environment in particular and in society in general) - prevents them from developing all their potential and often leads to school failure.

Interviewees also identified gaps and needs in the academic and research environments and communities that should be dealt with, in order to end stigmatization of intersex people. Intersex individuals are often treated as imaginary mythological creatures (hermaphrodites), as abortive examples, or as pathological cases in scientific literature (e.g., medical textbooks). In order to "de-pathologize" intersex status, interviewees suggested the introduction of intersex-related topics in academic research, books and textbooks. Interviewees also pointed



out that the members of the scientific community need to update their knowledge on the topic and work together with the intersex – and in general the LGBTQI+ - community which advocates the human rights of intersex people, in order to put an end to the notion that there are just two biological sexes.

Interviewees also highlighted the existence of an abusive media discourse and that media and journalism exclude and/or stigmatize intersex people. Relevant *"training activities"*, *"use of "politically correct" discourse"* and (positive) visibility of intersex people were identified as means to combat such phenomena. In general, intersex people and/or their family members that participated in our research, emphasized the importance of awareness and information activities targeting the general public. The general lack of knowledge on the topic was identified by interviewees as one of the main reasons for the human rights violations and discrimination against intersex people. As they claimed, disseminating information about the very existence of intersex people, the violations of their human rights and the discrimination against them, could contribute to the creation of a safer social environment, where intersex people will be socially visible and their voices calling for respect for their fundamental right to live will be heard.

6 Part 4. General conclusions

“Social invisibilisation”, “ignorance”, “non-inclusive” or “hostile social environment” are the key words which could describe the status of intersex people both in institutional and social context in Greece.

Sex characteristics are protected under the law(s) for hate crime and hate speech, but – outside the employment sector - no explicit reference is made about their protection against discrimination in other major sectors of human activity and life. Furthermore, a Penal Code’s article, that prohibited exclusion of people from goods or services (or the announcement of such exclusion) because of their sex characteristics, was recently abolished.

Newborns in Greece are registered either as males or females – no other option is available. Moreover - and most importantly - based on the existing legal framework, unnecessary and irreversible medical procedures, related to sex characteristics, are allowed to be performed on intersex minors without their informed consent. Still there are no legal provisions against such major violations of the human rights of intersex people. Also, interviewees experts and stakeholders were not aware of specific medical protocols implemented - and thus, supervised – in the country, focusing on intersex people. As we saw in the relevant section, this is not exactly the case, as there are guidelines for the so-called “ disorders of sex development” - as intersex diversity is wrongly called and treated. Research shows that it is up to the parents to make crucial decisions regarding the life of their new born intersex child, after having received recommendations from the medical staff who are most of the times - if not all the times – against the protection and respect of the body integrity of the intersex person. Research shows that it is up to the parents to make critical decisions about the life of their newborn intersex child, having received recommendations from medical staff, which - most of the time if not always - are against the respect and protection of the intersex child’s body integrity. Medical staff will also often, if not always, suggest the termination of a pregnancy if the unborn child is identified as intersex.

While there is no available data regarding recorded hate crimes and/or discrimination incidents on the grounds of sex characteristics, both interviews with relevant stakeholders/experts and members of the intersex community, as well as FRA’s (2020) data, indicate that these phenomena do exist in the Greek society. Similarly, results from both the European Commission’s (2019, May) Eurobarometer and the “Bring-in” project’s field research, indicate that the stance and perception of Greek society towards intersex people moves between ignorance, (medical) pathologisation and hostility. Hiding being intersex and/or harassment and discrimination on the grounds of sex characteristics in everyday life – and particularly in health, education, and employment sector – are aspects of an intersex person’s life in Greece. At the same time, the most crucial violation of their human rights occurs when they are born and identified as intersex: non-medically necessary / non-consensual medical interventions are performed on them and the negative consequences of these practices will follow them for the rest of their lives.

According to the interviews with intersex people and/or their family members, intersex people face human rights violations, due to the recognition of their intersex diversity/variation as a “disorder” and not as a natural diversity of sex characteristics. That’s why health professionals recommend terminating the pregnancy. After



birth, as children, adolescents and adults, intersex people experience violations of their physical integrity, which include medical interventions without their previous personal and informed consent. In a very small number of cases, surgery may be necessary but many surgeries may not be.

The interviews' findings have shown that parents of intersex children are often misinformed and asked to consent while being under pressure. Health professionals suggest "corrective" surgeries and treatments to "normalize" the child's biological/anatomical sex. This can cause psychological trauma as well as tissues' scars, osteoporosis, urinary system issues etc. that also cause more dire consequences to the intersex people's lives (e.g., problems regarding their sex health). In addition, surgeries are often need to be repeated - as children grow older - or additional surgeries are needed in order to correct the side effects of previous surgeries.

At school age they face problems of integration, school violence and school failure due to the prevailing negative stereotypes and prejudices, the general ignorance, stigma and the insufficient or non-existent social protection and care. Regarding the employment sector, intersex people will hide that they are intersex to avoid stigma. It is also obvious that, due to the aforementioned challenges and difficulties that intersex people will face in the school environment, it is extremely possible that their educational qualifications will remain limited and this will have negative consequences in their attempt to enter and participate in the labor market. Intersex people who are now adults and have been raised in shame and secrecy have negatively affected personal life, family life and relationships with both parents and sexual partners.

The social invisibility of and ignorance for intersex people are also highlighted by the lack of any specific/focused central (state) policy in favor of intersex people, as desk research of "Bring-In" project has shown. Most of the times, intersex people may seek support to LGBTQI+ organizations, but even some of them – according to the findings of interviews with stakeholders and experts – do not always seem to have the knowledge and/or capacity to properly support them and advocate their rights, despite their - undoubtful - good will to do so. Furthermore, there is only one organization which is exclusively focused on the human rights of intersex people - namely the informal group "Intersex Greece".

During the interviews with intersex people and/or close family members of them, it was noticed that the appropriate support from the family and school environment and the establishment of an open discussion culture with their children about their physical diversity, may have positive results in the child's development, and in his/her self-confidence. While it may seem "safer" not to mention the intersex status subject until they grow up, withholding information and secrecy leads to a stronger shock when they discover their diversity.

Intersex people and/or their family members who took part in "Bring-In" research, first and foremost, demand an end to all unnecessary and non-consensual medical treatments and surgeries (e.g., amputations and "normalization" medical practices, such as genital surgery, hormonal and other invasive medical treatments) performed on intersex people. Instead, intersex people need to be empowered to make their own decisions about their physical integrity and self-determination. This empowerment must begin with their family and continue at school and at media. In this context, stakeholders and experts who also participated in the "Bring-In" project's research, recommended the formulation of a supporting network including parents and children.



They also suggested improvements in the national legal framework and policies regarding legal gender recognition and the right to self-determination. In this respect, stakeholders and experts suggested the introduction of intersex people's body integrity protective provisions to the national legal framework and making available a third (or empty) option for sex registration in all public papers/documents. Stakeholders and experts also suggested other policy measures such as the adoption of positive and protective provisions in health care and insurance system targeting intersex people - such as the formulation of medical protocols focusing on the needs of intersex people and the full insurance coverage of all medical procedures that adult intersex people may need.

Both interviewees' groups - intersex people and stakeholders/experts – focused on the need for research as well as training activities regarding the human rights of intersex people. Intersex people and /or their family members suggested more research and training activities regarding discrimination and other human rights violations against intersex people and improve training of professionals on the problems and challenges faced by intersex people. Similarly, stakeholders and experts suggested awareness and training activities for all relevant stakeholders and professionals (health professionals, teachers, public administration employees etc.) as well as the introduction of the gender identity and sex characteristics perspectives in academia and university curricula namely law science and social sciences. Recommendations of stakeholders and experts also include the identification of the social/demographic profile of intersex people in Greece, through relevant research and data collection.

Furthermore, both intersex people and stakeholders/experts suggested awareness activities on issues related to intersex people targeting the general public. Intersex people and/or their family members also highlighted the need to put an end to the abusive anti-intersex media discourse. Stakeholders and experts focused on the education system, suggesting to combat gender and binary stereotypes and prejudices at school environment and promote the inclusion and respect towards intersex students. Recommendations of the same interviewees suggested that combating hate speech may be also achieved by enforcing legal measures against violators.

Finally, stakeholders and experts pointed out the need to combat abusive behaviors from public officials/servants and facilitate the access of intersex people to reporting services and the justice system by making the relevant procedures easier and faster. The existence of recording options for hate crimes/discrimination incidents or legal provisions (e.g., protecting the human rights) is not enough: intersex people - as every other human being – will be encouraged to exercise their rights and make use of the provided options only if they know that they will be treated with unconditional respect, dignity and professionalism.

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