



## The obligation to investigate indications of harmful practice, ill treatment and torture.

In 2017 Amnesty International Denmark in their report "First do no Harm" documented that unnecessary, invasive, irreversible surgeries including Hypospadias repairs, take place at a rate of 200+ surgeries a year in Denmark. In 2017 CRC (CRC/C/DNK/CO/5) and again in 2019 CESCR (E/C.12/DNK/CO/6) called on Denmark to Undertake an investigation of incidents of surgical and other medical treatment of intersex children, without their informed consent.

Denmark has, due to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment an explicit Human Rights, treaty duty and implicitly a legal obligation, to: Establish all acts of ill treatment and torture as offences under domestic law, To investigate ex officio, any suspicion that ill treatment or torture take place under State control, including in medical settings. To immediately initiate an independent inquiry, To combat impunity, prosecute the perpetrators, and provide redress and reparations for the victims.

In 2023, HRC in Document A/HRC/52/30 stated that *"There can be no effective prevention of torture if the same authorities against whom allegations are made are the ones investigating their peers, subordinates, or superiors. If the investigators are not hierarchically, administratively, and financially independent of the authorities they are examining, this constitutes an irreconcilable conflict of interest."*

Consequently, States asking questions to a hospital, a senior doctor/specialist working in the field, or to (Sundhedsstyrelsen) the National Board of Health, is not considered an impartial investigation.

In October of 2024, Intersex Danmark requested an account of, what the Ministries of Health and Gender Equality have done, to ensure an independent and in-depth investigation into the repeated indications, and documented cases of IGM taking place in Danish hospitals.

In December of 2024 we received a reply cosigned by both the Minister of Equality and the Minister of Health, stating the Ministries, contrary to treaty duty obligations, had found no reason to initiate an independent study of the area.

### **Key challenges and impact**

The lack of investigation into the issue, has enabled the invisibilization, of the full extent of these human rights violations, and allowed this practice to continue, causing children to continue to fall victim to these surgeries, overriding the rights of the victims, while granting impunity the perpetrators.

## Recommendations:

1. Immediately initiate an independent investigation into incidents of surgical and other medical treatment of intersex children, carried out without the individuals' full, free and informed consent.  
Bearing in mind, that an investigation will not be effective in torture prevention, if the authorities against whom allegations are being made, are themselves investigating their peers, subordinates or superiors.
2. Educate and train medical and psychological professionals on the range of sexual and related biological and physical diversity, on the health needs and human rights of intersex persons, including their right to bodily autonomy, physical integrity and self-determination;
3. Ensure that human rights based, intersex organizations are consulted and participate in the development of research, legislation and policies, that impact on intersex rights