

Guide to the recommendations

This fact sheet summarises the 12 recommendations made in the Commission's Final Report.

Human rights approach

The Commission recommends (Recommendation 1) that reform of laws and practices concerning medical interventions to modify the sex characteristics of people born with variations in sex characteristics should be guided by a human rights framework based on the following five principles:

- Bodily integrity principle
- Children's agency principle
- Precautionary principle
- Medical necessity principle
- Independent oversight principle

Legislative reform

The Commission recommends new legislative protections and oversight of medical interventions modifying the sex characteristics of people born with variations in sex characteristics.

Legislation should support a general requirement that medical interventions take place only with the prior, informed, personal consent of the person concerned — subject to an exception in the case of medical necessity. (*Recommendations 7 and 8*)

Whenever a medical intervention is proposed for a person under the age of 18, the medical treatment team should seek authorisation from an Independent Panel or notify the Panel in emergency situations. (*Recommendations 7 and 8*) There should be criminal penalties for not complying with these requirements. (*Recommendation 9*) It is the Commission's view, however, that parents should not be subject to criminal sanctions.

New National Guidelines

Legislative change should be supported by new National Guidelines setting out:

- requirements for obtaining informed consent and ensuring children and younger people are involved in decisions to the maximum extent (*Recommendation 3*)
- how human rights principles should be applied in determining whether a medical intervention is a medical necessity (*Recommendations 4 and 8*)
- best practice and treatment protocols for the management of different variations in sex characteristics. (*Recommendations 5 and 6*)

Other reforms

Governments should provide sufficient public funding for: peer support organisations to develop resources to increase awareness of variations in sex characteristics in the community, educational, service and employment settings, and to reduce the associated stigma; and psychological and psychiatric health services, and consumer resources for people born with variations, their parents and other family members. (*Recommendations 2 and 10*)

A national databank should be established to assist research on variations in sex characteristics and the effects of medical interventions. Governments should also fund and facilitate other collaborative research, including research to tackle stigma and disadvantage. (*Recommendations 11 and 12*)