



# INTERSEX AND TRANSGENDER CHILDREN



## Summary of key issues from previous UPR cycles

During the third cycle of the Universal Periodic Review, Belgium received several recommendations relating to the fight against discrimination based on sex, gender identity and sexual characteristics, including **recommendation 36.25 on the protection of intersex and transgender persons**.

In this context, Belgium has made some notable progress. **In February 2021, the Federal Parliament adopted a resolution recognising the right to physical integrity of intersex persons**, responding to concerns expressed by several international mechanisms. In addition, the **Law of 25 June 2017** on transgender persons, which came into force in 2018, opened up access to **legal gender recognition for certain minors**.

While these developments are important steps forward, **the existing legal and policy frameworks remain incomplete** and their implementation remains insufficient, particularly with regard to children, in light of the obligations under the Convention on the Rights of the Child (CRC).

## National framework

In Belgium, intersex and transgender children continue to face **structural barriers to the effective exercise of their fundamental rights**. Belgian law remains largely based on a binary approach to gender, in which intersexuality is mainly viewed as a transitional situation that needs to be resolved quickly. **The indeterminacy of sex on civil status records is only permitted for a maximum of three months after birth**, which limits the legal recognition of intersex persons and contributes to the continuation of **early medical interventions**, sometimes performed without immediate vital necessity.

With regard to transgender children, the **right to legal recognition of gender is subject to a number of strict criteria** – minimum age of 16, capacity for discernment and parental authorisation – which severely restrict effective access to this right. Furthermore, the reality experienced by trans\* children remains insufficiently visible and marked by persistent prejudice in family, school and institutional settings.

## Challenges and impact

These findings translate into concrete and lasting impacts on the children concerned:

- **Potential violations of the right to physical integrity of intersex children**, linked to non-urgent medical or surgical treatments performed before free and informed consent is possible ;
- **Lack of legal and social recognition of intersex people**, reinforcing stigmatisation and institutional invisibility ;
- **Disproportionate restrictions on the self-determination of transgender children in terms of legal gender recognition**, in tension with the principle of the evolving capacities of the child ;
- Increased exposure to discrimination, violence and harassment, particularly in schools, affecting mental health, well-being and educational attainment;
- Insufficient awareness and training among professionals working with children and in education and health;
- Limited participation by the children concerned in decisions that directly affect them.



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## RECOMMENDATIONS

- Comply fully with General Comment No. 26 (2019) of the Committee on the Rights of the Child by prohibiting any medical or surgical treatment that is not necessary for the health of intersex children and by deferring any intervention until the child capable of discernment has given free and informed consent.
- Adapt the legal framework for sex registration at birth to allow intersex children to avoid being forced into a binary 'male/female' registration.
- Strengthen the right to self-determination of transgender children, in accordance with their evolving capacities and best interests, by reassessing the current conditions for access to legal gender recognition.
- Develop awareness-raising and training initiatives for education, health and childcare professionals, as well as the general public, in order to prevent discrimination, violence and stigmatisation against intersex and transgender children.

### Online file :

<https://lacode.be/projet/upr-2026-factsheets/>



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This fact sheet is part of a series of fact sheets written on the situation of children's rights in Belgium for information purposes in the context of Belgium's Periodic Review. Their drafting was coordinated by CSOs and NHRIs that are members of a working group on the UPR, led by the National Commission for Children's Rights.