

Egale Canada urges the Federal Government to meet domestic and International Human Rights requirements of Intersex People on International Intersex Awareness Day

- [Egale](#) is Canada's national LGBTQI2S organization -

Toronto (October 26, 2018) – Today on [International Intersex Awareness Day](#), **Egale Canada** is raising awareness on the human rights violations being faced by intersex people in Canada. Surgeries on intersex children have been condemned by major human rights groups such as the United Nations, Physicians for Human Rights, and Human Rights Watch, as well as every intersex-led organization in the world. Egale is urging the Canadian government to fulfill its treaty body obligations under international law, especially concerning the UN Convention Against Torture.

“At the age of 7, I endured things that no young person should have to when I was forced to undergo surgery because my body didn't fit what doctors deemed to be normal,” said **Morgan Holmes**, world renowned Canadian intersex activist, professor and writer. *“The pain I endured, both physically and mentally, has lasted a lifetime — it's something that no child should have to experience, yet today it is still common practice across Canada.”*

Approximately **1.7% of the population is born with intersex traits – similar to the number of red haired people** ([UNHCR factsheet](#)). The term intersex refers to a person whose chromosomal, hormonal or anatomical sex characteristics fall outside the conventional classifications of male or female. The designation of "intersex" can be experienced as stigmatizing. This is especially true given the history of medical practitioners imposing it as a diagnosis requiring correction. It happens more often than not that non-consensual surgical or pharmaceutical intervention takes place on intersex infants, children and young adults (some people may not be identified as "intersex" until puberty or even later in life).

In Canada, the Criminal Code [s. 268(3)] allows for parents and medical practitioners to undertake nonconsensual, cosmetic surgeries on intersex infants. These surgeries have proven to result in lifelong physical and psychological pain, amounting to *Torture or Cruel, Inhuman and Degrading Treatment* under the UN Convention Against Torture. The existing law deprives intersex children from criminal protections against pathologization of their bodies, and instead functions to normalize surgical interventions based on assumptions about medically "correct" or "normal" bodies. **Between 30-80% of intersex children undergo up to five irreversible surgeries.**

“When it comes to legal protections of human rights for intersex people, Canada is falling behind the rest of the world.” said **R. Douglas Elliott**, renowned class action lawyer, contributor to the Just Society Report, and partner at Cambridge LLP. *“This is a matter of international human rights law and it is absurd for any government to assume there won't be repercussions for not adhering to international standards.”*

Countries and governing bodies around the world are taking action:

- In 2017, **The Council of Europe** adopted [resolution 2191](#), *Promoting the human rights of and eliminating discrimination against intersex people*. This resolution prohibits medically unnecessary sex-“normalising” surgery, sterilisation and other treatments practised on intersex children without their informed consent. The resolution also calls for consultation with intersex people and asserts a need for data collection and access to medical records for intersex people.
- In 2015, **Malta** adopted the Gender Identity, Gender Expression and Sex Characteristics Act – the first law to prohibit surgery and treatment on the sex characteristics of minors without their informed consent. It also prohibits discrimination on the basis of sex characteristics
- In 2013, **Australia** adopted the Sex Discrimination Amendment (Sexual Orientation, Gender Identity and Intersex Status) Act – the first law to include intersex status as a stand-alone prohibited ground of discrimination. The Australian Senate has also carried out an official inquiry into the involuntary or coerced sterilization of intersex people.
- In August 2018, the state of **California**, SCR-110 called for the creation of clear policy encouraging the delay of cosmetic procedures until an intersex individual is old enough to make an informed decision.
- **Colombian** constitutional court has restricted the capacity of doctors and parents to allow for non consensual, cosmetic surgeries on intersex infants. In four separate decisions, the courts have ruled that sex normalizing procedures cannot take place without the informed consent of the child itself.

Egale is prepared to fight for intersex rights in Canada:

Earlier this year, Egale organized **Canada's first national intersex conference** bringing together academics, researchers, intersex children, youth and parents to identify the needs of the intersex community in Canada. The most significant issues that arose related to **how practitioners view intersex**. This ultimately leads to more significant problems such as **practitioners leading parents/guardians toward normative interventions** either to prevent intersex altogether through the use of **pre-implantation testing** to prevent some forms of intersex features from developing (through the use of prenatally administered dexamethasone); and **advising surgical "correction"** on intersex infants and children.

"The way we treat intersex people in Canada is shameful — the surgeries we allow to take place on intersex children are on all counts a violation of basic human rights and considered torture by the United Nations," said **Helen Kennedy**, executive director at Egale Canada. *"With support from intersex activists in Canada, Egale is prepared to take action."*

Egale has put forward a [submission to the United Nations Committee Against Torture](#) ahead of International Intersex Awareness Day to report Canada's total disregard for international human rights law. Our government is failing to take necessary steps towards implementing human rights. Egale has requested that the committee holds Canada accountable for its failure of compliance and urge Canada to: **Investigate cases of intersex genital mutilation** and other medical malpractices pertaining to **nonconsensual, cosmetic surgeries on intersex children**; and follow best practices by **providing free and informed consent**, in compliance with its international treaty body obligations.

Egale is sincerely urging the federal government to adhere to international standards of human rights by making necessary amendments to the Criminal Code to prohibit non-consensual medically unnecessary surgeries on intersex children. In order to be effective, this process must begin with organizing national consultations with the intersex community to understand their needs.

About Egale Canada

[Egale](#) is Canada's only national organization working to advance LGBTQI2S rights. Egale works to improve the lives of LGBTQI2S (Lesbian, Gay, Bisexual, Trans, Intersex and Two Spirit) people in Canada and to enhance the global response to LGBTQI2S issues. Egale achieves this by informing policy, inspiring cultural change and promoting human rights and inclusion through research, education and community engagement. Egale's vision is a Canada, and ultimately a world, without homophobia, biphobia, transphobia and all other forms of oppression so that every person can achieve their full potential, free from hatred and bias.

About Egale

www.egale.ca

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