



Women's Equality Party Conference

26 November 2022

Title: **Recognition of Intersex Rights and an end to Intersex Genital Mutilation**

Proposed by: **Dr David Lavelle-Hill**

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Signatories:

Elisha Foust	Anya Tremayne	Toni Harrison
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Claire Empson	Kay Wesley	Sarah Jane Pattison
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Type of motion: **Policy motion**

Motion text:

- 1 The Women's Equality Party calls for: The UK Government (and devolved governments of Scotland,
 - 2 Wales & Northern Ireland where appropriate) to:
 - 3 • Recognise that sex is not a binary and that intersex people should be recognised in law
 - 4 • Recognise that intersex discrimination is sex discrimination
 - 5 • End non-essential surgery on babies and infants to force intersex people to fit into a sex binary
 - 6 • Offer an apology from the relevant government bodies of state for the historical wrongs carried
 - 7 out against intersex people through Intersex Genital Mutilation
 - 8 A ban on Intersex Genital Mutilation (IGM) is integral, along with the WEP's policy on ending
 - 9 Female Genital Mutilation (p22 of 2015 policy document) to the WEP's call for an end to violence
 - 10 against women and girls.
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11 'Intersex Genital Mutilation: Human Rights Violations of Reproductive Anatomy', *Open Society* (April
12 2019), gives the figure of 2900 children per annum who have a sex imposed on them by surgical,
13 hormonal or both means, at birth or thereafter. This must end, as non-essential surgery on children
14 to impose a sex binary leads (like FGM) to physical and mental health issues that intersex people
15 face throughout their lives.

16 The United Nations Convention Against Torture (CAT) also considers Intersex Genital Mutilation as
17 a 'serious violation of non-derogable human rights' Bauer et al (2019).

18 Intersex Genital Mutilation is a human rights issue:

- 19 ● Surgery is carried out on babies and infants without consent, (babies and infants cannot give
20 consent, parental consent is sought instead).
- 21 ● Interventions are life changing and can leave a person with lifelong physical health issues.
- 22 ● Interventions very often take away a person's fertility, removing their reproductive rights.
- 23 ● Interventions can have long term or permanent impacts on a person's psychological wellbeing.

Motion rationale:

24 In the UK, intersex people have no recognition and therefore no protection in UK law. What protection
25 there is is based on European law. The EU believes that intersex is best addressed under sex:

26 'Intersex discrimination is better covered by sex discrimination rather than discrimination on the basis
27 of sexual orientation and/or gender identity as it concerns physical (sex) characteristics'. (European
28 Union Agency for Fundamental Rights (04/15)

29 Discrimination on grounds of 'sex' is covered in article 21 of the EU Fundamental Rights Charter, with
30 intersex covered under 'sex' in the Gender Equality Directive 2006/54/EC (para. C. ii). The only
31 legislation providing for intersex rights in the UK is the Scottish Offences, Aggravation by Prejudice
32 Act (2009). This does see intersex as an issue but still equates it with gender identity rather than
33 respecting intersex people's sex characteristics.

34 The exclusion of intersex from the Equality Act 2010 left intersex people with few rights. The 2015
35 WE Policy document acknowledges that sex is not binary, "WE also recognise that the binary words
36 "woman" and "man" do not reflect the gender experience of everyone in our country, and support the
37 right of all to define their sex or gender or to reject gendered divisions as they choose." This policy on
38 intersex rights seeks to re-inforce WE policy with regard to intersex people and their right to full bodily
39 autonomy.

40 As a baby or toddler it is not possible to reject sex divisions and so it is left to surgeons to discuss
41 with parents surgery/treatments that will normalise intersex children into society's sexed binary.

42 Medics often perform irreversible surgeries and other interventions on young children without fully
43 informed consent (for example reduction of the clitoris if it is seen as "too large" – a procedure

44 compared by some survivors to female genital mutilation. Most of these surgeries are not life-saving
45 or medically necessary – they are designed to make intersex people look stereotypically male or
46 female as if there was only one right way to be female or male. Many of us suffer from scarring, pain,
47 loss of sensation, frequent infections, have to undergo "maintenance surgeries" or surgeries aimed
48 at 'fixing' problems created by previous interventions. Many of these treatments are now seen as
49 human rights violations and torture by the United Nations and other human rights organisations.

50 It is therefore imperative, in keeping with the 2015 WE Policy on ending violence to women and girls,
51 for the Women's Equality Party to recognise intersex people in law and call for a ban on Intersex
52 Genital Mutilation. This is the only way in which the safety of children (who cannot speak for
53 themselves) can be protected.

References:

Bauer, M; Truffer, D; Greenberry, H; Vago, D. And Hayes-Light, J. (2019) Intersex Genital Mutilations: Human Rights Violations of Children with Variations of Reproductive Anatomy, Intersex NGO Coalition UK

Fausto-Sterling, Anne (2000). *Sexing the Body: Gender Politics and the Construction of Sexuality*. Basic Books. p. 53. ISBN 978-0-465-07714-4.

Open Society (April 2019) what are Intersex Rights ([HTTP://www.opensocietyfoundation.org/publications](http://www.opensocietyfoundation.org/publications))
