



PRESS STATEMENT

CENTRE FOR HUMAN RIGHTS HOSTS FIRST CONSULTATIVE MEETING TO DISCUSS DRAFT MODEL LAW ON THE RIGHTS OF INTERSEX PERSONS IN AFRICA

26 April 2017

On 24 April 2017, the Centre for Human Rights hosted its first consultative meeting on the Model Law on the rights of intersex persons in Africa. The meeting gathered together intersex rights activists in South Africa, coming from the following organisations: Iranti, AIDS Rights Alliance of Southern Africa (ARASA), Open Society Initiative for Southern Africa (OSISA), Transgender Intersex Africa (TIA) and OUT Well-Being. Also in attendance was John Chigiti from Gender Minorities Action Trust Foundation-Kenya (GMAT), who has represented intersex persons before the Kenyan courts.

The purpose of the meeting was to validate the Draft Model Law on intersex persons, which the Centre for Human Rights is currently drafting for eventual tabling at the African Commission on Human and Peoples' Rights. The Draft Model Law seeks to prevent unfair discrimination and to protect and promote of the rights of intersex persons in African countries.

Intersex persons continue to face serious human rights violations which often go unnoticed, unreported or are ignored by the State. These human rights violations include infanticide of intersex children, lack of appropriate legal recognition and poor birth registration and other civil status administrative processes which allow intersex persons to acquire or amend birth certificates. Intersex minors are subjected to coerced, uninformed and unnecessary cosmetic genital 'normalising' surgeries, with the aim of altering the sexual or reproductive anatomy of intersex persons to suit the binary social classifications of male or female. Such surgeries are sometimes performed by traditional birth attendants, but principally by trained and certified medical professionals. Other human rights

violations include unfair discrimination in schools, healthcare facilities, competitive sport, the work place, and places of detention, among others.

Speaking during the consultative meeting, Nthabiseng Mokoena from ARASA stated that, 'the enemy of intersex persons is not the State; instead they are doctors or medical professionals who continue to silently subject intersex minors to coerced, uninformed and unnecessary genital normalising surgeries.' There was also wide consensus during the consultative meeting on the need for states to enact laws and policies, review existing policies, and to repeal any laws to ensure that the rights of intersex persons are protected.

Important research has been done on intersex issues. With the exception of a few African countries including South Africa, Kenya and Uganda, in most countries the law does not mention or provide for the rights of intersex persons. Having identified this gap in national legislation, the Centre for Human Rights anticipates that this Model Law will help African States to develop national laws, policies and institutions to protect the rights of all intersex persons. The Model Law will also act as a tool for advocating for law reform and stronger legal recognition and protection of fundamental rights and freedoms of intersex persons in Africa.

The conversation on the Model Law will continue at the upcoming NGO Forum preceding the 60th Ordinary Session of the African Commission on Human and Peoples' Rights from 4 to 6 May 2017 in Niamey, Niger. Everyone is welcome to take part in this important initiative. More details will be provided on the Centre's website in due course.

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