

# **Advancing the Health & Human Rights of Intersex Persons in Africa: Policy Guidance**



**#WeBelongAfrica**



**#WeBelongAfrica brings together multiple initiatives that enable inclusive, just, affirming, safe, productive and fulfilling lives for all people in Africa, irrespective of sexual orientation, gender identity, gender expression or sex characteristics, and irrespective of HIV status or risk.**

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## Abbreviations and acronyms

|        |                                                                                              |
|--------|----------------------------------------------------------------------------------------------|
| ACHPR  | African Commission on Human and Peoples' Rights                                              |
| ACRWC  | African Charter on the Rights and Welfare of the Child                                       |
| AIM    | African Intersex Movement                                                                    |
| CAT    | The Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment |
| CEDAW  | Convention on the Elimination of all forms of Discrimination Against Women                   |
| CRC    | Convention on the Rights of the Child                                                        |
| CSO    | Civil society organization                                                                   |
| HLPF   | United Nations High-Level Political Forum on Sustainable Development                         |
| HRC    | Human Rights Council                                                                         |
| ICCPR  | International Covenant on Civil and Political Rights                                         |
| ICESCR | International Covenant on Social and Cultural Rights                                         |
| OHCHR  | Office of the United Nations High Commission for Human Rights                                |
| SDGs   | Sustainable Development Goals                                                                |
| SRHR   | Sexual and reproductive health and rights                                                    |
| UDHR   | Universal Declaration of Human Rights                                                        |
| UNDP   | United Nations Development Programme                                                         |
| VNR    | Voluntary National Review                                                                    |

## Glossary<sup>1</sup>

**Discrimination:** The act of making unjustified distinctions between human beings based on the groups, classes, or other categories to which they are perceived to belong. People may be discriminated on the basis of race, sex, gender, age, religion, disability, migrant status, sexual orientation, gender identity, gender expression, sex characteristics, as well as many other categories.

**Gender:** Socially constructed identities, roles, and attributes that a society considers expected, appropriate and acceptable for someone according to their sex and the social and cultural meanings attached to biological differences based on sex. In short, gender is a set of behaviours, activities and forms of expression that society expects from people based on their sex. These expectations vary across societies, communities, and groups, as well as over time, and often result in inequality, favouring men and disadvantaging women and other genders, negatively affecting all members of society.

**Gender expression:** The way in which people externally portray gender through actions and appearance, including dress, speech and mannerisms. Some terms to describe gender expression include masculine, feminine and androgynous. For a lot of people, their gender expression goes along with the ideas that our societies deem to be appropriate for their gender. For other people it does not. A person's gender expression may vary, and is distinct from their gender identity, sexual orientation and sex characteristics.

**Gender identity:** Generally defined as a deeply felt internal and experienced sense of one's own gender. It may or may not be aligned with the sex assigned at birth. Most people have a gender identity, which is part of their overall identity. Concepts of gender identity vary across the world.

**Hate crime:** A prejudice-motivated crime which occurs when a perpetrator targets a victim because of their membership (or perceived membership) of a certain social group or racial demographic.

**Hate speech:** Public speech that expresses hate or encourages violence towards a person or group based on a group characteristic such as race, colour, national origin, sex, disability, religion, sexual orientation, gender identity, gender expression or sex characteristics.

**Human Rights:** Rights we have simply because we exist as human beings – they are not granted by any state. These universal rights are inherent to us all, regardless of nationality, sex, national or ethnic origin, color, religion, language, or any other status including sexual orientation, gender identity, gender expression and sex characteristics. They range from the most fundamental – the right to life – to those that make life worth living, such as the rights to food, education, work, health, and liberty.

**Intersex:** A term that refers to people born with physical sex characteristics (such as sexual anatomy, reproductive organs, hormonal patterns and/or chromosomal patterns) that do not fit typical definitions for male or female bodies. These characteristics may be internal or external, may be apparent at birth or emerge from puberty, or not be physically apparent at all. There exists a broad and diverse spectrum of sex characteristics among intersex people. Intersex people may use the term in different ways such as “being intersex” or “having an intersex variation”, or they may prefer not to use the term at all. An intersex person may have any gender identity, gender expression or sexual orientation. Used next to a noun *i.e. intersex person*.

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1 United Nations, 'Free and Equal: Definitions', <https://www.unfe.org/know-the-facts/definitions/>

## Executive summary

The 2030 Agenda for Sustainable Development envisages a future where all people enjoy peace and prosperity. To achieve the Sustainable Development Goals (SDGs), countries have committed to take action to reduce poverty and inequalities, ensuring that no one is left behind.

International and regional United Nations and African human rights bodies, have highlighted the need to protect the rights of intersex persons—individuals born with innate variations in sex characteristics that do not fit typical definitions of male or female bodies. Promoting equality and inclusion of intersex people is integral to achieving broader development goals.

Across Africa, intersex persons face significant discrimination, violence and other human rights violations, including socio-cultural stigma, economic exclusion and legal barriers that have a negative impact on their lives and hinder their full participation in society. Rights violations, often rooted in harmful religious and cultural beliefs about intersex people, include:

- Medically unnecessary and non-consensual interventions (such as surgeries and hormonal treatments) performed without full, free and informed consent
- Limited access to appropriate sexual and reproductive health services
- Difficulties in obtaining legal recognition or changing name and sex or gender markers on official documents
- Violence, including infanticide, abandonment and exclusion
- Discrimination in education, employment, and sports
- Lack of access to justice, which further marginalize intersex individuals.

In response, the United Nations Human Rights Council and the African Commission on Human and Peoples' Rights have adopted Resolutions 55/14 and 552, respectively. These resolutions affirm the rights of intersex persons and provide concrete recommendations for legal and policy reforms. They also offer guidance for integrating intersex rights into national development agendas and advancing the Sustainable Development Goals (SDGs) by 2030.

Despite these international commitments, violations persist, with the dearth of and gaps in domestic legal frameworks contributing to these ongoing violations.

Guided by its Strategic Plan 2026-2029, the United Nations Development Programme (UNDP) works with countries and communities to advance good governance, equality and inclusion of intersex people and others furthest behind, towards achieving the SDGs. This policy guidance outlines actionable recommendations, in order to assist parliamentarians and decision-makers across various sectors of government, working with intersex communities and organizations, to uphold the rights of intersex persons, including:

- Taking steps to advance legal recognition
- Prohibiting medically unnecessary interventions performed without full, free and informed consent
- Addressing stigma and discrimination
- Building the capacity of state entities and decision-makers on the human rights of intersex persons
- Ensuring access to justice and remedies for rights violations.

# 1. Scope and background

The United Nations 2030 Agenda for Sustainable Development calls for States to leave no one behind in the transformative promise to achieve the Sustainable Development Goals (SDGs) by 2030.<sup>2</sup> It represents governments' unequivocal commitment to end discrimination and exclusion, and to reduce the inequalities and vulnerabilities that leave people behind and undermine their potential.<sup>3</sup> With only five years remaining until 2030, some countries are still not on track to achieve most of the SDGs.

UNDP works with countries and communities to advance this shared commitment to expand people's choices for a fairer, sustainable future, and to leave no one behind. Promoting the inclusion of intersex people contributes significantly towards UNDP's new Strategic Plan 2026-2029,<sup>4</sup> by ensuring that the rights and needs of the most marginalized and impoverished populations are recognized as critical components of broader development goals, towards a more prosperous, equitable and inclusive society.

International and regional United Nations and African human rights bodies have highlighted the need to protect the human rights of persons born with innate variations in sex characteristics, also known as intersex persons. These variations in sex characteristics do not fit typical definitions of male or female bodies, including sexual anatomy, reproductive organs, and hormonal or chromosomal patterns.<sup>5</sup> As a result, intersex persons often face violence, harmful practices, and multiple and intersecting forms of discrimination in all areas of life, such as access to education, health care, sexual and reproductive health (SRH), employment, sports and social security, as well as restrictions on the exercise of legal capacity and access to remedies and justice.<sup>6</sup> These human rights violations and socio-economic exclusion occur despite the existence of norms and standards in international and regional human rights law that outline the obligation of States to protect all persons, including intersex persons, from discrimination, violence and harmful practices.

“My name is Yvonne. I was born in 1992. I was born in Chihota rural area in Zimbabwe. I have a diploma in teaching, but currently I am unemployed. I only knew I am intersex last year when I turned 24 years old. Growing up, I was taken to different doctors, who always abandoned surgery at the last minute, maybe because there were not enough studies on intersex. When I turned 15 years old, members from my church took me to a doctor who recommended surgery. One day they just came and took me from school to St Anne's Hospital in Avondale, Harare, where the surgery was performed on me. They removed the male part and re-corrected the female part. This was not my decision, it was my parents consenting on my behalf. All my parents wanted was for me to fit into society...”

## TESTIMONY FROM INTERSEX PERSON, ZIMBABWE

In April 2024, the United Nations Human Rights Council (HRC) adopted Resolution 55/14 on combating discrimination, violence and harmful practices against intersex persons. The resolution calls on Member States to enhance efforts to combat discrimination, violence and harmful practices against persons with innate variations in sex characteristics; to address their root causes, such as stereotypes, the spread of misconceptions and inaccurate information, stigma and taboo; and to work to realize

2 United Nations, 'Transforming our world: the 2030 Agenda for Sustainable Development', A/RES/70/1, United Nations, New York, 2015, <https://sdgs.un.org/2030agenda>.

3 United Nations Sustainable Development Group, 'Universal Values: Principle Two: Leave No One Behind', United Nations, 2015, <https://unsdg.un.org/2030-agenda/universal-values/leave-no-one-behind>.

4 United Nations Development Programme, 'Strategic Plan 2026-2029, UNDP, New York, 2025, <https://strategicplan.undp.org/assets/docs/UNDP-Strategic-Plan-English-Summary.pdf>

5 United Nations Human Rights Council, 'Resolution 55/14, Combating discrimination, violence and harmful practices against intersex persons', A/HRC/RES/55/14, United Nations, Geneva, 4 April 2024, <https://docs.un.org/A/HRC/RES/55/14>.

6 Ibid.



the enjoyment of the highest attainable standard of physical and mental health for persons with innate variations in sex characteristics.<sup>7</sup> In March 2023, the African Commission on Human and Peoples' Rights adopted Resolution 552 on the protection and promotion of the human rights of intersex persons in Africa.<sup>8</sup> Resolution 552 calls on State Parties to the African Charter on Human and Peoples' Rights to develop and implement measures on the suggested recommendations in the resolution.<sup>9</sup> Both resolutions were adopted after consultations with, and contributions from, intersex communities.

The normative standards set by the HRC and the African Commission, together with other recommendations from United Nations entities, assist States in identifying key priority intervention areas for legal and policy development on the protection of the human rights of intersex persons. These normative guidelines are also imperative for the integration of the human rights of intersex persons in the development agenda and accelerating the achievement of the SDGs by 2030.

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7 Office of the High Commissioner for Human Rights, 'A "big victory" for intersex people and their rights', OHCHR, 5 April 2024, <https://www.ohchr.org/en/stories/2024/04/big-victory-intersex-people-and-their-rights>.

8 African Commission on Human and Peoples' Rights, 'Resolution on the Promotion and Protection of the Rights of Intersex Persons in Africa', ACHPR/Res.552 (LXXIV) 2023, African Commission, Banjul, The Gambia, <https://achpr.au.int/en/adopted-resolutions/resolution-promotion-and-protection-rights-intersex-persons>.

9 Ibid.

## 2. Purpose and objectives

This policy guidance has been developed to assist law and policy makers and intersex civil society organizations in Africa to work towards the domestic implementation of HRC Resolution 55/14 and African Commission Resolution 552, and the recommendations of other United Nations entities, including treaty bodies, special procedures and the Office of the United Nations High Commissioner for Human Rights (OHCHR).<sup>10</sup> It has been designed to provide decision-makers and intersex communities with identified key priority areas for legal reform and policy development to ensure that the health and human rights of intersex persons are effectively and meaningfully protected.

All African States are parties to some of the United Nations human rights treaties and the African Charter on Human and Peoples' Rights; as such, they are obliged to take the necessary steps and measures to implement these treaties. This includes drawing guidance from the normative standards set by the HRC and the African Commission, as well as recommendations of treaty bodies. HRC Resolution 55/14 affirms the commitments of all States to respect and protect all human rights and fundamental freedoms, in accordance with their international obligations.<sup>11</sup>

Resolution 552 notes that State Parties to the African Charter have the obligation to recognize the rights, duties and freedoms guaranteed by the African Charter by adopting legislative or other measures to implement them. It further observes that most State Parties do not have appropriate legislative, policy or other measures in place to guarantee the protection of the rights of intersex persons.<sup>12</sup> This policy guidance therefore provides concrete steps, priority areas and measures that legislators and executive officials across various sectors of African States must implement to ensure that the human rights of intersex persons are promoted, protected and contribute to the achievement of the SDGs by 2030. It also provides guidance to civil society organizations (CSOs) to enable them to engage with governments and integrate these recommendations into policy development agendas and law reform processes.

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10 Office of the United Nations High Commissioner for Human Rights, 'Discriminatory laws and policies, acts of violence and harmful practices against intersex persons', A/HRC/60/50, OHCHR, New York, 8 August 2025, <https://docs.un.org/en/A/HRC/60/50>.

11 United Nations Human Rights Council, 'Resolution 55/14, Combating discrimination, violence and harmful practices against intersex persons', A/HRC/RES/55/14, United Nations, Geneva, 4 April 2024, <https://docs.un.org/A/HRC/RES/55/14>.

12 African Commission on Human and Peoples' Rights, 'Resolution on the Promotion and Protection of the Rights of Intersex Persons in Africa', ACHPR/Res.552 (LXXIV) 2023, African Commission, Banjul, The Gambia, <https://achpr.au.int/en/adopted-resolutions/resolution-promotion-and-protection-rights-intersex-persons>.

### 3. Context analysis on the human rights of intersex persons in sub-Saharan Africa

Intersex persons are born with a wide range of natural variations in sex characteristics—such as sexual anatomy, reproductive organs, and hormonal or chromosomal patterns—that do not fit typical binary notions of male or female bodies.<sup>13</sup> Existing estimates suggest that intersex persons account for between 0.05 and 1.7 percent of any given population.<sup>14</sup> No definitive statistics exist on the actual number of intersex persons in any sub-Saharan country. Kenya became the first country in Africa—and one of the first globally—to include intersex persons in its national population census.<sup>15</sup> However, the accuracy of using a census to count the number of intersex persons has been called into question.

Intersex persons on the African continent often face human rights violations, harmful socio-cultural norms, and legal and policy barriers which marginalize them and prevent them from fully enjoying and realizing their human rights. Social and economic exclusion has a negative impact on the lives of intersex persons, leaving them exposed to discrimination and violence by the State and non-state actors. It also affects their full economic and political participation. Research conducted by CSOs establishes that intersex persons in sub-Saharan Africa are often exposed to:<sup>16</sup>

- Medically unnecessary interventions, including surgeries and hormonal treatment, performed without their full, free and informed consent
- Lack of access to appropriate SRH services in adolescence and adulthood
- Lack of access to legal recognition, and/or complex civil and administrative processes to change name and sex marker on legal identity documents
- Discrimination in health, education, sport, employment and other socio-economic spaces
- Infanticide, abandonment, conversion therapies and other forms of violence
- Lack of access to justice and legal redress
- Discrimination rooted in religious and cultural beliefs which regard intersex sex characteristics as taboo, which contributes to and is a driver of the above violations.

These actions constitute violations of the rights to life, to security of the person, to freedom from torture and other cruel, inhuman or degrading treatment, to non-discrimination and equality before the law, to equal recognition before the law, to health, education and employment, and to bodily autonomy and physical and psychological integrity of intersex persons.<sup>17</sup>

Intersex minors in Africa are often subjected to medically unnecessary surgeries, hormonal treatments and other medical interventions intended to modify their physical appearance and traits to fit stereotypes of male or female bodies. These medical interventions are often non-consensual,

13 Office of the United Nations High Commissioner for Human Rights, 'Intersex people: OHCHR and the human rights of LGBTI people', OHCHR, 2025, <https://www.ohchr.org/en/sexual-orientation-and-gender-identity/intersex-people>.

14 Office of the United Nations High Commissioner for Human Rights, 'Background Note on Human Rights Violations against Intersex People', OHCHR, Geneva, 24 October 2019, p. 4, <https://www.ohchr.org/en/documents/tools-and-resources/background-note-human-rights-violations-against-intersex-people>.

15 Kenya National Bureau of Statistics, '2019 Kenya Population and Housing Census Results', KNBS, Nairobi, 2019, <https://www.knbs.or.ke/2019-kenya-population-and-housing-census-results/>.

16 United Nations Development Programme and Intersex Society of Zambia, 'Being Intersex in Zambia: A legal and policy review', UNDP and Intersex Society of Zambia, Lusaka, 2023, <https://www.undp.org/africa/publications/being-intersex-zambia-legal-and-policy-review>; Centre for Human Rights, 'Study on the human rights situation of intersex persons in Africa', Centre for Human Rights, University of Pretoria, Pretoria, p. 8, [https://www.chr.up.ac.za/images/researchunits/sogie/documents/Intersex\\_Report/Intersex\\_report\\_Oct\\_Sept\\_2022.pdf](https://www.chr.up.ac.za/images/researchunits/sogie/documents/Intersex_Report/Intersex_report_Oct_Sept_2022.pdf).

17 Office of the United Nations High Commissioner for Human Rights, 'Technical Note on the Human Rights of Intersex People', OHCHR, Geneva, 2023, <https://www.ohchr.org/en/documents/tools-and-resources/ohchr-technical-note-human-rights-intersex-people-human-rights>.

unnecessary, cosmetic and deferrable.<sup>18</sup> These often irreversible procedures can cause permanent infertility, pain, incontinence, loss of sexual sensation, and lifelong mental suffering, including depression.<sup>19</sup> The medical interventions also impact the right to health of intersex persons, including their sexual and reproductive health and rights (SRHR). Intersex organizations in Africa have highlighted how these irreversible medical interventions impact the lives of adult intersex persons, many of whom report being coerced as minors into undergoing such procedures.<sup>20</sup> However, such non-urgent, medically unnecessary interventions differ from, and must be distinguished in law and policy from, urgent, necessary medical treatment to preserve the life and health of the child—for example, hormone therapy to prevent fatal salt loss in some infants with congenital adrenal hyperplasia.<sup>21</sup>

“ My name is Boomer. I am 30 years old, and I am intersex. I was born with androgenic variations, but I only started to notice something different during my adolescence, when my body began developing feminine physical characteristics, such as the appearance of breasts, while the development of my penis stagnated. This caused a lot of concern for my family, who didn’t know how to handle the situation.

At 15, we sought medical help at the Military Hospital. During the consultation, the doctors diagnosed me as a ‘hermaphrodite’ and suggested that we wait until I was older before making any decisions about my body. But with no clear answers, my family sought other options, including consultations with local healers, who used home remedies and, unfortunately, resorted to invasive methods, such as cutting my breasts, with no positive results.

When I was 16, my family decided to seek medical help outside Angola. We went to the Democratic Republic of the Congo, where I had consultations with doctors at the Ngaliema Hospital. Throughout the process, decisions about my body and identity were made without my knowledge or consent. They performed several surgeries, which were presented as solutions to ‘normalize’ my condition.

After these interventions, there was a change in my civil record, with my gender being changed to female, without me being informed or included in the decisions. At the same time, I was instructed not to talk about what had happened. Even after these surgeries, I continued to not menstruate and began experiencing health complications, such as abdominal pain and urinary issues. At 21, I underwent another surgery in Luanda, hoping it would resolve the problem, but, unfortunately, it was unsuccessful.

These experiences had a profound impact on my mental health, resulting in years of psychological suffering, including severe depression, personality disorder and anxiety attacks, without any adequate support. Only in 2023 did I finally receive accurate information about my body, and I discovered that I am intersex, with characteristics typical

- 18 United Nations Development Programme and Intersex Society of Zambia, ‘Being Intersex in Zambia: A legal and policy review’, UNDP and Intersex Society of Zambia, Lusaka, 2023, <https://www.undp.org/africa/publications/being-intersex-zambia-legal-and-policy-review>; Centre for Human Rights, ‘Study on the human right situation of intersex persons in Africa’, Centre for Human Rights, University of Pretoria, Pretoria, p. 8, [https://www.chr.up.ac.za/images/researchunits/sogie/documents/Intersex\\_Report/Intersex\\_report\\_Oct\\_Sept\\_2022.pdf](https://www.chr.up.ac.za/images/researchunits/sogie/documents/Intersex_Report/Intersex_report_Oct_Sept_2022.pdf).
- 19 United Nations Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, ‘Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Juan E. Méndez’, A/HRC/22/53, United Nations, New York, 1 February 2013, para. 76, <https://www.refworld.org/reference/themreport/unhrc/2013/en/90541>.
- 20 United Nations Development Programme and Intersex Society of Zambia, ‘Being Intersex in Zambia: A legal and policy review’, UNDP and Intersex Society of Zambia, Lusaka, 2023, <https://www.undp.org/africa/publications/being-intersex-zambia-legal-and-policy-review>; Centre for Human Rights, ‘Study on the human right situation of intersex persons in Africa’, Centre for Human Rights, University of Pretoria, Pretoria, p. 8, [https://www.chr.up.ac.za/images/researchunits/sogie/documents/Intersex\\_Report/Intersex\\_report\\_Oct\\_Sept\\_2022.pdf](https://www.chr.up.ac.za/images/researchunits/sogie/documents/Intersex_Report/Intersex_report_Oct_Sept_2022.pdf).
- 21 Office of the United Nations High Commissioner for Human Rights, ‘Discriminatory laws and policies, acts of violence and harmful practices against intersex persons’, A/HRC/60/50, OHCHR, New York, 8 August 2025, <https://docs.un.org/en/A/HRC/60/50>

*of people with androgenic variations, such as a prostate, internal testes and a rudimentary uterus.*

*Today, I still face difficulties in recovering my original birth certificate, as my identity card was changed without my consent. The lawyers I consulted said that the legal process would be complex and time-consuming.*

#### TESTIMONY FROM INTERSEX PERSON, ANGOLA

Medically unnecessary interventions—on minors or adults—are always violations of human rights. The question of when a child is capable of informed consent to medical interventions is more complex. The principle of evolving capacities of the child under Article 5 of the Convention on the Rights of the Child (CRC) recognizes that as children acquire enhanced competencies, there is a diminishing need for protection and a greater capacity to take responsibility for decisions affecting their lives.<sup>22</sup> It establishes that when children reach a sufficient level of maturity and capacity to exercise their rights independently, there will be a decreasing need for parental direction and guidance.<sup>23</sup> The concept acknowledges that children are entitled to be involved in decisions that affect them, including medical treatment, from the earliest possible age, taking into account their competencies to do so.<sup>24</sup> It is therefore important to allow competent intersex minors some level of participation in decision-making processes regarding their health. However, there is no consensus on this approach from the intersex community, as some people recommend that only intersex persons who have reached the age of majority should be able to consent to potentially irreversible medical interventions related to sex and gender affirmation.

The situation is further exacerbated by the absence of comprehensive medical management guidelines and SRH protocols that safeguard the rights of intersex persons within public health systems. As a result, medical professionals often recommend surgery as a first line of ‘treatment’. Additionally, there is a lack of management of medical records of intersex persons, which often contain vital information and medical histories.

There are well-established human rights to a legal identity and a name. Yet intersex persons in Africa also often suffer from a **lack of legal recognition of their sex, and/or a lack of civil and administrative processes** to change the name and sex or gender marker on their legal identity documents.<sup>25</sup> Inconsistencies between a person’s identified gender or sex and their official documentation (recorded at birth) as a result of physiological differences during puberty often create barriers that can limit their access to health care, SRH services, education, employment and public services.<sup>26</sup> In the absence of adequate legal identification, intersex persons can be denied social benefits, citizenship rights, and other rights and freedoms which are all dependent on legal recognition. As adults, intersex persons who were assigned sex markers that do not fit them often face challenges due to a lack of civil and administrative processes to allow them to change either their name or sex marker.<sup>27</sup>

22 Lansdon, G., ‘The evolving capacities of the child’, Save the Children Sweden, Stockholm, and UNICEF Office of Research – Innocenti, Florence, 2005, <https://resourcecentre.savethechildren.net/document/evolving-capacities-child>.

23 Office of the United Nations High Commissioner for Human Rights, ‘Statement of the Committee on the Rights of the Child on article 5 of the Convention on the Rights of the Child’, OHCHR, Geneva, 11 October 2023, <https://www.ohchr.org/sites/default/files/documents/hrbodies/crc/statements/CRC-Article-5-statement.pdf>.

24 Child Rights International Network, ‘Article 5: Parental guidance and the child’s evolving capacities’, CRIN, 2018, <https://archive.crin.org/en/home/rights/convention/articles/article-5-parental-guidance-and-childs-evolving-capacities.html>.

25 Kenya National Commission on Human Rights, ‘Equal in dignity and rights: Promoting the rights of intersex persons in Kenya’, KNCHR, Nairobi, 2018, p. 55, [https://www.knchr.org/Portals/0/GroupRightsReports/Equal%20In%20Dignity%20and%20Rights\\_Promoting%20The%20Rights%20Of%20Intersex%20Persons%20In%20Kenya.pdf?ver=2018-06-06-161118-323](https://www.knchr.org/Portals/0/GroupRightsReports/Equal%20In%20Dignity%20and%20Rights_Promoting%20The%20Rights%20Of%20Intersex%20Persons%20In%20Kenya.pdf?ver=2018-06-06-161118-323).

26 Ibid.

27 Ibid.

Where it is available at all, different countries take different approaches to legal recognition for intersex persons. Legal recognition based on **self-determination** allows intersex persons to obtain identity documents without going through medical or other bureaucratic requirements. This approach respects the bodily autonomy of the person and does not impose abusive or strenuous medical requirements for them to prove that they are intersex. Malta is an example of a country that allows legal recognition of intersex persons based on their self-determination.<sup>28</sup>

Some countries instead require health care professionals to conduct **physiological and/or psychological examinations (biomedical approach)** to confirm that a person is intersex. The examination procedures are performed to validate vulnerable intersex persons and protect them from those who might want to misuse the process, thereby reducing the risk of abuse and fraud. However, such procedures have been criticized as being intrusive and humiliating; where such requirements exist, it is critical that provision is made for procedures to be as non-invasive and respectful of an intersex person's rights to privacy and security. Access to such examinations poses an additional barrier to legal recognition. In the most extreme cases, some countries require surgical and/or hormonal procedures as part of the process of acquiring legal recognition as one sex or another, which is a clear violation of human rights.

In African countries, the lack of adequate legislation and the complexity of administrative processes have created a scenario of exclusion and discrimination—for example, most countries do not have specific regulations for changing names or sex/gender markers in identity documents. Where regulations exist, procedures are complex and inaccessible, and require financial resources that many intersex persons do not have.

In **South Africa**, legal recognition of intersex persons follows the biomedical approach. In terms of the Alteration of Sex Description and Sex Status Act, No. 49 of 2003, intersex persons may alter their sex description on legal identity documents provided that they submit a report prepared by a medical practitioner corroborating that the applicant is intersex, and a report from a psychologist or social worker corroborating that the applicant has lived in the chosen gender for a period of two years before they can make an application to legally recognize that gender role.<sup>29</sup> However, intersex persons may only alter their sex description to male or female. In terms of the Promotion of Equality and Prevention of Unfair Discrimination Act (PEPUDA), the definition of sex in any legislation must be interpreted to include intersex persons.<sup>30</sup>

#### Issues identified:

- Excessive requirements: The need for medical and psychological certification makes the process costly and invasive.
- Limitation to self-determination: Making legal recognition dependent on third-party validation reduces the autonomy of intersex individuals.
- Social and economic barriers: Many intersex persons lack access to the required medical and psychological services, resulting in exclusion.

In **Uganda**, the Registration of Persons Act allows intersex persons to amend sex markers on identity documents.<sup>31</sup> Only intersex persons who have undergone surgical procedures and can provide certification from a medical doctor are eligible to apply to update their sex markers. The law uses the term 'hermaphrodite', which has long been disused as an outdated and stigmatizing term. The term has been replaced by 'intersex' because of its negative connotations.

28 See Annex 2.

29 See Republic of South Africa, 'Act No. 49 of 2003: Alteration of Sex Description and Sex Status Act, 2003', *Government Gazette*, Vol. 465, No. 26148, 15 March 2004, [https://www.gov.za/sites/default/files/gcis\\_document/201409/a49-03.pdf](https://www.gov.za/sites/default/files/gcis_document/201409/a49-03.pdf).

30 Republic of South Africa, 'Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000', *Government Gazette*, No. 20876, 9 February 2000, s. 1, <https://www.justice.gov.za/legislation/acts/2000-004.pdf>.

31 Republic of Uganda, 'The Registration of Persons Act, 2015', Republic of Uganda, Kampala, 26 March 2015, s. 38,

**Issues identified:**

Imposition of non-consensual surgeries: This violates the bodily integrity and human rights of intersex individuals.

In **Kenya**, the Kenya Draft Intersex Persons Bill (2024)<sup>32</sup> states that subject to the law relating to registration of births and deaths, an intersex person may apply to the Registrar of Births and Deaths to amend the sex marker from male to intersex or from female to intersex. The law has introduced 'intersex' as a third category of sex on identity documents.

**Challenges:**

- A limitation is that the provision does not allow the sex marker to be changed from male to female or from female to male.

Discrimination against intersex persons in socio-economic spaces manifests in different forms.

**Intersex persons face discrimination in health, education, employment and other contexts.**<sup>33</sup> The absence of laws which prohibit hate speech, incitement to violence and discrimination based on sex characteristics means that intersex persons lack explicit legal protections from such acts and legal recourse when such acts take place.<sup>34</sup>

**“** I gave my ID to the teller. Instead of that teller serving me, the teller raised an alarm to the security team, saying there is someone here trying to commit fraud or maybe impersonate... I had to be searched, and that meant removing my clothes. It was dehumanizing, but I could not report that to anyone because even if I tried to report they would still want me to prove that indeed I am intersex.

**TESTIMONY FROM INTERSEX PERSON, KENYA**

**Invisibility of intersex persons in the education system:** Intersex persons face bullying and harassment in schools due to their physiological and physical differences from others and/or because the name, sex/gender markers and photograph on their national identity documents do not reflect their appearance or identity.<sup>35</sup> There is a lack of comprehensive sexual education that includes sex characteristics to inform learners and teachers about bodily diversity. Further, there is a lack of inclusive policies to sensitize and guide educators on intersex persons and protect them from discrimination. Many intersex persons drop out of school, restricting their access to opportunities in the future, including tertiary education.<sup>36</sup> Access to education empowers intersex persons with further opportunities, which contributes to reducing poverty and inequalities among intersex communities. School environments must be physically, emotionally and intellectually safe for all students to successfully further their learning development and well-being.

32 Republic of Kenya, 'Intersex Persons Bill, 2024', Republic of Kenya, Nairobi, 2024, <https://www.knchr.org/Portals/0/Intersex%20Persons%20Bill%2C%20January%202024%20.pdf>.

33 Office of the United Nations High Commissioner for Human Rights, 'Background Note on Human Rights Violations against Intersex People', OHCHR, Geneva, 24 October 2019, p. 38, <https://www.ohchr.org/en/documents/tools-and-resources/background-note-human-rights-violations-against-intersex-people>.

34 Child Rights International Network, 'Article 5: Parental guidance and the child's evolving capacities', CRIN, 2018, <https://archive.crin.org/en/home/rights/convention/articles/article-5-parental-guidance-and-childs-evolving-capacities.html>.

35 Ibid.

36 Support Initiative for People with Congenital Disorders, 'Uganda report of violations to children and people born intersex or with differences of sex development', SIPD, Kampala, 2015.



**Intersex persons face discrimination in employment:** A lack of inclusive labour and employment laws and policies which prevent discrimination in the workplace exacerbates the exclusion of intersex persons. This prevents access to equal opportunities, thereby increasing the vulnerability of intersex persons to poverty.

Intersex persons face **discrimination in accessing health care** in African countries. Medical professionals are often reluctant to provide services to intersex persons, often subjecting them to abusive, inappropriate comments and judgemental service provision. This drives intersex persons away from health care, leaving them vulnerable and violating their right to health.<sup>37</sup>

Intersex persons often experience a high burden of poor SRH due to legal and policy barriers, lack of knowledge, skills and self-efficacy, stigma and discrimination, and a lack of access to non-judgemental SRH services.<sup>38</sup> The SRH needs of intersex persons are neglected by policies and strategies in Africa,<sup>39</sup> which can lead to significant challenges in accessing appropriate health care, receiving accurate information and enjoying good SRHR.<sup>40</sup> For example, in a study conducted in Kenya, most intersex persons who experience menstruation confirmed that menstrual products such as pads and tampons are not designed for the anatomy of intersex persons, with the result that most intersex persons do not use these products.<sup>41</sup>

Women with variations in sex characteristics face significant barriers to participating in sport, particularly at elite and international levels, due to eligibility regulations requiring them to lower their naturally occurring testosterone levels or excluding them from women's sport. This has resulted in forced medical interventions, loss of livelihood and public humiliation for a number of women athletes, including from Africa. United Nations human rights mechanisms have raised serious concerns about the impact of such regulations, including that they legitimize the surveillance of all women athletes based on racialized stereotypes of femininity and that they violate fundamental human rights such as to privacy, equality, non-discrimination, physical integrity, employment, and freedom from torture and ill-treatment.<sup>42</sup>

**Discriminatory social attitudes and traditional and cultural beliefs** exacerbate discrimination against intersex persons. In certain African countries, such as Uganda and Kenya, intersex minors are reportedly subjected to infanticide and abandonment.<sup>43</sup> According to a report by SIPD-Uganda, cultural taboos in some communities compel parents to abandon their children, as intersex children are believed to be a curse.<sup>44</sup> The mother of the child is frowned upon by society; the fear of being a social outcast may result in infanticide.<sup>45</sup> Socially, intersex persons and their families face extreme

37 AIM and UNDP consultation on the policy guidance, 17 April 2025.

38 United Nations Population Fund, 'The Sexual and Reproductive Health Needs of Young People with Diverse Sexual Orientation and Gender Identity/Expression', UNFPA, Bangkok, 2021, [https://asiapacific.unfpa.org/sites/default/files/pub-pdf/asrh\\_factsheet\\_4\\_diverse\\_socie.pdf](https://asiapacific.unfpa.org/sites/default/files/pub-pdf/asrh_factsheet_4_diverse_socie.pdf).

39 Kgomoiso, K., and N. Mokoena, 'Regional scan on the level of access to SRHR & broader health rights for intersex people in Botswana, Lesotho, Malawi, Namibia and Uganda', AIDS and Rights Alliance for Southern Africa, <https://arasa.info/wp-content/uploads/2024/07/INTERSEX-REGIONAL-SCAN-Report.pdf>.

40 Jinsiagu and Amka Africa, 'Not Broken, Do Not Fix', Jinsiagu and Amka Africa, Nairobi, 2023, <https://static1.squarespace.com/static/5a1d2df4f6576eb8bfad8b0e/t/64fb20f8c45c10270cdf5d9d/1749915271666/Not-Broken-Do-not-Fix.-2023-REPORT.pdf>.

41 Ibid.

42 Office of the United Nations High Commissioner for Human Rights, 'Intersection of race and gender discrimination in sport', A/HRC/44/26, OHCHR, New York, 15 June 2020, paras 33 and 34; European Court of Human Rights, 'Application no: 10934/21. Case of Mokgadi Caster Semenya v. Switzerland. Intervention pursuant to Article 36(2) of the European convention on Human Rights and Rule 44(3) of the Rules of Court by the UN Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, UN Working Group on discrimination against women and girls, and UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment', ECHR, Strasbourg, France, 8 October 2021, para. 3, [Amicus brief by UN SR Health, UN WG on Discrimination against Women and Girls and SR Torture to the European Court of Human Rights in the case of Case of Mokgadi Caster Semenya v. Switzerland, 8 October 2021](https://www.unhcr.org/refugees/2021/10/1749915271666/Not-Broken-Do-not-Fix.-2023-REPORT.pdf).

43 Support Initiative for People with Congenital Disorders, 'Baseline Survey on Intersex Realities in East Africa', SIPD, Kampala, p. 14, <https://sipdug.org/wp-content/uploads/2019/03/SIPD-Baseline-Survey-on-Intersex-in-East-Africa.pdf>.

44 Ibid.

45 Ibid.



social rejection and violence from their communities. Some parents also abandon their children due to fear of stigmatization by the community.

These multiple forms of discrimination, coupled with the absence of protective laws and policies, demonstrate the precarious human rights situation of intersex persons. Their current vulnerability to abuse and discrimination therefore calls for States and policymakers to urgently develop measures that eliminate all forms of discrimination against intersex persons, uphold all the human rights of intersex persons and ensure that any developmental initiatives are inclusive of these rights.

## 4. Legal context: Protection under international, regional and domestic human rights law

Intersex persons in Africa face social exclusion, and their human rights are violated despite the existence of international and regional frameworks designed to protect them. A key factor contributing to this discrimination and exclusion from the development agenda is the lack of, or gaps in, domestic laws in nearly all African countries, resulting in inadequate protection of the human rights of intersex persons.

International and regional human rights law places core obligations on States to ensure that they respect, protect and fulfil the human rights of everyone, including intersex persons.<sup>46</sup> The human rights of intersex persons are protected under **United Nations treaties and soft law**, which include:

- The Universal Declaration on Human Rights (UDHR)
- The International Covenant on Civil and Political Rights (ICCPR)
- The International Covenant on Social and Cultural Rights (ICESCR)
- The United Nations Convention on the Rights of the Child (CRC)
- The Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)
- The Convention on the Elimination of all Forms of Discrimination against Women (CEDAW).

### Soft law

- HRC Resolution 55/14.

At the regional level, the human rights of intersex persons in Africa are protected under:

- The African Charter on Human and Peoples' Rights
- The African Charter on the Rights and Welfare of the Child (ACRWC).

### Soft law

- African Commission Resolution 552.

**Table 1. Summary of the legal protective provisions under international and regional human rights law**

| Nature of human rights violation           | Human rights violated                                                                                                                                                                                                | Protections under United Nations treaties                                                                                                                                                                                                                                                                                                                                                   | Protections under African Union treaties                                                                                                                                                      |
|--------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Medically unnecessary interventions</b> | <ul style="list-style-type: none"> <li>• Right to health</li> <li>• Right to physical and psychological integrity and bodily autonomy</li> <li>• Best interests of the child</li> <li>• Right to be heard</li> </ul> | <ul style="list-style-type: none"> <li>• Article 3 of the UDHR</li> <li>• Article 7 of the ICCPR</li> <li>• Article 9 of the ICCPR</li> <li>• Article 12 of ICESCR</li> <li>• Article 12 of the ICCPR</li> <li>• Articles 3 and 5 of the CRC</li> <li>• Article 12 of the CRC</li> <li>• Article 24 of the CRC</li> <li>• Article 37 of the CRC</li> <li>• Article 5 of the UDHR</li> </ul> | <ul style="list-style-type: none"> <li>• Article 16 of the African Charter</li> <li>• Article 4 of the ACRWC</li> <li>• Article 14 of the ACRWC</li> <li>• Article 16 of the ACRWC</li> </ul> |

<sup>46</sup> Office of the United Nations High Commissioner for Human Rights, 'Born Free and Equal: Sexual Orientation, Gender Identity and Sex Characteristics in International Human Rights Law', 2nd edition, OHCHR, Geneva, 2019, p. 9, <https://www.ohchr.org/en/publications/special-issue-publications/born-free-and-equal-sexual-orientation-gender-identity-and>.

| Nature of human rights violation                                                                                   | Human rights violated                                                                                                                                                                          | Protections under United Nations treaties                                                                                                                                                                                                    | Protections under African Union treaties                                                                                                             |
|--------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Lack of legal recognition, and a restrictive civil and administrative process to change name and sex marker</b> | <ul style="list-style-type: none"> <li>Freedom from non-discrimination</li> <li>Right to legal recognition before the law</li> <li>Right to be registered immediately after birth</li> </ul>   | <ul style="list-style-type: none"> <li>Article 6 of the UDHR</li> <li>Article 16, 24(2) of the ICCPR</li> <li>Article 7 of the CRC</li> </ul>                                                                                                | <ul style="list-style-type: none"> <li>Article 5 of the African Charter</li> <li>Article 6(2) of the ACRWC</li> </ul>                                |
| <b>Discrimination in health, education, sport, employment and other services</b>                                   | <ul style="list-style-type: none"> <li>Freedom from non-discrimination</li> <li>Right to health</li> <li>Right to education</li> <li>Right to employment</li> <li>Right to equality</li> </ul> | <ul style="list-style-type: none"> <li>Article 26 of the UDHR</li> <li>Article 2 of the UDHR</li> <li>Article 2(1) of the ICCPR</li> <li>Article 26 of the ICESCR</li> <li>Article 23 of the UDHR</li> <li>Article 25 of the UDHR</li> </ul> | <ul style="list-style-type: none"> <li>Article 2 of the African Charter</li> <li>Article 3 of the ACRWC</li> <li>Article 11 of the ACRWC</li> </ul>  |
| <b>Harmful religious and cultural practices</b>                                                                    | <ul style="list-style-type: none"> <li>Freedom from discrimination</li> <li>Right to life</li> <li>Freedom from torture, inhumane and degrading treatment</li> <li>Right to health</li> </ul>  | <ul style="list-style-type: none"> <li>Article 26 of the UDHR</li> <li>Article 2(1) of the ICCPR</li> <li>Article 2 of the ICESCR</li> <li>Article 6 of the ICCPR</li> <li>Article 7 of the ICCPR</li> </ul>                                 | <ul style="list-style-type: none"> <li>Article 5 of the African Charter on the Rights of Women in Africa</li> <li>Article 21 of the ACRWC</li> </ul> |
| <b>Infanticide and baby abandonment</b>                                                                            | <ul style="list-style-type: none"> <li>Right to life</li> <li>Freedom from torture and ill-treatment</li> <li>Freedom from discrimination</li> <li>Right to security of the person</li> </ul>  | <ul style="list-style-type: none"> <li>Article 3 of the UDHR</li> <li>Articles 6 and 9 of the ICCPR</li> <li>Article 2 of the CRC</li> <li>Article 6 of the CRC</li> </ul>                                                                   | <ul style="list-style-type: none"> <li>Article 21 of the ACRWC</li> </ul>                                                                            |
| <b>Lack of justice and legal redress</b>                                                                           | <ul style="list-style-type: none"> <li>Right to access justice</li> <li>Freedom from discrimination</li> </ul>                                                                                 | <ul style="list-style-type: none"> <li>Article 14 of the CAT</li> <li>Article 8 of the UDHR</li> <li>Article 39 of the CRC</li> <li>Article 2 of the ICCPR</li> </ul>                                                                        | <ul style="list-style-type: none"> <li>Article 7 of the African Charter</li> <li>Article 2 of the African Charter</li> </ul>                         |

**United Nations agencies and international and regional human rights mechanisms** have made pronouncements on the human rights of intersex persons.<sup>47</sup> The OHCHR has published a report on discriminatory laws and policies, acts of violence and harmful practices against intersex persons submitted pursuant to HRC Resolution 55/14.<sup>48</sup> The report examines discriminatory laws and policies, acts of violence and harmful practices against intersex persons, including their root causes. It also analyses relevant human rights norms and standards, identifies promising practices and makes recommendations on protecting the human rights, including the right to health, of intersex persons.

Other human rights mechanisms have made the following related decisions:

47 Office of the United Nations High Commissioner for Human Rights, 'Technical Note on the Human Rights of Intersex People', OHCHR, Geneva, 2023, <https://www.ohchr.org/en/documents/tools-and-resources/ohchr-technical-note-human-rights-intersex-people-human-rights>.

48 Office of the United Nations High Commissioner for Human Rights, 'Discriminatory laws and policies, acts of violence and harmful practices against intersex persons', A/HRC/60/50, OHCHR, New York, 8 August 2025, <https://docs.un.org/en/A/HRC/60/50>.

- **United Nations Human Rights Committee:** The State Party should take appropriate steps to strengthen measures to end the performance of irreversible medical acts, especially surgical operations, on intersex children who are not yet capable of giving their full, free and informed consent, except in cases where such interventions are absolutely necessary for medical reasons. Access to effective remedies for victims of such interventions should also be ensured.<sup>49</sup>
- **United Nations Committee against Torture:** The Committee recommends that the State Party take the necessary legislative, administrative and other measures to guarantee respect for the physical integrity of intersex individuals, so that no one is subjected during childhood to non-urgent medical or surgical procedures intended to establish one's sex. State Parties should also ensure that no surgical procedure or medical treatment is carried out without the person's full, free and informed consent and without the person, their parents or close relatives being informed of the available options, including the possibility of deferring any decision on unnecessary treatment until they can decide for themselves.<sup>50</sup>
- **United Nations Committee on the Rights of the Child:** With reference to its general comment No. 18 (2014) on harmful practices, the Committee recommends that the State Party: ensure that no one is subjected to unnecessary medical or surgical treatment during infancy or childhood, guarantee bodily integrity, autonomy and self-determination to children concerned and provide families with intersex children with adequate counselling and support; provide redress to the victims of such treatment; and educate medical and psychological professionals on the range of sexual and related biological and physical diversity and on the consequences of unnecessary interventions for intersex children.<sup>51</sup>
- **United Nations Committee on the Elimination of Discrimination Against Women:** The Committee recommends that the State Party adopt provisions explicitly prohibiting the performance of unnecessary surgical or other medical procedures on intersex children until they reach an age when they can give their free, prior and informed consent and provide families of intersex children with adequate counselling and support.<sup>52</sup>
- The **United Nations joint statement on eliminating forced, coercive and otherwise involuntary sterilization** recommends that full, free and informed consent must be ensured in connection with medical and surgical treatments for intersex persons. And, if possible, irreversible invasive medical interventions should be postponed until a child is sufficiently mature to make an informed decision, so that they can participate in decision-making and give full, free and informed consent.<sup>53</sup>
- The **joint United Nations and regional human rights mechanisms statement** on ending violence and harmful medical practices on intersex children and adults urges States to ban unnecessary medical interventions on intersex children, uphold intersex persons' rights and autonomy, ensure accountability for human rights violations and provide redress, combat stigma and discrimination across all areas of life, and promote awareness and training for professionals to address systemic harms.<sup>54</sup>

**Twenty-five sub-Saharan African countries** have received intersex-related recommendations from the following United Nations treaty bodies: the Committee on the Elimination of Discrimination against Women, the Committee on the Rights of the Child, the Committee on Economic, Social and Cultural

49 Office of the United Nations High Commissioner for Human Rights, 'Concluding observations on the fourth periodic report of Kenya', CCPR/C/KEN/CO/4, OHCHR, 11 May 2021, para. 13e, <https://uhri.ohchr.org/en/document/f2995a60-87ba-4b50-ba0f-76037e716d40>.

50 United Nations Committee against Torture, 'Concluding observations on the seventh periodic report of France', CAT/C/FRA/CO/7, United Nations, Geneva, 10 June 2016, paras 34 and 35, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/117/35/PDF/G1611735.pdf?OpenElement>.

51 United Nations Committee on the Rights of the Child, 'Concluding observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland', CRC/C/GBR/CO/5, United Nations, Geneva, 12 July 2016, paras 47c, d and e, <https://uhri.ohchr.org/en/document/b6cf22f9-7755-4865-8fa7-125173502636>.

52 United Nations Committee on the Elimination of Discrimination Against Women, <https://undocs.org/CEDAW/C/MEX/CO/9/para.22>.

53 World Health Organization, 'Eliminating forced, coercive and otherwise involuntary sterilization: an interagency statement, OHCHR, UN Women, UNAIDS, UNDP, UNFPA, UNICEF and WHO', WHO, Geneva, 2014, <https://www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/News%20and%20events/Stories/Forced%20Sterilization%20document%20pdf.pdf>.

54 Office of the United Nations High Commissioner for Human Rights, 'End violence and harmful medical practices on intersex children and adults, UN and regional experts urge', OHCHR, 24 October 2016, <https://www.ohchr.org/en/press-releases/2016/10/intersex-awareness-day-wednesday-26-october>.

Rights, the HRC and the Committee against Torture. Treaty bodies have recommended that different States:

- Prohibit forced or coerced medical interventions with respect to intersex characteristics, such as non-emergency medical interventions performed without full, free and informed consent
- Combat infanticide and other forms of violence against intersex children
- Ensure full and equal access to health care
- Prohibit and combat discrimination against intersex persons, including in education, employment, health care settings, in recreational activities, sports and all aspects of cultural life, and access to services
- Provide persons with full access to their own medical records
- Ensure legal recognition
- Ensure access to justice and effective remedies.

For example, the Committee against Torture was concerned about cases of non-urgent, irreversible surgical procedures undertaken without full, free and informed consent, infanticide and abandonment among intersex children in Kenya.<sup>55</sup> The Committee on the Rights of the Child has recommended Zambia to ensure that intersex children are not subjected to unnecessary medical or surgical treatment without their consent, in accordance with the child's rights to bodily integrity, autonomy and self-determination, and that victims of such treatment have access to justice, reparation and indemnity.

Additionally, **13 sub-Saharan countries** have accepted intersex-related recommendations issued as part of the Universal Peer Review process in the last cycle (since 2022). For example, the Government of Zimbabwe accepted a recommendation protecting intersex minors from non-consensual surgeries and violations of bodily integrity; it is currently working with stakeholders to implement the recommendations. Similarly, South Africa accepted a recommendation on ending harmful practices, including forced and coercive medical interventions, to ensure the bodily integrity of children with intersex variations.

**The Yogyakarta Principles** also provide for the protection of human rights based on sex characteristics. The principles provide an authoritative, expert exposition of international human rights law as it currently applies on the grounds of, inter alia, sex characteristics.<sup>56</sup> The additional principles provide for the right to legal recognition, to bodily and mental integrity, and to truth, among other human rights of intersex persons.<sup>57</sup>

At the national level, different African countries are at different levels of progress on the protection of the human rights of intersex persons. However, most African countries do not have laws or policies in place to protect intersex persons from discrimination.

Kenya is an example of a country that is in the process of integrating international standards and best practices. It has made significant developments on the rights of intersex persons and became the first country in Africa to provide statistics on the number of intersex persons through a census.<sup>58</sup> It also became the first country to recognize intersex as a third sex.<sup>59</sup> However, the introduction of a third sex marker has been criticized when applied mandatorily; it should remain optional to ensure respect for the diversity and autonomy of intersex persons. Subsequent to a court judgement, it was mandated that the government was to collate the numbers of intersex persons in Kenya.<sup>60</sup> The

55 United Nations Committee against Torture, 'Concluding observations on the third periodic report of Kenya', CAT/C/KEN/CO/3, United Nations, Geneva, 30 May 2022, para. 43(c).

56 United Nations, 'Yogyakarta Principles: Introduction (YP+10)', <https://yogyakartaprinciples.org/introduction-yp10/>.

57 Principles 31, 32 and 37.

58 Kenya National Bureau of Statistics, '2019 Kenya Population and Housing Census Results', KNBS, Nairobi, 2019, <https://www.knbs.or.ke/2019-kenya-population-and-housing-census-results/>.

59 Republic of Kenya, 'Legal Notice 153 of 2024, The Birth and Registrations Act 2024', Republic of Kenya, Nairobi, 2024.

60 Republic of Kenya, *In The High Court of Kenya at Nairobi, Constitutional and Human Rights Division, Petition No. 266 of 2013 between Baby 'A' and Attorney General*, Republic of Kenya, Nairobi, 2013, <http://kenyalaw.org/caselaw/cases/view/104234/>.

government also established a task force on intersex persons, which compiled a report on the human rights situation of intersex persons in Kenya.<sup>61</sup> The National Human Rights Institution in Kenya has also been proactive in gathering evidence and data and doing advocacy work on the human rights of intersex persons.<sup>62</sup> Currently there is a comprehensive draft Intersex Persons Bill that will be open for public comment.<sup>63</sup> The bill was drafted with the active participation of intersex communities and other relevant stakeholders.

It is recommended that States seize this opportunity to adopt specific and measurable actions, ensuring the direct participation of intersex persons in decision-making processes. The implementation of clear standards and the strengthening of local partnerships are also crucial steps to ensure that the needs of intersex persons are effectively addressed within the 2030 Agenda.

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61 Taskforce on Policy, Legal, Institutional and Administrative Reforms Regarding the Intersex Persons in Kenya, 'Report of the Taskforce on Policy, Legal, Institutional and Administrative Reforms Regarding the Intersex Persons in Kenya', Republic of Kenya, Nairobi, 2018, <https://www.klrc.go.ke/images/TASKFORCE-REPORT-on-INTERSEX-PERSONS-IN-KENYA.pdf>.

62 Kenya National Commission on Human Rights, 'Intersex Persons in Kenya', KNCHR, 2025, <https://www.knchr.org/Our-Work/Special-Interest-Groups/Intersex-Persons-in-Kenya>.

63 Republic of Kenya, 'Intersex Persons Bill, 2024', Republic of Kenya, Nairobi, 2024, <https://www.knchr.org/Portals/0/Intersex%20Persons%20Bill%2C%20January%202024%20.pdf>.

## 5. Intersex persons and the 2030 Agenda for Sustainable Development

The 2030 Agenda for Sustainable Development is a bold and transformative commitment by States to eradicate poverty, combat inequalities within and among countries, and ensure that all human beings can fulfil their potential in dignity and equality and in a healthy environment. It strives to build peaceful, just and inclusive societies and to protect the human rights of all.<sup>64</sup> The SDGs draw attention to certain populations that are often marginalized or left behind, noting the need for non-discrimination and the importance of inclusion regardless of “race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, disability”, as well as “other status”.<sup>65</sup> While, there is no explicit attention to intersex persons in the official SDG declaration, there is ample room to include them in SDG-related actions, given the attention to “sex”, “other status” and the “marginalized”, and the commitment to leave no one behind.<sup>66</sup>

A stakeholder group was created by civil society to represent various populations, such as intersex persons, and ensure the inclusion of their voices and experiences in United Nations processes, including those relating to the SDGs, such as the High-Level Political Forum on Sustainable Development (HLPF).<sup>67</sup> This is a coalition of CSOs that play an essential role at the HLPF to advocate for their human rights to be integrated into the implementation of the 2030 Agenda.<sup>68</sup> The HLPF follows up on progress towards achievement of the goals and targets in the 2030 Agenda at a global level.<sup>69</sup> States are afforded the opportunity to submit voluntary national reviews (VNRs) on the progress they have made in implementing the SDGs.<sup>70</sup> States are encouraged to include intersex issues in their VNRs, ensuring specific indicators to monitor progress in areas such as health, education, employment, freedom from violence and discrimination, and other rights.

HRC Resolution 55/14 and African Commission Resolution 552 are clear calls for States to ensure that they respect and integrate the human rights of intersex persons, including in the domestic context of achieving the SDGs. Resolution 55/14 expressly recognizes the commitments in the SDGs, notably SDG 3 on good health and well-being.<sup>71</sup> States are recommended to take note of all SDGs relevant to intersex persons and develop policy responses and actions to achieve them. The relevant SDGs, indicators and policy actions are shown in Table 2.

64 United Nations, ‘Resolution adopted by the General Assembly on 25 September 2015: Transforming our world: the 2030 Agenda for Sustainable Development’, A/RES/70/1, United Nations, New York, 2015, <http://docs.un.org/A/RES/70/1>.

65 O’Malley, J. et al., ‘Sexual and gender minorities and the Sustainable Development Goals’, United Nations Development Programme, New York, 2018.

66 United Nations, ‘Resolution adopted by the General Assembly on 25 September 2015: Transforming our world: the 2030 Agenda for Sustainable Development’, A/RES/70/1, United Nations, New York, 2015, <http://docs.un.org/A/RES/70/1>.

67 United Nations High-Level Political Forum on Sustainable Development, ‘Major Groups and Other Stakeholders (MGoS)’, HLPF, <https://hlpf.un.org/mgos>.

68 LGBTI Stakeholder Group, <https://www.lgbtistakeholdergroup.org/>.

69 United Nations High-Level Political Forum on Sustainable Development, ‘High-Level Political Forum’, HLPF, <https://hlpf.un.org/home>.

70 O’Malley, J. et al., ‘Sexual and gender minorities and the Sustainable Development Goals’, United Nations Development Programme, New York, 2018.

71 United Nations Human Rights Council, ‘Resolution 55/14, Combating discrimination, violence and harmful practices against intersex persons’, A/HRC/RES/55/14, United Nations, Geneva, 4 April 2024, <https://docs.un.org/A/HRC/RES/55/14>.

**Table 2. SDGs relevant to the inclusion of intersex persons in development policies and programmes**

| SDG                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Goals and targets, and action required by States                                                                                                                                                                                                       |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| SDG 3: Good health and well-being                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <b>Goal 3: Ensure healthy lives and promote well-being for all at all ages</b>                                                                                                                                                                         |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <b>Target 3.2:</b> End preventable deaths of newborn babies and children under 5 years of age                                                                                                                                                          |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <b>Target 3.7:</b> Ensure universal access to sexual and reproductive health care services, including family planning, information and education, and the integration of reproductive health into national strategies and programmes                   |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <b>Target 3.8:</b> Achieve universal health coverage, including financial risk protection, access to quality essential health care services and access to safe, effective, quality and affordable essential medicines and vaccines for all             |
| <b>Action required by States</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                        |
| <p><b>Protection against infanticide and abandonment of intersex babies:</b></p> <p><b>Specific action:</b> It is recommended that States ensure that there is legal protection against infanticide and abandonment by establishing a system for investigation, follow-ups and accountability.</p> <p>Develop comprehensive policies and protocols that prevent discrimination and exclusion of intersex children and their families and address root causes of discrimination, which include stigma and stereotypes.</p> <p><b>Protection of bodily autonomy and physical integrity:</b></p> <p><b>Specific action:</b> Ban medically unnecessary interventions on intersex babies and children, such as surgeries to 'normalize' sex organs, without the full, free and informed consent of the intersex individual.</p> <p>Create regulations to ensure that health care professionals transparently inform parents and intersex individuals about the options and implications of such interventions, respecting the human rights of the person involved, including their rights to privacy, dignity and autonomy.</p> <p><b>Development of affirmative health care policies for intersex people:</b></p> <p><b>Specific action:</b> Establish specialized health care protocols based on the physical, psychological and social needs of intersex people, including access to counselling services, emotional support and continuous medical care that respects bodily autonomy and that responds to the specific health care needs of different intersex variations. Health care professionals must be trained in intersex-inclusive care to reduce stigma and discrimination.</p> |                                                                                                                                                                                                                                                        |
| SDG 4: Quality education                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <b>Goal 4: Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all</b>                                                                                                                                    |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <b>Target 4.1:</b> Ensure that all girls and boys complete free, equitable and quality primary and secondary education leading to relevant and effective learning outcomes                                                                             |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <b>Target 4.2:</b> Ensure that all girls and boys have access to quality early childhood development, care and pre-primary education                                                                                                                   |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <b>Target 4.3:</b> Ensure equal access for all women and men to affordable and quality technical, vocational and tertiary education for the vulnerable, including persons with disabilities, indigenous persons, and children in vulnerable situations |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <b>Target 4.5:</b> Eliminate gender disparities in education and ensure equal access to all levels of education and vocational training                                                                                                                |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <b>Target 4.8:</b> Build and upgrade education facilities that are child-friendly, disability-inclusive and gender-sensitive, and that provide safe, non-violent, inclusive and effective learning environments for all                                |



| SDG                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Goals and targets, and action required by States                                                                                                                                                       |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Action required by States</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                        |
| <p><b>Protection against discrimination in the education system:</b></p> <p><b>Specific action:</b> Develop anti-discrimination education policies that explicitly include intersex individuals, ensuring that they are protected from bullying, stigma and violence at all stages of education. This includes creating psychosocial support mechanisms for intersex students, ensuring they feel respected and safe at school.</p> <p><b>Name and gender change on educational certificates:</b></p> <p><b>Specific action:</b> Establish clear legal procedures that allow intersex individuals, upon reaching adulthood, to change their name and sex/gender markers on school records and diplomas without bureaucratic obstacles. This should neither require nor encourage medical diagnosis or interventions, but respect self-determination.</p> <p><b>Inclusive toilet facilities:</b></p> <p><b>Specific action:</b> Ensure that all schools and public institutions have gender-neutral, accessible and safe toilet facilities for intersex students, including during puberty, when some intersex people can undergo atypical changes in their bodies and physical appearance.</p> <p><b>Inclusive curricula and life skills programmes:</b></p> <p><b>Specific action:</b> Include information on intersex persons and sex characteristics in school curricula and training programmes for educators and health care professionals, promoting a safe and inclusive learning environment for intersex individuals. This should include information on self-determination, the right to physical integrity, and the right not to be subjected to non-consensual medical interventions.</p> |                                                                                                                                                                                                        |
| <b>SDG 5: Gender equality</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <b>Goal 5: Achieve gender equality and empower all women and girls</b>                                                                                                                                 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <b>Target 5.1:</b> End all forms of discrimination against all women and girls everywhere                                                                                                              |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <b>Target 5.2:</b> Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation                     |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <b>Target 5.3:</b> Eliminate all harmful practices, such as child, early and forced marriage, and female genital mutilation                                                                            |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <b>Target 5.6:</b> Ensure universal access to SRHR                                                                                                                                                     |
| <b>Action required by States</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                        |
| <p><b>Prohibition of discrimination based on sex characteristics:</b></p> <p><b>Specific action:</b> Adopt comprehensive anti-discrimination laws that include explicit references to sex characteristics as prohibited grounds for discrimination. Such laws should have broad coverage and applicability, including in health, education, employment, sports, access to services and other contexts and areas.</p> <p><b>Access to sexual and reproductive rights and services:</b></p> <p><b>Specific action:</b> Ensure that intersex persons have access to SRH services without discrimination, including screening, counselling, prenatal care, contraception and, when appropriate, support for conception. Additionally, promote educational campaigns to demystify SRH issues faced by intersex people.</p> <p><b>Protection against harmful medical practices:</b></p> <p><b>Specific action:</b> Ban medically unnecessary interventions on intersex babies and children, such as surgeries to 'normalize' sex organs, without the full, free and informed consent of the intersex individual. States should take all necessary steps to investigate such violations and hold perpetrators to account.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                        |
| <b>SDG 8: Decent work and economic growth</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <b>Goal 8: Promote sustained, inclusive and sustainable economic growth, full and productive employment, and decent work for all</b>                                                                   |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <b>Target 8.5:</b> Achieve full and productive employment and decent work for all women and men, including for young people and persons with disabilities, and equal pay for work of equal value       |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <b>Target 8.8:</b> Protect labour rights and promote safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious employment |

| SDG                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Goals and targets, and action required by States                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Action required by States</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <p><b>Inclusive labour laws and anti-discrimination:</b></p> <p><b>Specific action:</b> Ensure that labour legislation includes specific clauses to protect intersex individuals from discrimination based on sex characteristics in the workplace, ensuring that they can access full and productive employment without fear of being marginalized or dismissed based on their intersex status.</p> <p><b>Safe and inclusive work environments:</b></p> <p><b>Specific action:</b> Create policies that ensure companies and organizations implement inclusive work environments sensitive to intersex issues, including the creation of anti-discrimination protocols, continuous training for managers, and the provision of inclusive toilet facilities for intersex individuals.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>SDG 10:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <b>Goal 10: Reduce inequality within and among countries</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Reduced inequalities</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <b>Target 10.3:</b> <i>Ensure equal opportunity and reduce inequalities of outcome, including by eliminating discriminatory laws, policies and practices and promoting appropriate legislation, policies and action</i>                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>Action required by States</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <p><b>Elimination of discriminatory laws and practices:</b></p> <p><b>Specific action:</b> States should review all their laws and repeal those that directly or indirectly discriminate against intersex people, ensuring that public policies promote the inclusion of intersex persons in their various dimensions: social, economic and cultural. This includes ensuring access to legal recognition of gender identity and the elimination of laws that reinforce stigma against intersex people.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>SDG 16:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <b>Goal 16: Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>Peace, justice and strong institutions</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <p><b>Target 16.2:</b> <i>End abuse, exploitation and all forms of violence and torture against children</i></p> <p><b>Target 16.3:</b> <i>Promote the rule of law at the national and international levels and ensure equal access to justice for all</i></p> <p><b>Target 16.9:</b> <i>Provide legal identity for all, including birth registration</i></p> <p><b>Target 16.10:</b> <i>Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements</i></p> <p><b>Target 16.b:</b> <i>Promote and enforce non-discriminatory laws and policies for sustainable development</i></p> |
| <b>Action required by States</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <p><b>Legislation against discrimination and hate crimes:</b></p> <p><b>Specific action:</b> Create specific laws to combat hate crimes and discrimination against intersex persons, including punitive actions against perpetrators who commit physical or psychological violence based on intersex identity. This should be complemented by public awareness campaigns to combat social stigma.</p> <p><b>Access to information and transparency:</b></p> <p><b>Specific action:</b> Ensure that intersex persons have unrestricted access to their medical records, especially in contexts where medical interventions may have been carried out without their consent. Information should be provided transparently and accessibly, respecting the right to privacy and self-determination.</p> <p><b>Specific action:</b> Ensure that intersex children are registered at birth. Birth registration procedures should neither require nor encourage medically unnecessary interventions. States should ensure that the names and sex/gender markers of intersex persons in their official records and documents can be amended through a simple, accessible and non-discriminatory administrative procedure, in line with human rights standards, including on autonomy, physical integrity, right to recognition before the law and self-determination, and which neither requires nor encourages medically unnecessary interventions.</p> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |

## Further actions and recommendations for governments regarding the SDGs

- **Strengthen the participation of intersex persons in the HLPF indicators for monitoring:** Create clear indicators to monitor progress on the inclusion of intersex persons in national reports on human rights challenges facing them. Develop indicators for the VNRs for enhanced collection of essential data to inform policy development and monitoring of implementation of concrete actions. Develop national awareness educational campaigns and effective strategies to ensure the inclusion of intersex persons in the development agenda.
- **Integrate progress on the protection of intersex persons' rights into VNRs and ministerial declarations in the HLPF:** Integrating intersex issues into the VNRs represents a strategic opportunity for States to document progress on the rights of intersex persons. It is recommended to include specific indicators such as protection from forced medical interventions, equal access to education and health care, and policies against violence and discrimination. These indicators can help ensure a more rigorous and transparent assessment of each country's progress towards achieving inclusion of intersex persons in the SDGs.
- **Strengthen partnerships with local CSOs and movements:** To ensure that international commitments translate into real change at the local level, States should intensify collaborations with local intersex movements. States can create formal protocols for regular consultations with local organizations, involving them directly in policy formulation and monitoring its implementation.
- **Overcome cultural and religious barriers:** Develop specific programmes to engage community, religious and traditional leaders in demystifying intersex issues. These programmes should promote community acceptance through workshops and information materials that integrate cultural sensitivity and human rights.
- **Ensure accessibility and transparency in processes:** It is essential that SDG consultation processes are accessible to all intersex persons, including those in rural or marginalized areas. States can use inclusive digital platforms, hold accessible in-person events, and provide translations in local languages.
- **Ensure transparent access to information:** All Standard Operating Procedures developed to facilitate changes in legal documents for intersex persons should be published online and in printed form. Making this information available in schools, health centres and churches will help remove barriers and ensure clarity in legal processes.

## 6. Domestic implementation of Resolution 55/14 and Resolution 552 in African countries

The social and economic inclusion of intersex persons requires strategies, legal frameworks and policies that promote and protect their rights. States are encouraged to prioritize actions that reduce structural barriers and ensure full access to human rights for intersex persons. These actions include the reform and/or creation of legislation and policies that protect them from discrimination, enabling them to fully enjoy their fundamental rights.

HRC Resolution 55/14, African Commission Resolution 552 and other recommendations from a range of United Nations entities provide clear and practical recommendations for States to swiftly implement measures that protect and promote the human rights of intersex persons. These recommendations highlight the importance of a human rights-based approach focusing on the social, economic and political inclusion of intersex persons. Table 3 presents a summary of the recommendations made in Resolutions 55/14 and 552.

**Table 3. Summary of HRC Resolution 55/14 and African Commission Resolution 552**

| HRC Resolution 55/14                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | African Commission Resolution 552                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>• Protection and promotion of the human rights of intersex persons</li> <li>• Identifies human rights violations intersex persons are facing globally</li> <li>• Requests the OHCHR to prepare a report on discriminatory laws and practices, acts of violence and harmful practices, and their root causes, and examining best practices in the realization of the human rights of intersex persons, including the right to health</li> <li>• Requests the OHCHR to organize a panel discussion at the 60th session of the HRC (September/October 2025) to discuss the human rights situation of intersex persons globally</li> <li>• Encourages States, in collaboration with relevant international and regional organizations, to enhance efforts to combat human rights violations against intersex persons.</li> </ul> | <ul style="list-style-type: none"> <li>• Protection and promotion of the human rights of intersex persons</li> <li>• Stopping non-consensual genital normalization practices on intersex persons</li> <li>• Ending infanticide and baby abandonment</li> <li>• Prohibiting discrimination, including in education, health, employment, competitive sports, and access to public services</li> <li>• Protection of intersex human rights defenders from violence</li> <li>• Provision of counselling and care to intersex persons and their parents</li> <li>• Legal recognition to intersex persons</li> <li>• Access to justice and remedies</li> <li>• Awareness-raising and human rights education</li> <li>• Capacity enhancement of government institutions and government officials.</li> </ul> |

This summary identifies key areas that require immediate action by African governments. The goal is to assist policymakers in making informed decisions based on the human rights situation in Africa and international best practices. It is recommended that States prioritize these areas in the decision-making process, ensuring that the human rights of intersex persons are protected and promoted. States are encouraged to ensure that they develop measures to give effect to the recommendations made by both the HRC and the African Commission resolutions. In developing any such measures, it is recommended that States **adopt participatory approaches** by involving the intersex community in the formulation and implementation of laws and policies; **establish support mechanisms** by creating psychosocial and legal support services for intersex individuals and their families; and **invest in research** by: (i) promoting studies on the impacts of current medical practices on intersex individuals to inform policy development; (ii) investing in the collection of statistical data on the demographics of intersex persons; and (iii) develop sectoral toolkits and information, educational and communication materials.

## 6.1 Prohibition of medically unnecessary interventions performed without full, free and informed consent

States and policymakers are encouraged to urgently consider putting in place legislative and policy measures to ensure that intersex persons are protected from medically unnecessary interventions, such as surgeries and hormonal treatment, performed without full, free and informed consent. Current gaps in legislation enable medical doctors and other practitioners to violate the human rights of intersex persons. However, it is important to highlight that such non-urgent, medically unnecessary interventions differ from, and must be distinguished in law and policy from, urgent, necessary medical treatment to preserve the life and health of the child—for example, hormone therapy to prevent fatal salt loss in some infants with congenital adrenal hyperplasia.<sup>72</sup>

**HRC Resolution 55/14** notes with grave concern that intersex persons are subjected to potentially irreversible, medically unnecessary or deferrable interventions with respect to sex characteristics, performed without the person's full, free and informed consent and without complying with the provisions of the United Nations Convention on the Rights of the Child. Further, **African Commission Resolution 552** recommends that African States stop non-consensual genital 'normalization' practices on intersex persons, such as surgical, hormonal and sterilization procedures that alter the sexual characteristics of intersex persons; and ensure respect for intersex persons' right to make their own decisions regarding their bodily integrity, physical autonomy and self-determination.

The OHCHR report recommends that medical interventions on the sex characteristics of intersex children without their full, free and informed consent should be permitted only exceptionally, under the following cumulative conditions:

- There is both a serious and an urgent threat to the child's physical health that cannot be mitigated by using less invasive alternatives and the procedure cannot be delayed until the child can decide for themselves.
- The proposed intervention is the least risky, invasive and harmful treatment option available and preserves, to the maximum extent possible, the child's autonomy and future ability to make decisions about their own body.
- There is independent oversight to review requests to perform such interventions and to distinguish interventions that are medically unnecessary or non-urgent from those that are urgent and necessary to preserve the life and health of the child.
- Interventions based on cosmetic or psychosocial considerations, on stereotypes, social expectations or preferences of family members or medical professionals about the sex, gender, bodies or appearance of the child are strictly prohibited.<sup>73</sup>

### Critical points and challenges

- **Children's rights:** The prohibition of non-consensual interventions is in line with the United Nations Convention on the Rights of the Child, prioritizing the best interests of the child.
- **Social and cultural pressures:** In many African contexts, adherence to binary sex norms is deeply ingrained. It is essential to implement public awareness campaigns to support the acceptance and understanding of intersex variations.
- **Oversight and monitoring:** Effective laws and policies require clear mechanisms to ensure compliance and monitor medical practices.

<sup>72</sup> Office of the United Nations High Commissioner for Human Rights, 'Discriminatory laws and policies, acts of violence and harmful practices against intersex persons', A/HRC/60/50, OHCHR, Geneva, 8 August 2025, <https://docs.un.org/en/A/HRC/60/50>.

<sup>73</sup> Ibid.

States should:

- Adopt laws that prohibit medically unnecessary intervention on intersex persons—whether children or adults—without full, free and informed consent
- Stipulate requirements for the informed consent of intersex persons, including children, based on their (evolving) capacity to consent, and establish safeguards and accountability measures to uphold the best interests of intersex children who are too young to provide informed consent, taking into consideration their bodily autonomy, physical integrity, sexual and reproductive health and rights.
- Ensure independent oversight, including by experts in human rights and/or ethics, to assess and review requests to perform interventions on intersex children, including to distinguish interventions that are medically unnecessary or non-urgent from interventions that are urgent and necessary to preserve the life and health of the child
- Create specific policies and guidelines to protect intersex persons from medically unnecessary interventions and develop medical treatment protocols to guide health care professionals, ensuring the protection of the rights of intersex persons, including to health, bodily autonomy and freedom from torture. Interventions should only be carried out when necessary and with the full, free and informed consent of intersex persons.

#### Key points for States and policy- and decision makers

- Enact laws which prohibit non-consensual, forced and coercive medical interventions, such as the laws in Germany, Greece, Iceland, Malta, Portugal and Spain which prohibit harmful practices.<sup>74</sup>
- Develop intersex-affirming health care policies to provide comprehensive, holistic and human rights-oriented service delivery to intersex persons—for example, in instances where adult intersex persons want to align and affirm their sex characteristics with their lived gender identity.
- Develop treatment protocols in hospitals to guide the conduct of medical practitioners and other professionals and eliminate incidences of human rights violations against intersex persons in medical settings.

## 6.2 Addressing stigma and discrimination

**HRC Resolution 55/14** highlights that intersex persons face discrimination in socio-economic spaces. Further, **African Commission Resolution 552** recommends that African States prohibit discrimination through appropriate anti-discrimination initiatives. Human rights violations against intersex persons mainly stem from discrimination on the basis that intersex characteristics fall outside what is socially perceived to be male or female. Social stigma and discrimination exclude intersex persons from fully participating in society and accessing socio-economic spaces, leaving them vulnerable to social exclusion and other forms of discrimination.

To address stigma and discrimination, States should:

- Combat hate crimes, violence, including sexual violence, harmful practices, hate speech and incitement to violence against intersex children and adults, both online and offline, including by integrating sex characteristics into relevant laws and policies to combat these violations.
- Take key considerations to enact anti-discrimination laws that explicitly prohibit discrimination based on sex characteristics, including in labour and employment, education, sports, access to health care, and protection from harmful traditional and cultural practices which often result in infanticide and baby abandonment.

<sup>74</sup> Ibid.

- Enact labour laws and policies that protect intersex persons from discrimination in the workplace. Most labour laws in different jurisdictions already contain anti-discrimination laws based on sex. However, 'sex' is only interpreted to refer to men and women.
- Ensure that intersex persons learn in a safe and enabling environment so that they can realize their full potential in terms of education. School environments must be inclusive, safe, and free from bullying, harassment and discrimination for all members of the school community, including intersex persons.
- Ensure that intersex human rights defenders work in an environment that is free from discrimination, violence and reprisals from the State and non-state actors.
- Address harmful traditional and cultural practices that may lead to infanticide and abandonment of intersex children, and develop awareness-raising programmes on the existence of intersex persons to challenge stigma and discrimination and foster social acceptance of intersex persons. Parents of intersex persons must also receive appropriate and holistic psychological support to understand intersex bodies, thereby preventing infanticide, baby abandonment and, in some cases, suicide.
- Address stigma and discrimination within health services by developing comprehensive and holistic intersex-affirming health care policies for hospitals which detail the appropriate standard of care that is inclusive, affirming and addresses all the specific needs of intersex persons, which ensure appropriate storage of and access to medical records of intersex persons containing vital information and medical histories, and which protect intersex persons from violence and abuse by providing accountability mechanisms.
- States should collect disaggregated data on intersex persons with regard to experiences of discrimination, violence and other harmful practices, including medical interventions carried out without the person's full, free and informed consent, using a human rights-based approach to data that respects safety, privacy, confidentiality and autonomy.

#### Key points for States and policy- and decision makers

- Enact anti-discrimination laws to protect the human rights of intersex persons.
- Develop education policies that ensure that school environments are safe, inclusive and free from discrimination.
- Enact intersex-affirming health care policies and guidelines.
- Strengthen accountability mechanisms within the health sector.
- Prohibit harmful traditional and cultural practices.
- Provide comprehensive psychosocial support to parents of intersex persons and their families.

### 6.3 Provision of legal recognition of intersex persons

**HRC Resolution 55/14** recognizes that intersex persons face restrictions in exercising their legal capacity. Most African countries do not have laws in place that provide civil and administrative processes to allow intersex persons to change their sex or gender markers. States are encouraged to prioritize legal recognition of intersex persons and ensure that civil and administrative processes are inclusive and enabling for intersex persons to easily change their names or amend sex markers on legal identity documents.

Models adopted outside Africa, such as in Argentina and Malta, demonstrate the feasibility of:<sup>75</sup>

- Recognition based on self-determination: Respecting personal dignity and autonomy
- Simplified administrative processes: Accessible and decentralized administrative systems
- Ongoing education: Promoting inclusion by raising awareness among public officials and society about intersex issues.

<sup>75</sup> See Annex 2.



Therefore:

- States should ensure the registration of all births, including the births of of intersex children. Birth registration procedures for intersex children should neither require nor encourage medically unnecessary interventions.
- States should ensure that the names and sex/gender markers of intersex persons in their official records and documents can be amended through a simple, accessible and non-discriminatory administrative procedure, in line with human rights standards, including on autonomy, physical integrity, right to recognition before the law and self-determination, and which neither requires nor encourages medically unnecessary interventions.
- States should ensure that they put in place enabling policies and procedures that will set the basic minimum standards for access to legal recognition, including establishing programmes that provide targeted interventions to intersex persons. This calls for the development of internal rules or Standard Operating Procedures within civil registry departments that streamline the processes to be followed in the provision of legal recognition to intersex persons. In some countries, there are reports of intersex persons who have successfully changed their sex markers on identity documents; however, such information on the procedures involved is not readily accessible to support and facilitate access for other intersex persons.<sup>76</sup>
- States should consider decentralizing access to legal recognition and ensure that it is accessible to rural communities.

#### Key points for States and policy- and decision makers

To ensure inclusive legal recognition, States should:

- Enact or amend existing laws to include provision of legal recognition for intersex persons using an approach which is in line with the human rights standards and free of abusive pre-conditions. Surgery or other medical treatment should never be imposed as a condition of legal recognition.
- Provide opportunities to access legal recognition which are informed by the intersex community, experts and relevant stakeholders in each domestic context.
- Revise terminology—for example, replace terms such as ‘hermaphrodite’ with ‘intersex’ to promote respectful language.
- Develop Standard Operating Procedures in civil registry departments which guide officials and provide insights into procedural issues on legal recognition and civil and administrative processes.
- Build the capacities of all key staff within civil registry departments to ensure service delivery respects the human rights of intersex persons.
- Reassess the biomedical approach in light of the following protections:
  - Right to health: Avoid coercive medical practices.
  - Right to self-determination: Ensure autonomy in decisions regarding identity.
  - Protection from torture: Prevent inhuman or degrading treatment.

## 6.4 Capacity-building of state entities and decision makers on the human rights of intersex persons

African Commission Resolution 552 recommends that African States raise awareness on intersex issues. It further recommends that African States ensure that members of the judiciary, immigration officials, law enforcement officers, and health, education and other officials and personnel are sensitized to provide respectful and equal treatment of intersex persons—highlighting the

<sup>76</sup> To be informed by consultations.



transformative impact of focused training. Institutional discrimination against intersex persons mainly arises from public officials' lack of knowledge and information on the human rights of intersex persons. State capacity development programmes can result in greater alignment of state actions with human rights principles, and a reduction in human rights violations in state institutions.

To ensure adequate and effective capacity-building, States should:

- Prioritize the implementation of institutional capacity development programmes and policies that are inclusive and protect the rights of intersex individuals and other marginalized groups—for example:
- Health: Focus on ethical and affirmative medical protocols, as well as care sensitive to intersex characteristics.
- Justice: Train judges and lawyers on human rights interpretations that meet the needs of intersex people.
- Education: Ensure inclusive and respectful environments for intersex people in schools.
- Immigration: Intersex persons should be able to access immigration ports of entry without discrimination or abuse, and **sex characteristics** should be recognized as valid grounds for seeking asylum.
- Develop capacities, at both the individual and the institutional level, to address the specific needs of intersex persons and ensure that the human rights of intersex persons are promoted and always protected.
- Strengthen judicial activism and legislative systems by training the judiciary on the interpretation of international legal frameworks, such as human rights conventions and jurisprudence, to ensure robust protection of the rights of intersex persons within the justice system.
- Develop human rights advocacy and education initiatives in all other relevant state institutions, such as immigration services and police authorities. It is essential that intersex persons are involved in all programmes designed to empower state entities. This would ensure greater social acceptance of intersex persons and reduce misconceptions and discriminatory attitudes towards intersex bodies.
- Establish mechanisms for continuous evaluation of the effectiveness of capacity-building programmes and public policies, adjusting strategies based on feedback from intersex communities.

#### Key points for States and policy- and decision makers

- Prioritize the implementation of institutional capacity development programmes and policies that are inclusive of intersex persons and other marginalized people.
- Develop individual and institutional capacity to promote and protect the human rights of intersex persons.
- Strengthen judicial activism and legislation through training on the interpretation of international legal frameworks.
- Develop advocacy and education initiatives that involve intersex persons to empower all other state entities.
- Establish continuous evaluation mechanisms to measure the effectiveness of capacity-building programmes with adjustments based on feedback from intersex communities.

### 6.5 Access to justice and remedies

HRC Resolution 55/14 notes that intersex persons face intersecting forms of discrimination in their lives, including lack of access to justice and redress for human rights violations perpetrated against them. Further, African Commission Resolution 552 recommends that States ensure that human rights violations against intersex persons are investigated, that perpetrators are held accountable, and that victims have access to effective remedies, including redress, compensation and rehabilitation. The absence of access to justice is a severe form of social exclusion that prevents intersex persons from seeking accountability and meaningful reparations.

In Greece, Malta and Spain, as well as the Australian Capital Territory, laws which prohibit medically unnecessary interventions without the full, free and informed consent of the person concerned include sanctions for violating this prohibition.<sup>77</sup>

### Elements of adequate access to justice

- **Restitution:** Restore the original condition of victims before the violation, whenever possible.
- **Financial compensation:** For physical, emotional and socio-economic damages
- **Rehabilitation:** Provide medical, psychological and social services.
- **Guarantees of non-repetition:** Implement preventive measures to avoid future violations.

To ensure access to justice and redress for intersex persons, States should:

- Implement comprehensive systems that hold perpetrators of violations accountable and offer victims comprehensive redress, including establishing advisory bodies that combine oversight, investigation and strategic planning
- Ensure that there is legal aid for intersex persons and that investigations are rapid and impartial by avoiding procedural delays that may undermine trust in institutions. This involves empowering judges and lawyers to conduct fair and effective trials in cases involving intersex persons, including educating families about legal rights and how to seek justice. Swift and impartial justice is crucial to restoring the victims' trust and preventing future violations.
- Ensure that there is protection against retaliation and introduce measures to protect victims and witnesses in cases of violence or discrimination
- Ensure that statutes of limitation do not constitute a barrier preventing intersex persons from accessing justice and obtaining redress for past human rights violations
- Create multisectoral monitoring and oversight advisory bodies to monitor human rights violations against intersex persons and propose affirmative policies and corrective measures.
- Consider taking part in processes on voluntary self-assessment of human rights implementation—for example, the VNRs on SDG implementation within the framework of the HLPF and state reporting within the framework of the HRC and the African Commission.

### Key points for States and policy- and decision makers

- Implement systems to hold perpetrators accountable and offer redress for victims.
- Provide legal aid and education for victims and their families, and ensure rapid and impartial investigations.
- Provide victims and witnesses protection against retaliation.
- Create multisectoral monitoring and advisory bodies to monitor human rights violations that can also propose affirmative policies and corrective measures.
- Prohibit harmful traditional and cultural practices.
- Take part in voluntary self-assessment of human rights implementation (VNRs, for example) guided by the HRC and African Commission frameworks.

<sup>77</sup> Office of the United Nations High Commissioner for Human Rights, 'Discriminatory laws and policies, acts of violence and harmful practices against intersex persons', A/HRC/60/50, OHCHR, Geneva, 8 August 2025, <https://docs.un.org/en/A/HRC/60/50>.

## **7. Summary of policy recommendations to African governments and state institutions for effective implementation of Resolutions 55/14 and 552**

### **Advancing legal recognition**

States should ensure access to inclusive legal recognition by:

- Enacting or amending existing laws to include provision of legal recognition for intersex persons based on self-determination of their sex on autonomy, physical integrity, right to recognition before the law and self-determination, and which neither requires nor encourages medically unnecessary interventions
- Developing Standard Operating Procedures to ensure consistent practices in civil registration
- Publishing and widely disseminating information about processes in accessible formats, including local languages and community spaces
- Monitoring and evaluating the implementation of these policies to ensure effectiveness
- Simplification of administrative processes by creating decentralized, accessible and free civil systems for changing names and sex markers
- Establishing education and awareness programmes for public officials and communities to handle intersex issues respectfully, thus reducing stigma and prejudice.

### **Prohibition of medically unnecessary interventions performed without full, free and informed consent**

States should ensure that intersex persons are protected from such medical interventions by:

- Enacting legislation that explicitly prohibits interventions, with particular attention to intersex children. Include this prohibition in child protection and human rights laws.
- Ensuring that informed consent is required for any intervention to be performed. In the case of children, parental consent should be sought after consultation with a multidisciplinary committee, prioritizing the best interests of the child. Regarding the evolving capacity of the child, consider the views of intersex minors and give them weight in accordance with their age, maturity and individual experiences. This allows a deviation from a strict age-based approach to decision-making.
- Criminalizing coercive practices by health care professionals and establishing accessible mechanisms for reporting violations
- Integrating sex characteristics in the training of health care professionals in medical and nursing curricula, and training doctors on the impacts of non-consensual coercive interventions and on the SRH needs of intersex persons
- Developing educational campaigns to demystify intersex variations and reduce social pressures for 'normalizing' interventions. Work with community and religious leaders to promote acceptance of intersex variations as part of human diversity.
- Establishing accessible and comprehensive mental health support services for intersex persons and families of intersex children, offering non-invasive and informed options
- Creating systems to monitor medical practices related to intersex persons, ensuring that survivors of forced interventions receive reparations, including medical, psychological and legal support.

### **Stigma and discrimination**

States should ensure that stigma and discrimination are addressed by:

- Adopting comprehensive anti-discrimination legislation that protects intersex persons from discrimination in all sectors, such as education, health, employment and public services. The laws should include clear sanctions for discriminatory practices.

- Creating anti-discrimination policies that protect intersex persons from discrimination, bullying and harassment in all sectors, such as education, gender, health and education
- Prohibiting the disclosure of intersex characteristics without the explicit consent of the individual or their guardians, whether in educational, health care or community contexts, to maintain their rights to privacy and autonomy
- Creating bodies responsible for overseeing the implementation of policies and laws, with the authority to investigate and punish discriminatory practices against intersex people and other marginalized groups
- Establishing educational campaigns against intersex-related stigma in communities using traditional and social media channels to educate the public about intersex sex characteristics, highlighting variation as a natural expression of human diversity. Stories of intersex persons should be used to demystify the topic and humanize the issue.
- Engaging with cultural and religious leaders to raise awareness about how stigmatizing beliefs affect intersex persons and their families. Work to align cultural practices with human rights principles.
- Developing school programmes that are inclusive of intersex persons in school curricula
- Training teachers on diversity and sex characteristics, and to better address bullying and harassment of intersex pupils in an inclusive and informed manner
- Creating community support networks or support groups for intersex persons and their families, thus providing safe spaces for sharing experiences and psychological support
- Mandatory training of professionals in the health care, education and justice professions, emphasizing respectful and informed approaches to intersex issues.

### **Capacity-building of state entities and decision makers on the human rights of intersex persons**

States should ensure that public entities and decision makers are capacitated on the human rights of intersex persons by:

- Developing sector-specific training and sensitization programmes on the human rights of intersex persons
- Strengthening the capacity of all arms of States, particularly the judiciary on the interpretation of international human rights law to protect the human rights of intersex persons, and the legislature on the nature and extent of the human rights of intersex persons and the need to enact protective laws
- Implementing public awareness campaigns addressing the root causes of discrimination against intersex persons, and misconceptions and misunderstandings around intersex bodies
- Ensuring that capacity-building is implemented through a consultative process with the intersex communities affected.

### **Access to justice and remedies**

States should ensure that there is access to justice by:

- Developing mechanisms for accountability and redress
- Supporting intersex persons with legal aid to access justice and remedies
- Providing compensation for victims of human rights violations
- Monitoring and evaluating government-related policies on the human rights of intersex persons
- Establishing community-led oversight bodies.

## 8. Conclusion

This policy guidance demonstrates that intersex persons in Africa suffer from multiple forms of discrimination that leave them exposed and vulnerable to abuse and discrimination by the State and non-state actors. The guidance also notes that there are gaps in domestic laws on the protection of the human rights of intersex persons in African countries that are contributing to human rights violations, including regarding their access to health. In contrast, international and regional human rights law adequately provides for the protection of the human rights of intersex persons.

HRC Resolution 55/14 and African Commission Resolution 552 have been adopted at a crucial time when there is a need for urgent protection of the human rights of intersex persons. United Nations human rights mechanisms have also made related decisions and pronouncements on intersex human rights. Policymakers may be informed by this policy guidance to identify the key priority areas for protection of the human rights of intersex persons. States are encouraged to implement the recommendations, as this will contribute to guaranteeing the human rights of intersex persons. UNDP's Strategic Plan 2026-2029 recognizes that promoting equality and inclusion and preventing discrimination against intersex people is critical to strengthening social cohesion, achieving good governance and advancing progress towards achieving the SDGs and the 2030 Agenda for Sustainable Development, leaving no one behind. States should develop the necessary steps and measures to guarantee the human rights of intersex persons within their domestic contexts. States should also adhere to their core legal obligations under international human rights law to respect, protect, promote and fulfil the human rights of everyone, including intersex persons.

## Annex 1. Critical legislation for legal recognition

The following legislation plays a complementary role in the legal recognition of intersex individuals:

### Birth, death and marriage registration laws:

- Ensure the official registration of civil events, which is crucial for ensuring that all children, including intersex ones, are registered without discrimination
- They can be enhanced to include registration options that recognize intersex characteristics or non-binary categories.

### Civil registration law:

- Ensures access to basic rights such as health and education through the registration of personal information
- Explicit recognition of intersex individuals in civil registration can reduce marginalization and facilitate access to services.

### Sex description and sex status amendment law:

- Provides mechanisms to legally change sex description, respecting self-determination
- Protects the rights to privacy and freedom, especially in cases of improper initial assignments.

### Legal recognition laws:

- Create the legal framework for the recognition of gender identities, including protection against discrimination
- Should include specific provisions for intersex individuals, recognizing their bodily and identity diversity.

**Comment:** These legislations are interdependent; gaps in any of them can create significant barriers to the recognition and protection of intersex individuals.

## Annex 2. Examples of best practice in legal reform

### Argentina<sup>78</sup>

**Article 4.** All persons requesting that their recorded sex be amended and their first name and images changed invoking the current law must comply with the following requirements:

1. Prove that they have reached the minimum age of eighteen (18) years, with the exception established in Article 5 of the current law.
2. To submit to the National Bureau of Vital Statistics or their corresponding district offices a request stating that they fall under the protection of the current law and requesting the amendment of their birth certificate in the records and a new national identity card with the same number as the original one.
3. To provide the new first name with which they want to be registered. In no case will it be needed to prove that a surgical procedure for total or partial genital reassignment, hormonal therapies or any other psychological or medical treatment has taken place.

### Malta<sup>79</sup>

4.(1) It shall be the right of every person who is a Maltese citizen to request the Director to change the recorded gender and/or first name if the person so wishes to change the first name to reflect that person's self-determined gender identity.

(2) The request shall be made by means of a note of registration published in accordance with Article 5(3).

(3) The Director shall not require any other evidence other than the declaratory public deed published in accordance with Article 5.

### Malta

**The Gender Identity, Gender Expression and Sex Characteristics Act** makes it unlawful for medical practitioners or other professionals to conduct a surgical intervention on the sex characteristics of an intersex minor which is deferrable until such a minor is capable of consenting. However, in exceptional circumstances, treatment may be affected once agreement is reached between an interdisciplinary team of experts and the persons exercising parental authority or the tutor of the minor who is still unable to provide consent if the intervention is not driven by social factors. The law establishes an interdisciplinary team which plays a vital role in approving surgical interventions on minors who cannot consent.

### Kenya

**A draft bill on intersex persons** suggests criminalizing harmful traditional practices that include "medical testing, treatment or procedures" that negatively affect an intersex person's health and enjoyment of other human rights. The bill would criminalize persons, including parents or legal guardians, who aid, abet, allow or encourage another person to subject an intersex person to any harmful practice. While the bill is not yet law, this provision represents a radical measure and Kenya's commitment to prohibit forced and coercive medical measures.

78 Government of Argentina, 'Gender Identity Law as approved by the Senate of Argentina on May 8, 2012', Government of Argentina, Buenos Aires, 2012, [https://globalhealth.usc.edu/wp-content/uploads/2017/03/english-translation-of-argentina\\_s-gender-identity-law-as-approved-by-the-senate-of-argentina-on-may-8-2012.pdf](https://globalhealth.usc.edu/wp-content/uploads/2017/03/english-translation-of-argentina_s-gender-identity-law-as-approved-by-the-senate-of-argentina-on-may-8-2012.pdf).

79 Government of Malta, 'Gender Identity, Gender Expression and Sex Characteristics Act to provide for the recognition and registration of the gender of a person and to regulate the effects of such a change, as well as the recognition and protection of the sex characteristics of a person', Government of Malta, Valletta, 14 April 2015, <https://legislation.mt/eli/cap/540/20180514/eng>.

## Annex 3. African Commission Resolution 552

### **Resolution on the Promotion and Protection of the Rights of Intersex Persons in Africa – ACHPR/Res.552 (LXXIV) 2023**

*The African Commission on Human and Peoples' Rights (the Commission), meeting at its 74th Ordinary Session, held virtually from 21 February to 07 March 2023:*

Recalling its mandate to promote and protect human and peoples' rights in Africa under Article 45 of the African Charter on Human and Peoples' Rights (the African Charter).

Recalling also that Article 2 of the African Charter prohibits any form of discrimination against any person on the basis of race, ethnicity, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Noting that Article 3 of the African Charter grants equal protection of the law to all, and that Article 5 guarantees to all the recognition of legal personality and the prohibition of torture and cruel, inhuman and degrading treatment.

Noting also that Article 16 of the African Charter guarantees the right of every individual to enjoy the highest attainable standard of physical and mental health, and that Article 9 of the African Charter guarantees everyone the right of access to information, including medical records and histories:

Considering that Article 5 of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa and Article 21 of the African Charter on the Rights and Welfare of the Child prohibit harmful social and cultural practices.

Recognising that intersex persons, who are born naturally with a chromosomal abnormality and reproductive or sexual anatomy that does not appear to fit the typical definitions of female or male, exist in all African societies.

Recognising that intersexuality is an inherent handicap at birth and that it should not be considered a taboo in all African societies.

Recognising also that non-consensual and unnecessary surgical and other genital normalization procedures performed on intersex persons, in a medical or other setting, may cause them lifelong physical and psychological suffering, permanent sterility, incontinence, and loss of sexual pleasure.

Further recognising that the above-mentioned non-consensual and unnecessary surgical and other genital normalization procedures have irreversible consequences similar to genital mutilation and can be considered as such.

Concerned about human rights violations against intersex persons which include, but are not limited to, rejection in society; infanticide and abandonment of children; lack of proper legal recognition and administrative processes that prevent intersex persons from acquiring or altering identity documents; unfair discrimination in schools, health facilities, competitive sports and work; access to public services; and detention.

Further concerned about the invisibility and lack of awareness and sensitivity to the plight and situation of intersex persons in African communities.

Recalling that States parties to the African Charter have the obligation to recognise the rights, duties and freedoms guaranteed by the African Charter by adopting legislative or other measures to implement them.



Noting that most States parties do not have appropriate legislative, policy or other measures to guarantee the protection of the rights of intersex persons.

**The Commission calls on States Parties to:**

1. Promote and protect the rights of intersex persons on the continent.
2. Prohibit non-consensual genital normalization practices on intersex persons, including surgical, hormonal and sterilisation procedures that alter the sexual characteristics of intersex persons and to ensure respect for their rights to bodily integrity, physical autonomy and self-determination, including the right to make informed decisions about their own bodies.
3. Ensure that any action concerning an intersex minor is carried out with the permission of the parents and after medical analysis, taking strict account of the best interests of the child.
4. End human rights violations against intersex persons, such as infanticide and abandonment of intersex children.
5. Prohibit discrimination based on intersex traits and characteristics or intersex status, including in education, health, employment, competitive sports, and access to public services, and address such discrimination through appropriate anti-discrimination initiatives.
6. Ensure that intersex human rights defenders work in an environment free from stigmatization, retaliation, or criminal prosecution because of their human rights activism.
7. Incorporate intersex education into prenatal counselling and support services and provide training for healthcare personnel focused on the health needs and human rights of intersex persons, as well as the appropriate counselling and care to be given to intersex parents and children, respecting the autonomy, psychological integrity and sexual characteristics of the intersex person.
8. Enact enabling legislation and institutionalise administrative processes that allow intersex persons to change the gender designation on their birth certificates and other official documents, based on a decision taken through medical intervention.
9. Ensure intersex people's right to full information, including access to their own medical records and history.
10. Ensure that human rights violations against intersex people are investigated, perpetrators are prosecuted, and victims have access to effective remedies, including redress and compensation.
11. Raise awareness of intersex issues and the rights of intersex persons in society.
12. Ensure that members of the judiciary, immigration officials, law enforcement officers, health, education and other officials and personnel are sensitised to the respect and equal treatment of intersex persons.

## Annex 4. Human Rights Council Resolution 55/14

### **Resolution adopted by the Human Rights Council on 4 April 2024, 55/14. Combating discrimination, violence and harmful practices against intersex persons**

*The Human Rights Council,*

*Guided by the purposes and principles of the Charter of the United Nations,*

*Reaffirming the commitments of all States to respect and protect all human rights and fundamental freedoms in accordance with their obligations,*

*Reaffirming also the Universal Declaration of Human Rights, which affirms that all human beings are born free and equal in dignity and rights, and that everyone is entitled to all the rights and freedoms set forth in the Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,*

*Recalling the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child and the optional protocols thereto, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of Persons with Disabilities, the International Convention on the Elimination of All Forms of Racial Discrimination and all other relevant international human rights instruments,*

*Reaffirming the Vienna Declaration and Programme of Action, which affirms that all human rights are universal, indivisible, interdependent and interrelated; that the international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis; and that while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms,*

*Reaffirming also the commitments contained in the Sustainable Development Goals, notably Goal 3 on good health and well-being,*

*Taking note of all relevant statements, observations and notes issued by the United Nations High Commissioner for Human Rights and the Office of the United Nations High Commissioner for Human Rights, the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, the work of treaty bodies, inter alia, the Human Rights Committee, the Committee on Economic, Social and Cultural Rights and the Committee on the Rights of the Child on the human rights of persons with innate variations in sex characteristics,*

*Recognising that persons with innate variations in sex characteristics, that is, persons who are born with sex characteristics that do not fit typical definitions for male or female bodies, including sexual anatomy, reproductive organs and hormonal or chromosome patterns (also known as intersex persons), exist in all societies,*

*Recognising also that, throughout their lives, persons with innate variations in sex characteristics may face multiple and intersecting forms of discrimination in all areas of life, such as access to education, health, employment, sports and social security, as well as restrictions on the exercise of legal capacity and in access to remedies and justice,*

*Expressing grave concern about the violence and harmful practices that persons with innate variations in sex characteristics, including children, face in all regions of the world, including medically unnecessary or deferrable interventions, which may be irreversible, with respect to sex characteristics, performed without the full, free and informed consent of the person, and in the case of children without complying with the provisions of the Convention on the Rights of the Child,*

1. *Requests* the Office of the United Nations High Commissioner for Human Rights to prepare a report, to be made available in accessible formats and to be presented to the Human Rights Council at its sixtieth session, drawing upon the expertise of the Human Rights Council Advisory Committee, examining in detail discriminatory laws and policies, acts of violence and harmful practices against persons with innate variations in sex characteristics, in all regions of the world, and their root causes, and also examining best practices, including legal protection and remedies, especially when addressing the realization of the right to the enjoyment of the highest attainable standard of physical and mental health, and based on information from States, treaty bodies, the special procedures of the Human Rights Council, United Nations agencies, funds and programmes, regional mechanisms, academia, health professionals, national human rights institutions, civil society, including organizations representing intersex persons, and other relevant stakeholders;
2. *Decides* to convene a panel discussion at its sixtieth session, accessible to persons with disabilities and open to the participation of States, the Advisory Committee, relevant treaty bodies and the special procedures of the Human Rights Council, United Nations agencies, funds and programmes, regional mechanisms, academia, health professionals, national human rights institutions, civil society, including organizations representing intersex persons, and other relevant stakeholders, on discriminatory laws and policies, acts of violence and harmful practices against persons with innate variations in sex characteristics in all regions of the world, and their root causes, including misconceptions and inaccurate information, and also examining best practices, especially when addressing the realization of their right to the enjoyment of the highest attainable standard of physical and mental health, and requests the Office of the High Commissioner to organize the panel discussion;
3. *Encourages* States, in collaboration with relevant international and regional organizations, to enhance efforts to combat discrimination, violence and harmful practices against persons with innate variations in sex characteristics and to address their root causes, such as stereotypes, the spread of misconceptions and inaccurate information, stigma and taboo, and to work to realise the enjoyment of the highest attainable standard of physical and mental health for persons with innate variations in sex characteristics.
4. *Decides* to remain seized of this issue.



UNDP HIV and Health Group, Africa