

Submission to the UN Universal Periodic Review: Zambia 42nd session of the HRC UPR Working Group, Jan/Feb 2023

INTRODUCTION

1. In this submission, the Intersex Society of Zambia (ISSZ) provides information under section C (as stipulated in the General Guidelines for the Preparation of Information under the Universal Periodic Review):
 - a. In section C, we describe concerns related to the following violations of the human rights of intersex people in Zambia: forced and coercive medical interventions; lack of comprehensive healthcare for intersex people; difficulty obtaining proper identification documents; and high levels of stigma and discrimination.
 - b. We make a number of recommendations in the areas of concerns listed.
2. Intersex Society of Zambia is an intersex-led non-governmental organization focusing on empowering intersex people in Zambia through awareness-raising and advocating for the human rights of intersex people. It was founded in 2018 and began operating in 2019.
3. The information in this submission is based on widely-available research, information and experiences of intersex people in Zambia collected through the course of the submitting organisations' work.

C: PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

Forced and coercive medical interventions

4. Intersex people, particularly, infants, children and adolescents are subjected without their informed consent to medically unnecessary surgeries, hormonal treatment and other procedures in an attempt to forcibly modify their appearance or physical development to be in line with societal expectations about female and male bodies.
5. Often these procedures take place when the person is young and they are unable to fully understand the impact of the surgeries on their wellbeing. Because of these forced and coercive medical interventions intersex children have to deal with a body that does not reflect their gender identity as the surgery has been done prior to their awareness of their gender identity.
6. These often irreversible interventions have profound negative impacts on physical and mental health of intersex people, including permanent infertility/sterilization, incontinence, loss of sexual function and sensation, and experiences tantamount to rape (such as dilation, the repeated insertion of a device into a newly opened vaginal cavity), causing life-long pain and severe psychological suffering, including depression and shame linked to attempts to hide and erase intersex traits.
7. These interventions violate a number of human rights guaranteed under the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), and Convention on the Rights of Persons with Disabilities (CRPD), among others: rights to the security of person, right to bodily and mental integrity, freedom from torture and ill-treatment, and freedom from violence; the right to health, including a right to free and informed consent, a right to legal capacity and a right to non-discrimination.

Appropriate healthcare for intersex people

8. Because their bodies do not fit sex and gender norms, there are limited healthcare services that address the health needs of intersex people, and there is a lack of research on the long-term health outcomes and needs of intersex people. Even when there are relevant services available, intersex people face stigma and discrimination in access to healthcare. For instance, intersex people who have been raised as female will be referred for cervical screenings despite not having a vagina.
9. This violates the right to health guaranteed under the ICESCR.

Changing sex on official documentation

10. Intersex people face barriers in changing sex or gender markers on official documents. As identification documents provide for only male and female sex and gender markers, intersex people face difficulties when their documents do not reflect their lived gender. The National Registration Act, 1964 outlines the process by which to obtain a national registration card. However, there is no clear provision in the Act or in any other law providing for the process by which to change one's sex or gender on a national registration card.

Stigma and discrimination

11. Intersex persons face high levels of discrimination and abuse in a range of settings, including access to education, public services and employment. Anti-discrimination laws do not typically ban discrimination against intersex persons, leaving them vulnerable to discriminatory practices.
12. There is a high level of school dropouts amongst the intersex community. This is due in part to stigma and discrimination intersex children and adolescents face in school. In addition, intersex children face repeated long-term hospitalizations which causes them to miss school. They will often lie about hospitalization for fear that they will face bullying and other forms of discrimination. Intersex children are also bullied because they are believed to be a curse or a bad omen. This discrimination in school has a significant negative impact on the physical and mental health of intersex young people. Young intersex people face depression, suicide ideation and suicide. Further, missing out on educational opportunities has a long-term impact on their future.
13. In workplaces, dress codes require females to dress in typical female dress and males to dress in typical male dress. However, for intersex people where their sex is not recognised and their assigned gender does not match their gender identity these dressing requirements can be discriminatory.

F: RECOMMENDATIONS

Forced and coercive medical interventions

14. Ensure that intersex children are not subjected to unnecessary medical or surgical treatment without their consent.
15. Develop appropriate and comprehensive medical guidelines for the management of intersex persons to ensure that medical practitioners have guidelines to better provide affirming health care to intersex persons.

16. Ensure inclusion of an intersex category in the National Statistics guidelines to ensure intersex people are reflected in the census.

Appropriate healthcare for intersex people

17. Review health policies and revise to ensure they are inclusive of intersex health needs.
18. Public health services should include hormone therapy and other intersex health needs as essential health services.

Changing sex on official documentation

19. Legally recognize intersex as a third sex in official identification documents.
20. Government to take appropriate steps to facilitate necessary medical tests for intersex people when changing one's sex marker on official documentation.

Stigma and discrimination

21. Explicitly prohibit discrimination in law and policy on the basis of sex characteristics or intersex status.