

From: [REDACTED]  
Equality Unit  
24 April 2014

Cabinet Secretary for Commonwealth Games, Sport, Equalities and Pensioners' Rights

## **MOVE TO LGBTI EQUALITY: INCLUDING INTERSEX EQUALITY AS PART OF THE SCOTTISH GOVERNMENT'S LGBT EQUALITY APPROACH**

### **Purpose**

1. To provide information on intersex equality to support the inclusion of intersex people in Scotland's approach to gender identity equality.

### **Priority**

2. Routine.

### **Background**

3. Scotland is regarded by ILGA-Europe, the European Region of the International Lesbian, Gay, Bisexual, Trans and Intersex Association, to be one of the most progressive countries in Europe in terms of LGBT equality. In May 2013, the United Kingdom ranked highest on the ILGA-Europe Rainbow Map for its legal and policy human rights for LGBTI people with 77%: the next closest country was Belgium with 67%. This is in part due to Scotland's inclusive definition of gender identity in the Offences (Aggravation by Prejudice) (Scotland) Act 2009.

4. In 2008, the member organisations of ILGA decided to include intersex in its work. Since then, ILGA-Europe has worked hard to understand the issues for intersex people to assist in identifying the most effective ways of addressing the discrimination that intersex people face.

[REDACTED]

### **Recommendation or Conclusion**

8. That the Cabinet Secretary notes the information on intersex people in Annexes A and B and advises if she is content for the Scottish Government to adopt an LGBTI (lesbian, gay, bisexual, transgender and intersex) approach to sexual orientation and gender identity equality.

[REDACTED]

Local Government and Communities – Equality, Human Rights and Third Sector

[REDACTED]

24 April 2014

Copy List:	For Action	For Comments	For Information		
			Portfolio Interest	Constit Interest	General Awareness
Cabinet Secretary for Commonwealth Games, Sport, Equalities and Pensioners' Rights			X		

[REDACTED]

**MOVE TO LGBTI EQUALITY: INCLUDING INTERSEX EQUALITY AS PART OF THE SCOTTISH GOVERNMENT'S LGBT EQUALITY APPROACH**

1. Intersex is a variation in sex characteristics that do not allow an individual to be distinctly identified as male or female. People with intersex variation or disorder of sex development were previously referred to as pseudo-hermaphrodites.
2. According to the Intersex Society of North America, 1 in 2,000 live births have noticeable atypical genitalia, however, there is a greater incidence of cases where there are more subtle variations in sexual characteristics. Intersex infants with ambiguous outer genitalia may be surgically 'corrected' to more easily fit into a socially accepted sex category.
3. There is increased awareness of the potential negative impact of medical interventions performed to align the physical body with the registered gender later in life, and increasing pressure for non-essential surgeries to be delayed until the child can participate in the decision making process. Although in some cases there will be a medical requirement for surgery, the fundamental problems faced by most intersex people are socio-cultural in nature and not medical.
4. Intersex people may be raised as male or female but then identify with another gender later in life. Others may identify their gender as being somewhere on the gender spectrum and not as exclusively male or female. Research has shown that the gender identity of intersex individuals is independent of sexual orientation, although some intersex conditions also affect an individual's sexual orientation.<sup>1</sup>

[REDACTED]  
Equality Unit, Local Governance and Communities  
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<sup>1</sup> <http://www.tandfonline.com/doi/citedby/10.1080/00224499709551885>

**ADDITIONAL INFORMATION SOURCES ON INTERSEX ISSUES****Scottish Transgender Alliance: *Gender identity: An information booklet for trans people in Scotland and their families and friends*, September 2007****INTERSEX PEOPLE**

“Sometimes a baby’s external genitals, their internal reproductive system or their chromosomes are in between what is considered clearly male or female. People born with these kinds of variations are often referred to as intersex. There are many different intersex conditions.

“The issues faced by intersex people can sometimes be similar to those faced by trans people. For example, some intersex people might face being labelled by others as a gender that doesn’t match their gender identity. Also, some intersex and trans people may decide to undergo hormone treatment or surgical procedures as teenagers or adults in order to bring their physical appearance more closely into alignment with their gender identity.

“However, it is very important to recognise that there can also be very significant differences between the experiences of trans people and intersex people. One of the most noticeable difference is that intersex people are often identified as such by doctors while they are very young children. Their genitals may be operated upon before they are old enough to understand what is happening and to give or withhold their consent. Intersex people frequently face a long struggle with doctors in order to get honest information about their intersex condition and any surgery which was carried out on them when they were young.”

**Organisation Intersex International Australia**

“The term intersex was adopted by science in the early 20th century and applied to human beings whose biological sex cannot be classified as clearly male or female. An intersex person may have the biological attributes of both sexes or lack some of the biological attributes considered necessary to be defined as one or the other sex.

“Intersex is always congenital and can originate from genetic, chromosomal or hormonal variations. Environmental influences such as endocrine disruptors can also play a role in some intersex differences. The term is not applicable to situations where individuals deliberately alter their own anatomical characteristics.

“Intersex people represent a significant percentage of the population, from 1.9% (Fausto-Sterling, sexologist, 2000) to 4% (various authors).”

## **ILGA-Europe, the European Region of the International Lesbian, Gay, Bisexual, Trans and Intersex Association**

“The member organisations of ILGA decided to include intersex in its work in 2008. This was a new area for ILGA-Europe, and we have since then worked hard to learn the issues for intersex people in order to identify the approach to fight the discrimination and violations that intersex people faces.

“For the Strategic Plan 2011-2013, the Membership decided that ILGA-Europe should have a special focus on *consolidating ILGA-Europe’s capacity to advance the rights of trans and intersex people*.

“ILGA-Europe’s Europe’s long-term goal is to be an organisation that is fully inclusive and representative of trans and intersex people, acts as an advocate for trans and intersex rights at European level and empowers trans and intersex communities to self-organise.”