



## **Intersex Human Rights-focused Submission to IE SOGI Call for Inputs on Colonialism**

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### **Introduction**

Intersex human rights is a body of rights that is often misunderstood. On the one hand, the rights of intersex people, especially infants, young children and adolescents, are routinely violated by the medical sector. On the other hand, the case of intersex human rights is sometimes used as a way of opposing progress in the area of trans human rights. The latter trend is common among individuals and groups who are opposed to trans rights, due to conservative views of gender and sex. Despite the development of international, regional and country-level organizations and collectives that specialize in intersex human rights, it remains a topic that is seldom addressed in many countries, especially in the global South/s. In some countries in the global south/s, generalist LGBTQ+ movements do exist, with a focus on sexual orientation-related rights and gender identity-related rights. When it comes to intersex rights, and raising awareness about intersex issues, realities and best practices of medical care, there exists next to no resources or knowledge bases. These realities, we contend, are, to a considerable degree, a consequence of

colonialist impositions of notions of the Abrahamic gender binary, ableist attitudes, and a disregard for diversity beyond the binary.

For the purposes of the present submission, ‘colonialism’ is primarily defined as the efforts to develop profit-making projects of conquest by western European powers, from the 15<sup>th</sup> to the 20<sup>th</sup> centuries. In every country colonized by these powers, a core element of their business project was to exercise strict control over the colonized populations. This was done by forcible conversions to the colonizer’s religious establishments, strictly imposing the male/female gender binary on colonized peoples, developing gender-segregated school systems, and criminalizing gender and sexual diversities. In Turtle Island, especially in the territories we know as Canada, these objectives were met by confiscating indigenous children from their communities and subjecting them to literal imprisonment in a system of sex-segregated residential schools. A key objective of this project was to ensure that any form of sexual or gender diversity that challenged the colonizer’s understanding of gender and sex, as well as gender roles, were destroyed. It is in this context that we need to take stock of the evolution of intersex human rights in spaces colonized by western powers. In such contexts where the gender binary was strictly imposed, the birth of a baby with sex characteristics that do not comfortably fall in the [cis] female or [cis] male boxes, would be inevitably perceived as something problematic. The body of that baby, then, would be understood as one that requires ‘correction’. Many medical systems still continue to practice arbitrary surgeries of ‘genital correction’ on intersex infants, with zero consent, or respect for bodily autonomy.<sup>1</sup> The same medical systems also often reject, if not impose substantive barriers to, trans children and youth seeking life-saving gender-affirming care, once

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<sup>1</sup> For further context on these challenges, please refer to the vital work carried out by Intersex leaders, such as [Pidgeon](#) and [Mx. Anunnaki Ray Marquez](#).

again in complete disregard to bodily autonomy. In this sense, understanding the colonialist roots of anti-intersex violence [especially in healthcare] imperatively requires a critical engagement with ways in which coloniality, colonial domination and oppression have severely infringed the right to bodily autonomy, and imposed cisheteronormativity/ies in many parts of the world.

### **Contextualizing Intersex Rights: a Brief Historical Revisiting**

During the 15th century, Brazil bore witness to the commencement of colonial expansion. A French expedition to Colonial Brazil embarked with a Capuchin friar who, apart from being a religious figure, also possessed expertise in entomology. Within his work entitled "History of the Most Memorable Things Happening in Maranhão in the Years 1613-1614," he narrates the execution of an indigenous individual possessing a "female voice," referred to as a "hermaphrodite." As recounted in the friar's chronicle, Tibira, a member of the Tupinambá people, was brought to the São Luís fort and securely fastened to a wall-mounted cannon. In the presence of numerous individuals, including members of the French expedition and the indigenous population, the cannon was discharged. Instantaneously, Tibira's body was cleaved into two halves — one plummeted to the base of the wall, while the other vanished into the depths of the sea, never to be recovered again.<sup>2</sup>

In the 1790s, within the collection of Promoter's Notebooks held by the Inquisition in Lisbon, records were found detailing charges filed in Minas Gerais. Among these documents, the case of Manuel Rodrigues Pacheco emerged, initially facing accusations of sodomy in 1795. Subsequently, during the ensuing investigation, Manuel was once again accused, this time being

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<sup>2</sup> D'ÉVREUX, Y. História das Coisas Mais Memoráveis Acontecidas no Maranhão nos Anos de 1613-1614. Fundação Darcy Ribeiro. 2009.

labeled as a "hermaphrodite." In the presence of a judge, he underwent a medical examination conducted by two surgeons. In another village near Ouro Preto, Francisco Xavier Braga faced charges of being a "hermaphrodite" due to the prevalence of female attributes.<sup>3</sup>

Two centuries later, the narrative largely remained unchanged. Carolina Iara, born in Sapobemba, a peripheral region of São Paulo, identifies as an intersex person. Her family received no explanation regarding intersex traits or hermaphroditism at the time of her birth. Instead, the medical team insisted on subjecting her to multiple surgeries spanning a twelve-year period. Carolina asserts that the memories of tubes, black bandages tightly wrapped around her reconstructed penis, and the numerous stitches in her genitals cannot be erased. At the age of six, she was unable to engage in play with other children for an entire year. In her own words, "I will never forget when the catheters were inserted into my genitals without any local anesthetic, without any painkillers." Carolina speaks of the irreparable harm she endured, stating that no compensation can alleviate the suffering she has endured. Carolina Iara stands as the first, and up until this moment, the only intersex parliamentarian in South America. She is also the only publicly known person living with HIV to be elected within the subcontinent. Furthermore, she is one of thirty transgender parliamentarians elected in Brazil.<sup>4</sup>

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<sup>3</sup> RESENDE, M. L. R.; JANUARIA, M. A.; TURCHETTI, N. G. De jure sacro: a Inquisição nas vilas d'El Rei. VARIA HISTORIA, Belo Horizonte, vol. 27, no 45: p.339-359, jan/jun 2011.  
FIGUEIREDO, Luciano Raposo de Almeida. Peccata mundi: a "pequena Inquisição" mineira e as devassas episcopais. Belo Horizonte: Autêntica, 2007, v.2, p.110-15.

<sup>4</sup> Global Action for Trans Equality (2022) **We, the intersex people from the global South: Latin America and the Caribbean Edition**. Intersex Bodies, Global South Alliances: Memoir. New York: GATE.

## Persistent Challenges

The 21st century has brought no respite. Liah Ribeiro revealed that doctors at the University of São Paulo's General Hospital administered hormones to him without his knowledge or comprehensive information. Furthermore, they failed to disclose that he was receiving hormone treatment altogether. In Liah's recollection, the doctors instructed him, "Take this medicine, otherwise you will become a hermaphrodite," and this persisted for eleven years without his consent.

Throughout his healthcare journey, Liah and his mother encountered painful and traumatic episodes, making it profoundly challenging for him to bear the words they heard, particularly as a child supposedly afflicted with a pathological condition.

"They gave me hormones without my knowledge, without even informing me about the treatment. They didn't even disclose that I was being administered hormones. They said, 'Take this medicine, or you will become a hermaphrodite.' For eleven years of my life, I received hormones without being aware of it."<sup>5</sup>

These processes can be viewed as a violent "mimetic machine"<sup>6</sup> that perpetuates and reproduces the norms of normality, encompassing bodily norms pertaining to sex, through torture and inhumane treatments. Our demand is for the freedom to live devoid of these burdens — what colonialism has stripped away from us: integrity, agency. The governments that propagated the

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<sup>5</sup> Gontijo, Daniela. A fuga dos espelhos: violência, mimesis e alegorias patriarcais em *O Iluminado*. In: Almeida, Tânia Mara Campos de. **Reencontro com Rita Segato por sua linhagem: memórias e memorial**. 2020. [No prelo].

Gontijo, Daniela C. Meios de colonização da vida: gênero como máquina mimética de produção de subjetividade. In: *Violência pega?* 2015. 373 f., il. Tese (Doutorado em Bioética) – Universidade de Brasília, Brasília, 2015.

<sup>6</sup> Guzzo, Vidda (2022) *Quem tem, põe na mesa? Redes de Ativismos Intersexo no Brasil [2014-2021]* Brasília: Universidade de Brasília.

idea of perfectly dichotomous sexes must now ensure the right to deliberate upon one's own body, ensuring free and informed consent.

## **Conclusion**

In the sphere of women's rights, as well as in the political discourses that are powerful in some countries, intersex human rights are often used as a weapon to create a wedge between intersex rights and trans rights. In some circles that erroneously perceive trans rights as an apparent threat to single sex spaces, intersex human rights priorities are often trivialized. As the stories of the challenges intersex people have faced and continue to face throughout the world demonstrates, society's cisnormativity and heteronormativity have an extremely harmful impact on intersex people, of all age groups. While the IE SOGI mandate in its current form may not necessarily have a strong emphasis on intersex human rights, it is due to this reason that we urge the mandate to include and where possible 'center' intersex people, as infringements of rights related to sexual orientation and gender identity also adversely affect intersex rights. This, in sum, is an indication that our collective liberation lies in solidarity-building, bridge-building, and working towards understanding, sustaining and supporting each other.