

COMMISSION RECOMMENDATION

Human Rights Commission

Recommendation Number 20210927-003a: Intersex Rights and Healthcare

WHEREAS, the City of Austin has officially recognized Intersex Awareness Day since 2019 to raise visibility for a marginalized and often forgotten group that comprises at least 2% of the population; and

WHEREAS, Mayor Adler made a proclamation that year to do better by intersex Austinites alongside Council Members Casar, Ellis, Renteria, Harper-Madison and then-Council Member Flannigan; and

WHEREAS, that proclamation included the following:

"Whereas | The City of Austin recognizes that intersex persons face violence, discrimination, stigma, harassment, and persecution on account of their sex characteristics, which do not fit binary notions of typical male or female bodies; and,

"Whereas | We bear witness to this violation of basic human rights, and will strive to do better as a city—celebrating the diversity of all Austin residents, including intersex individuals, moving forward";

and,

WHEREAS, the New York State legislature passed a resolution in 2021 (Assembly Resolution No. 432) formally condemning non-consensual and medically unnecessary surgeries performed on intersex children as violate their reproductive rights, gender identity and expression and body autonomy; and

WHEREAS, this resolution abides by the recommendations of the World Health Organization, the United Nations, the American Medical Association Board of Trustees' 2016 report, three former US Surgeons General and manifold additional medical and human rights experts and multinational organizations; and

WHEREAS, the State of Texas leadership has shown blatant disregard and/or ignorance for science and human rights in 2021, especially in the areas of reproductive rights, gender identity and expression and body autonomy; and

WHEREAS, parents across the city and state want to provide the best future for their intersex children but often rely on incomplete, biased or intentionally misleading information on how to do so from whichever doctor they arbitrarily have access to following labor and delivery and soon after; and

WHEREAS, the City of Austin is committed to providing the most current, accurate, factual and rigorously tested information to its residents pertaining to their public health and wellbeing; and

WHEREAS, in 2021, the New York City Council resoundingly passed a bill mandating the city's health department to develop educational materials about how so-called "normalizing" surgeries on children born with variations in their sex characteristics are medically unnecessary and risk lifelong harm; and

WHEREAS, there are accredited and qualified organizations, doctors and advocates that could assist Austin Public Health in the creation of a similar campaign as was mandated in New York City;

WHEREAS, the City of Austin has frequently enacted policy to support reproductive rights and body autonomy, from the provision of comprehensive abortion funding to addressing a backlog of rape-kits;

NOW, THEREFORE, BE IT RESOLVED that the Human Rights Commission encourages the Austin City Council to:

- 1) Formally condemn non-consensual and medically unnecessary surgeries on intersex children; and
- 2) Fund a public education campaign to provide accurate, affirming information to the doctors and parents of intersex children about these children's health, to counter the misinformation some surgeons present as medical advice.

Date of Approval: September 27, 2021

Record of the vote: 6-0; Commissioner Weigel motion, Chair Davis second. Voting in favor were Chair Davis, Vice Chair Casas, Commissioner Brienzi, Commissioner Garry Brown, Commissioner Griffith, and Commissioner Weigel. Commissioner Areche, Commissioner Breckenridge, Commissioner Jamarr Brown, Commissioner Caballero, and Commissioner Museitif were absent.

Attest: Jonathan Babiak

Jonathan Babiak, Staff Liaison