

OFFERED BY COUNCILORS HENRY SANTANA, BREADON, COLETTA ZAPATA,
DURKAN, FERNANDES ANDERSON, FITZGERALD, FLYNN, MEJIA, MURPHY, PEPÉN,
WEBER, WORRELL AND LOUIJEUNE



CITY OF BOSTON IN CITY COUNCIL

RESOLUTION RECOGNIZING OCTOBER 26, 2024 AS INTERSEX AWARENESS DAY

WHEREAS, Intersex Awareness Day honors the first public demonstration by intersex people in the United States, which took place in Boston at the annual conference of the American Academy of Pediatrics on October 26, 1996; *and,*

WHEREAS, Since that historic Boston demonstration in 1996, October 26 has become a day during which intersex people and allies come together to celebrate and uplift the intersex community; *and,*

WHEREAS, “Intersex” refers to individuals with innate variations in their physical sex characteristics, including external anatomy, reproductive organs, hormonal function, and/or chromosomal patterns; *and,*

WHEREAS, The most widely cited estimate of the frequency of intersex traits in the population is based on a tally of birth records for individuals with a specific subset of intersex traits, which were found in 1.7% of the population, or approximately one in every 59 people, yet the true prevalence is likely higher, as this estimate excludes multiple intersex traits, and only included people whose birth records identified their intersex traits; *and,*

WHEREAS, Limited awareness of intersex traits, even in the medical community, as well as inconsistent definitions of intersex by researchers, poor data collection, and infrequent research studies are some of the challenges that face the intersex community, so the true prevalence of intersex traits is unknown, but more recent efforts by community organizations estimate the prevalence is likely closer to 5% of the population, or approximately one in every 20 people; *and,*

WHEREAS, Some people with innate variations of sex characteristics choose to openly identify themselves as intersex while some do not or are unable to safely do so, and intersex people can have any gender identity just as others can; we must respect the right of individuals to disclose and identify as they choose without assumptions about their physical traits or gender identity; *and,*

WHEREAS, It is crucial to work towards improved awareness of and education about intersex, so that more people with intersex characteristics realize that they are not alone or unusual, and have a greater opportunity to live openly and authentically, as well as more ability to connect with others with similar experiences; *and,*

WHEREAS, Awareness of intersex people and their unique physical and social status can benefit all members of the Boston community who may not be represented or may be harmed by traditional binary accommodations; *and,*

WHEREAS, People of all races, cultures, origins, socioeconomic statuses, backgrounds, and experiences can be born with intersex characteristics, so awareness and education efforts for both providers and the community must include cultural competencies for intersectional identities; *and,*

WHEREAS, Health equity for intersex people is undermined by patterns of stigmatization and discrimination on the basis of variations in sex characteristics, intersex status, and perceived gender nonconformity, with more than two-thirds of intersex people reporting some form of poor health, approximately 9 out of 10 intersex people reporting experiencing medical discrimination in the past year, and more than half reporting outright denial of care due to their intersex status; *and,*

WHEREAS, Intersex people also experience significant disparities in mental health and wellness, with more than half reporting merely fair or poor overall mental health, more than three-quarters reporting at least several days per month of despondence, and broadly reporting consistently high rates of mental and emotional distress related to discrimination as well as pervasive difficulty accessing affirming and intersex-competent mental health care; *and,*

WHEREAS, Babies and children with variations in their sex characteristics are often subjected, without their own informed consent or assent, to irreversible surgeries and other interventions to make their bodies conform to stereotypical expectations of what it means to appear, behave as, or be male or female; *and,*

WHEREAS, Instances in which variations in sex characteristics necessitate surgery on an urgent basis in infancy or early childhood are exceedingly rare, and decisions about such surgeries could therefore be safely postponed in the vast majority of cases until such time as an indication of medical necessity may arise; *and,*

WHEREAS, There is evidence that performing these irreversible surgeries in the absence of individual consent can result in severe lasting physical and psychological harm including loss of bodily function, the destruction of reproductive capacity, and the imposition of a sex assignment with which the individual will not identify; *and,*

WHEREAS, A World Health Organization study of medically reported rationales for surgeries on infants and children with intersex characteristics found that in the majority of cases, providers failed to report any rationale, and cases with a documented rationale predominantly listed a cosmetic reason that was not medically necessary; *and,*

WHEREAS, The Massachusetts Commission on LGBTQ Youth included a recommendation to "[i]mprove research on intersex youth communities and prohibit non-consensual unnecessary medical interventions on minors" in its FY2025 recommendations to the Governor and Legislature; *and,*

WHEREAS, Boston Children's Hospital has begun to take important steps forward as a national leader in protecting intersex people by adopting a policy banning the use of certain surgeries on intersex babies and children until the child is old enough to participate in the decision; this policy approach to ensure consent should be expanded to include other nonconsensual and medically unnecessary surgeries targeting babies and young children with variations in their sex characteristics, and adopted by other Boston hospitals and medical institutions; *and,*

WHEREAS, Fenway Health has worked with intersex advocates and community members to develop "*Affirming Primary Care for Intersex People,*" a guide that outlines some ways that primary care providers can create respectful, affirming care environments for intersex people; this should be encouraged as a model for other Boston care providers; *and,*

WHEREAS, The Massachusetts Medical Society was the first state medical society to put forward an intersex affirming medical policy, with the passage of a resolution in 2019 in support of intersex children not being operated on until they are old enough to make their own decision; *and,*

WHEREAS, Three former Surgeons General of the United States have agreed that early, nonconsensual surgeries on intersex children can cause "severe and irreversible physical harm and emotional distress" and "violate an individual's right to personal autonomy over their own future", "clearly infring[ing] on the child's right to physical integrity, preservation of sexual and gender identity, and procreative freedom"; *and,*

WHEREAS, The American Academy of Family Physicians (AAFP) "opposes medically unnecessary genital surgeries performed on intersex children" and states that "Genital surgeries should only be recommended as medically necessary for intersex infants and children for the purpose of resolving significant functional impairment or reducing imminent and substantial risk of developing a health- or life-threatening condition"; *and,*

WHEREAS, The World Professional Association for Transgender Health, in its Standards of Care Version 8, recommends that providers treating intersex children delay “genital surgery, gonadal surgery, or both, so as to optimize the children’s self-determination and ability to participate in the decision based on informed consent.”; *and,*

WHEREAS, The American Bar Association in a 2023 resolution took a position “Oppos[ing] all ... policy that attempts to impose medical or surgical intervention on minors with intersex traits (also known as variations in sex characteristics) without the minor’s informed consent or assent, and urg[ing] licensed professionals not to conduct or propose medical or surgical intervention on minors with intersex traits until the minor requests the proposed care, understands the impact of the proposed care as well as alternatives, is provided with affirming psychosocial supports, and gives informed consent or assent, except when immediate life-threatening circumstances require emergency intervention”; *and,*

WHEREAS, Medical practices should respect the human rights and bodily autonomy of all people, and government institutions should implement policies that protect and support intersex people; *and,*

WHEREAS, Intersex people are an important part of the diversity of the City of Boston to be celebrated and should be afforded respect, dignity, and the universal human right to bodily autonomy. ***NOW, THEREFORE BE IT***

RESOLVED: That the Boston City Council —

(1) recognizes and celebrates October 26, 2024 as Intersex Awareness Day, and commits itself — and encourages all government agencies, public and private institutions, businesses, and schools — to take meaningful actions to support the goals and ideals of Intersex Awareness Day by supporting and affirming the equitable rights, freedoms, dignity, treatment, health, and safety of Boston’s individuals with intersex traits, as well as working to increase public knowledge of the intersex community and empowering individuals to celebrate and respect their diversity;

(2) encourages Boston health care providers to offer culturally and clinically competent care to the intersex community; and encourages schools to support education regarding the intersex community, and to connect individuals to resources for young people with intersex variations and their families.

Filed in Council: October 23, 2024