

**INTERNATIONAL INSTRUMENTS AGAINST VIOLENCE ON CHILDREN AT RISK –
INCLUDING INTERSEX CHILDREN**

The rights of intersexual children are further guaranteed under the Universal Declaration on Human Rights under the following articles:

- i. **Article 1** all human beings are born free and equal in dignity and rights.
Article 2 everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex inter Alia.
- ii. **Article 5** no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.
Article 6 everyone has the right to recognition everywhere as a person before the law.
Article 7 all are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination
- iii. **Article 2** of The Convention on the Right of the Child provides for the rights of the child not to be discriminated, based on any ground including their sexuality.
- iv. **Article 3** The Convention on the Right of the Child thereof provides that the best interest of the child shall be key among the considerations, in making decisions that affect the children. Development – all children have the right to maximum possible survival and development (article 6, CRC)
- v. Participation – all children have the right to express their views freely in all matters affecting them, and to have these views given due weight (article 12, CRC), freedom of expression (article 13, CRC) and freedom of thought, conscience and religion (article 14, CRC)

- vi. Preservation of identity (article 8, CRC); privacy (article 16, CRC); protection from violence (article 19, CRC), health (article 24, CRC).
- vii. **Article 28** of The Universal Declaration on Human Rights which provides that, “every human being is entitled to a social and international order in which the rights and freedoms can be fully realized”.
- viii. **Article 2** The Convention on the Elimination of All forms of Discrimination against Women-(CEDAW), specifically provides that the contracting state to “modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women”.
- ix. **Article 7** of The ICCPR provides that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.
- x. According to the Preamble to The Yogyakarta Principles, the definition of gender identity is each person's deeply felt internal and individual experience of gender, which may or may not correspond with the sex assigned at birth, including the personal sense of the body (which may involve, if freely chosen, modification of bodily appearance or function by medical, surgical or other means) and other expressions of gender, including dress, speech and mannerisms.
- xi. Children who are intersex have the same human rights as everyone else. Human rights are about respecting the inherent dignity of all human beings. The Yogyakarta Principles state that countries shall, among other things:
 - xii. Take all necessary legislative, administrative and other measures to ensure that no child's body is irreversibly altered by medical procedures in an attempt to impose a gender identity without the full, free and informed

consent of the child in accordance with the age and maturity of the child and guided by the principle that, in all actions concerning children, the best interests of the child shall be a primary consideration.

- xiii. This definition protects the right of children who are intersex to choose freely their gender identity. In particular, Principle 18 of the Yogyakarta Principles outlines the right to be protected from medical abuses based on gender identity: