

ORGANISATION INTERSEX INTERNATIONAL AUSTRALIA

S U P O R T I N G I N T E R S E X A N D S T A N D I N G F O R I N T E R S E X R I G H T S

14 September, 2009

Marriage Equality Amendment Bill committee

Dear Senators:

Oii Australia is the regional arm of Organisation Intersex International, the largest Intersex Organisation in the world with representatives on every continent and heard in at least twelve languages.

OII Australia supports the submissions of the Australian Coalition for Equality, Equal Love, the Tasmanian Gay and lesbian Rights Lobby, the NSW Gay and lesbian rights Lobby, and The Inner City Legal Centre.

OII Australian challenges the notion that it is possible to clearly define what a union between a man and a woman is when it is impossible to know exactly what a man and a woman is. Intersex individuals put the lie to the notion that there are any clear boundaries between the two.

Intersex are people who are born with physical features that may be seen as comprising both male and female at once, as being neither wholly male or female, as being neither male or female or even as being something that society and science has yet to comprehend.

The notion that marriage is necessarily between a man and a woman under the terms of the marriage act fails to address the difficulty in defining exactly what features one needs to possess to be considered a man or a woman, certainly one's birth certificate is of little avail as that indicates one's sex, male or female, not one's gender. If sex markers such as X or Y chromosomes, reproductive parts, genital appearance, or hormonal differences are definitive then most Intersex individuals would not qualify for marriage. Indeed they would have more chance making the Olympic team where the IOC has abandoned attempts to strictly divide humanity into Males and Females.

OII Australia is aware of a number of individuals who because of their physical differences are identified as other than male or female on both their birth certificates and on their passports. The current marriage act prohibits these individuals from ever marrying.

Some diagnosis that may underlie Intersex, such as Congenital Adrenal Hyperplasia, are said to influence sexual preference so that Chromosomal XX CAH individuals are more likely to be same sex attracted because of their differences. (<http://www.springerlink.com/content/n518663m16636v1k/>). The current marriage act will only allow such individuals to legally marry someone who they are unlikely to find sexually attractive.

In this is the nub. The marriage act as it stands insists that same sex attracted people join in a union devoid of sexual attraction or forgo the rites of marriage. Science and society have no precise knowledge of how the mind informs itself of its sexual preference save to say that same sex attraction is wide spread across the animal kingdom and is a part of the natural order.

Intersex lives have always underlined the lie of sexual dimorphism and demonstrated that humanity exists on a continuum where ideal male and female stereotypes are the extreme ends and most of us live at some point in between. The Marriage act as it stands asks for proof of something that is essentially unprovable and the provision of a birth certificate to ensure that a male and female are present for the nuptials gives no certainty that the union will be between a man and a woman.

Intersex enjoy no protection against discrimination and vilification in Australia, likewise we have little protection at law as Intersex. To qualify for any kind of legal, official, or social consideration we are required to hide our differences and play the binary game. The marriage act is one of many pieces of legislation where we have no rights as ourselves, our rights are given only when we comply to a binary sex expectation, Sometimes we are forced at birth into that binary by surgery and forced feminisation/ masculinization. The opportunity to live with an intact body and identity robbed from us by a society terrified of sexual differences.

We are likewise robbed of the right to marry as ourselves.

Sincerely,

Gina Wilson
Organisation Intersex Australia