

Transgender and Intersex Right to Access Health Services in Egypt

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Transgender and intersex individuals in Egypt face discriminatory policies and practices that prevent them from fully enjoying their fundamental right to health. Despite clear legal mandates, both nationally and internationally, guaranteeing the right to health without discrimination, transgender and intersex individuals continue to face significant barriers to accessing equitable health services. Urgent actions and policy changes are needed to ensure the fulfillment of these rights.

Legal Framework

Article 18 of the Egyptian Constitution guarantees “[e]very citizen has the right to health and to comprehensive healthcare which complies with quality standards.” This right is also well established under international law, codified in the International Covenant on Economic, Social, and Cultural Rights (ICESCR) the African Charter on Human and Peoples’ Rights (ACHPR), and the Arab Charter on Human Rights (ACHR), all of which Egypt is a party to.

The rights to equality and non-discrimination are also guaranteed by the Egyptian Constitution and under international law. According to the United Nations Independent Expert on Protection Against Violence and Discrimination Based on Sexual Orientation and Gender Identity, the right to health should be guaranteed without discrimination of any kind, including discrimination based on sexual orientation and gender identity.

Violations of Transgender People’s Right to Health:

Egypt has already received and supported previous UPR recommendations to provide non-discriminatory access to the highest attainable standard of physical and mental health, as well as to protect the rights of LGBTQI+ persons. Yet, Egyptian law and policy still prohibit healthcare providers from delivering gender-affirming healthcare to transgender people.

The Sex Correction Committee established by the Ministry of Health in 2003 has systematically discriminated against transgender people seeking gender-affirming care, denying approval for sex correction in transgender cases while allowing it for intersex cases. Additionally, Article 43 of the Medical Syndicate’s Professional Ethics Regulations prohibits doctors from “performing sex change operations. Sex correction is only permissible after receiving approval from the review committee in the Syndicate.” As such, medical practitioners, whether in public or private healthcare, could lose their medical license and face prosecution if they provide gender-affirming care without the approval of the Committee. As a result, some transgender individuals have resorted to dangerous, and sometimes fatal, means of accessing the medical care they need, including underground clinics or self-administration of hormone replacement therapy.

Egypt has not instituted unified treatment protocols nor any specialized education or training for medical professionals' treatment of transgender health issues, affecting the quality of care they can access. A study by Cairo 52 Legal Research Institute found that 71.5 percent of respondents faced instances of discrimination when seeking gender-affirming care. As such, Egypt has failed to protect transgender people from discrimination by medical professionals and state officials, and failed to ensure their right to quality healthcare.

Violations of Intersex People's Right to Health

As with transgender health, Egypt has failed to provide medical practitioners with practical education and training on intersex healthcare needs and lacks any unified policy or treatment protocols, as well as qualified treatment centers that would enable intersex people to access the healthcare they require.

Due to these failures in training and education, as well as the stigma associated with being intersex, decisions are often made to assign a binary sex to intersex minors without conducting thorough medical examinations nor ensuring the decision aligns with the gender identity of the intersex individual. As secondary sex characteristics only develop during puberty, the premature assignment of a binary gender to an intersex child can later prove to be a mismatch for the individual's reproductive organs, hormones, and genetics, which can also lead to gender dysphoria.

Even intersex adults who want gender-affirming care face significant challenges. They must personally cover the costs of critical tests to confirm their sex characteristics and endure lengthy wait periods for gender-affirming care. Additionally, due to a lack of public education and protection of sexual or gender minorities, intersex people are often conflated with transgender people and can face transphobic

stigma and discrimination from society. As such, Egypt has failed to ensure intersex people's equal right to quality healthcare and to protect them against stigma and discrimination.

Recommendations

- Respect, protect, and fulfill the right to health of transgender and intersex individuals without discrimination.
- Respect the right of transgender people to access gender-affirming care by repealing Article 43 of the Medical Syndicate's Professional Ethics Regulations prohibiting doctors from providing gender-affirming care, and ensuring their protection against medical malpractice, harassment, and discrimination.
- Respect the right of intersex people to access gender-affirming healthcare without restrictions and based only on scientific medical review, and ensure that intersex infants are not subjected to unnecessary gender assignment surgeries when the binary sex characteristics are not precise.
- Take positive action to facilitate transgender and intersex people's enjoyment of their fundamental right to health, including by ensuring both public and private health insurance are inclusive of the healthcare needs of transgender and intersex individuals; establishing specialized health centers for transgender and intersex individuals distributed proportionately to the population among Egypt's 27 governorates; implementing inclusive research and data plans; and establishing new medical committees to design, review, and implement unified and medically advanced treatment protocols which take into account the medical needs of transgender and intersex individuals.