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**AMNESTY
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Dear Minister

FORCED STERILISATION OF TRANSGENDER PERSONS VIOLATES HUMAN RIGHTS

Amnesty International is deeply concerned about reports that the Swedish government is planning to retain legislation that forces transgender individuals to undergo surgery leading to sterilisation in order to obtain legal recognition of their gender. The legislation (Lagen om fastställelse av könstillhörighet i vissa fall (SFS 1972; 119)) which is currently under review, requires individuals who wish to change their legal gender to prove that they are Swedish citizens, unmarried and unable to procreate. In addition to requiring surgery, the law prohibits the freezing of gametes by transgender persons for use in future fertility treatments.

Amnesty International understands that the National Board of Health and Welfare has recommended the removal of the requirements that individuals who wish to change their legal gender are Swedish citizens, unmarried, and unable to procreate, changes which would be supported by Amnesty International. We are concerned at reports that the Parliamentary Committee on Health and Welfare has agreed to retain the sterilisation requirement.

While some transgender individuals wish to undergo surgery leading to sterilisation, many do not. This law denies those individuals who choose not to undergo unwanted medical treatment access to legal gender marker changes, including on official documents. Individuals whose documents do not match their gender identity or gender presentation risk discrimination in education, employment, healthcare and access to services, as well as harassment and violence. This compounds the risks already faced by individuals in Sweden who are or are believed to be transgender; in a 2005 survey, one in three transgender respondents reported that they had experienced violence, abuse or harassment.

Such laws violate the right to bodily integrity protected by Article 3 of the European Charter of Fundamental Rights, and the right to protection from medical abuses guaranteed by Article 18 of the Yogyakarta Principles on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity. They also violate the right to freedom from discrimination, the right to privacy, the right to health and the right to found a family under European and international human rights law.

The Committee of Ministers of the Council of Europe recommended in 2010 that member states “should take appropriate measures to guarantee the full legal recognition of a person’s gender reassignment in all areas of life, in particular by making possible the change of name and gender in official documents in a quick, transparent and accessible way” and that “no person should be subjected to gender reassignment procedures without his or her consent.” Furthermore, in 2010, the Council of Europe Commissioner for Human Rights, Thomas Hammarberg, stated that compulsory

sterilisation is a form of state-prescribed medical treatment for legal purposes and “clearly runs against the principles of human rights and human dignity”.

RECOMMENDATIONS

Amnesty International urges the Swedish government to:

- Continue with proposals to remove the requirement that individuals who wish to change their legal gender have undergone compulsory surgery leading to sterilisation, in line with the recommendations of the National Board of Health and Welfare and international human rights law.
- In addition, implement proposals to remove the legal requirement that individuals who wish to change their legal gender are unmarried and Swedish citizens.
- Allow individuals who wish to change their legal gender to take steps to preserve gametes for future fertility treatment.
- Ensure that individuals who wish to change their legal gender are able to do so without undergoing unwanted medical treatments or surgical procedures.

We are also sending copies of this letter to Nyamko Sabuni, Minister for Gender Equality, and to the Parliamentary Committee on Health and Welfare.

We look forward to receiving your response on this matter.

Yours sincerely



Lise Bergh
Director, Amnesty International Sweden



Nicola Duckworth
Director, Europe and Central Asia Programme