

To:  
Swedish Prime Minister Fredrik Reinfeldt

c/o Roberta Alenius  
Prime Minister's Office  
Rosenbad 4  
SE-103 33 Stockholm

Vienna and Brussels, 16 January 2012

Dear Prime Minister Reinfeldt,

Transgender Europe and ILGA-Europe (European Region of the International Lesbian, Gay, Bisexual, Trans and Intersex Association) are writing to express their deep concern about reports that your government had decided not to change the Swedish gender recognition legislation to remove the requirement of sterilisation.

Our organisations were recently informed that representatives of parties in your government have communicated their intention not to remove the sterilisation requirement. As a consequence, this would require those wishing to change their gender marker to continue to undergo sterilisation in order to get legal recognition of a change in gender. It is high time to finally breach with this on-going violation of the right to physical integrity, right to be free from torture as well as sexual and reproductive rights of trans persons.

Forty years ago Swedish parliament was a pioneer to have a gender recognition law. The Swedish Law *Lagen om fastställelse av könstillhörighet i vissa fall* (SFS 1972; 119) has set the principle for many countries in the Western world. However, its incorporated requirements for sterilisation are now out of step with current international best practice and understandings of obligations under international human rights law. As you are aware, RFSL and other human rights organisations have drawn attention of the Swedish authorities to this on-going abuse for a long time and demanded a change in the law. We were also informed that, in 2010, the National Board of Health and Welfare recommended in its review of the law to have the medical treatment requirements removed and the overall procedure simplified.

Council of Europe Commissioner for Human Rights Thomas Hammarberg expressed his concern in July 2009 saying that "It is of great concern that transgender people appear to be the only group in Europe subject to legally prescribed, state-enforced sterilisation." The Commissioner also called upon member states to "abolish sterilisation and other compulsory medical treatment which may seriously impair the autonomy, health or well-being of the individual, as necessary requirements for the legal recognition of a transgender person's preferred gender." Sweden also endorsed the Committee of Ministers of the Council of Europe in recommending that member states should take appropriate measures "to guarantee the full 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" (Recommendation, March 2010). A similar statement was made by the Council of Europe's Parliamentary Assembly which called on member states to ensure that official documents reflect the individual's preferred gender identity, without any prior obligation to undergo sterilisation or other medical procedures such as sex reassignment surgery and hormonal therapy (Resolution 1728 (2010)).

Law makers in the UK (Gender Recognition Act 2004), Spain, Portugal and recently the lower house of Argentina have endorsed laws respecting the self-determination of a trans person and doing away with medical treatment requirements. The Netherlands have just recently finished a public consultation on a proposal to review the existing gender recognition law and propose the removal of any medical treatment requirements.

Sweden has been for many in the world a safeguard for human rights and we thus regret that it is lagging behind with respect to international and European developments related to the rights of trans people. On one hand, Sweden can be praised for being one of the few countries in Europe that explicitly protects trans persons under its Anti-Discrimination law. However, we find it highly disturbing that the state continues to undermine the enjoyment of human rights by trans people by asking them to decide between having ID documents reflecting their gender identity more closely and thus a certain protection against discrimination on one hand and their physical integrity, right to free choice of medical treatment, the right to form a family on the other hand.

We thus urge you to take all necessary measures to ensure that Sweden abides by its obligations under international and European human rights instruments, and ask you to lead Sweden into being a forerunner in the field of human rights again.

Prime Minister Reinfeldt, our organisations call upon you to:

- Propose a legislative reform that would lead to the abolition of the forced sterilisation requirement and medical treatments for legal purposes, in accordance with international and European recommendations as well as the recommendation of the Swedish National Board of Health and Welfare
- Consult with representatives of the trans communities in Sweden in all matters that concern them

We look forward to hear back from you.

With kind regards,



Wiktor Dynarski  
Co-Chair  
Transgender Europe



Dr. Julia Ehrt  
Executive Director  
Transgender Europe



Evelyne Paradis  
Executive Director  
ILGA-Europe