

Mr Thobjørn Jagland
Secretary General
Council of Europe
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Cc: LGBT Issues Unit

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**AMNESTY
INTERNATIONAL**



European Institutions Office

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Dear Secretary General,

THE STATE DECIDES WHO I AM: LACK OF LEGAL GENDER RECOGNITION FOR TRANSGENDER PEOPLE IN EUROPE

Amnesty International would like to draw your attention to our report [*The state decides who I am: lack of legal recognition for transgender people in Europe*](#) published today (please find enclosed). It highlights the human rights violations experienced by transgender people when they wish to change their legal gender.

The report details how transgender people are forced to undergo invasive surgery, sterilisation, hormone therapy or psychiatric testing before they can change their legal status. It focuses on seven European countries: Belgium, Denmark, Finland, France, Germany, Ireland and Norway. In Ireland, for instance, no procedures currently exist to enable people to change their gender identity.

It is estimated that there could be as many as 1.5 million transgender people in the European Union alone. In most countries, individuals have a legal gender that corresponds to the sex they were assigned at birth. This determines how people are perceived throughout their lives. Transgender people are at risk of being discriminated against whenever they have to produce documents referencing names or gender-related information that do not reflect their gender identity and expression. The divergence between their gender, appearance and documents leads to the violation of their right to privacy, and to discrimination in the job-market, at school or in accessing services. In many states there are strict conditions under which individuals can change their legal gender. The whole process can take years.

In 1992, the European Court of Human Rights recognised that states refusing to allow transgender people to change the gender markers on official documents to be legally recognised were violating the European Convention on Human Rights. However, transgender people in Europe continue to struggle to have their gender legally recognised. Legal gender recognition is key to ensure that transgender people can fully enjoy their rights, without discrimination.

We urge you to ensure that the Council of Europe raises these concerns with member states in the context of work on the rights of lesbian, gay, bisexual, transgender and intersex (LGBTI) people.

Member states should be asked to fully and effectively implement the Committee of Ministers' Recommendation CM/Rec(2010)5 on Measures to combat discrimination on the grounds of sexual orientation or gender identity. They must also comply with their obligations under the Convention and the Court's rulings, by allowing transgender people to change their legal name and gender, by abolishing invasive requirements that violate their human rights and by providing legal protection from discrimination and violence on the grounds of sexual orientation and gender identity.

We would be pleased to provide you any additional information.

Yours sincerely,

Dr. Nicolas J. Beger
Director
Amnesty International European Institutions Office