

Ref: EUR 28/9752/2019

Katrín Jakobsdóttir  
Prime Minister  
Forsætisráðuneytið  
Stjórnarráðshúsinu við Lækjartorg  
Iceland

12 February 2019

Dear Prime Minister,

## THE RIGHT TO HEALTH FOR INDIVIDUALS WITH VARIATIONS OF SEX CHARACTERISTICS

We are writing to you to ask you to take action to uphold Iceland's obligations under human rights law to protect the right to the highest attainable standard of health for people with variations of sex characteristics: individuals who are born with sex characteristics – genitals, gonads, hormones, chromosomes or reproductive organs – which vary from the established norms for 'male' and 'female'.

Amnesty International has carried out research on the rights of individuals with variations of sex characteristics in Iceland. The findings of this research, carried out by staff from Amnesty International's Icelandic Section and International Secretariat, will be published in a report *'No Shame in Diversity: The Right to Health for People with Variations of Sex Characteristics in Iceland'* on 19 February 2019. We enclose a copy of this report.

Our research found that the lack of clear protocols and the lack of multidisciplinary care, combined with inadequate social support for individuals with variations of sex characteristics and their families as they navigate the health care system in Iceland, undermines their ability to access the highest attainable standard of physical and mental health. It also puts individuals with variations of sex characteristics at risk of other human rights violations, such as the right to freedom from discrimination and the principle of the best interests of the child.

Amnesty International also found that despite Iceland's worldwide reputation for gender equality – the country has ranked top of the World Economic Forum Global Gender Gap Index every year since 2009 – gender stereotypes and discrimination persist. As a result, individuals whose sex characteristics are perceived not to meet standards for 'male' and 'female' may be subjected to discrimination and attempts to 'normalise' their bodies through surgical and hormone treatment.

The human rights of children, adolescents and adults with variations of sex characteristics are recognised and protected under international law. International human rights treaties protect everyone against discrimination and against violation of their rights to the highest attainable standard of health, to freedom from discrimination and from harmful gender stereotyping, and to an effective remedy. Iceland, in common with all states parties to the International Covenant on Economic, Social and Cultural Rights (ICESCR), has a responsibility to ensure that all members of society, including health professionals, fulfil their responsibilities regarding the realisation of the right to health.

In common with all states parties to the Convention on the Rights of the Child, Iceland has an obligation to ensure that children have the right to control their own health and body, in accordance with their evolving capacity and maturity, and to ensure that the best interests of the child are the primary consideration in all actions concerning them. The Committee on the Rights of the Child has also emphasised state obligations to ensure that health-related facilities, goods and services are respectful of children's needs.

We are encouraged by the proposed Bill on Act on Sexual and Gender Autonomy, which we understand will be proposed at the end of this month. However, we are disappointed that the Bill misses the opportunity to protect children with variations of sex characteristics from non-emergency, invasive and irreversible medical practices with harmful effects. We encourage you to modify the draft Bill so that these practices are prohibited without criminal penalties.

#### RECOMMENDATIONS

We ask you to take action to uphold Iceland's responsibility, under international human rights law, to respect, protect and fulfil the human rights of individuals with variations of sex characteristics.

- Protect and promote the human rights of individuals with variations of sex characteristics in law and practice;
- Align laws – including the upcoming Bill on Act on Sexual and Gender Autonomy - policies, and practices to comply with s.7.1.1 of Resolution 2191 of the Parliamentary Assembly of the Council of Europe to 'prohibit medically unnecessary sex-"normalising" surgery, sterilisation and other treatments practised on intersex children without their informed consent', in a manner that does not entail criminal penalties;
- Ensure that legal sex assignment or legal gender recognition for any individual at any age is not predicated on medical interventions.
- Ensure all government entities comply with the Yogyakarta Principles and Yogyakarta Principles+10, particularly:
  - Principle 10: The Right to Freedom from Torture and Cruel, Inhuman or Degrading Treatment or Punishment;
  - Principle 17: The Right to the Highest Attainable Standard of Health;
  - Principle 18: Protection from Medical Abuses;
  - Principle 28: The Right to Effective Remedies and Redress;
  - Principle 30: The Right to State Protection;
  - Principle 32: The Right to Bodily and Mental Integrity;
  - Principle 37: The Right to Truth.
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Yours sincerely,



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