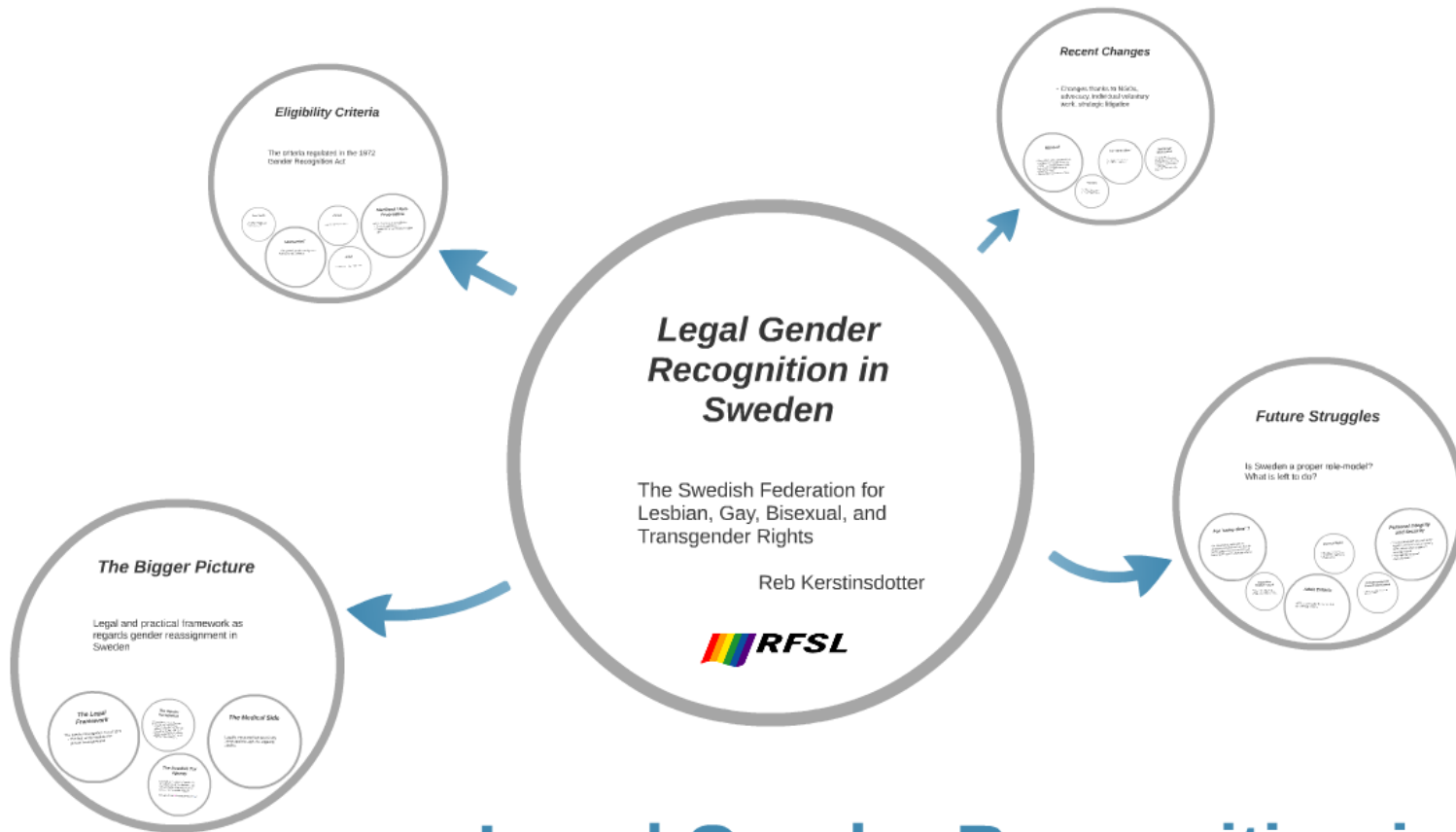


Legal Gender Recognition in Sweden



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The Swedish Federation for
Lesbian, Gay, Bisexual, and
Transgender Rights

Reb Kerstinsdotter



The Bigger Picture

Legal and practical framework as regards gender reassignment in Sweden

The Legal Framework

The Gender Recognition Act of 1972
• The first act to regulate the gender reassignments

The Gender Recognition

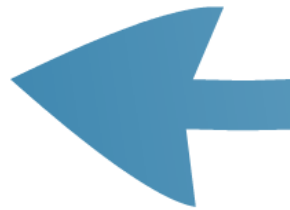
The Legal Board of the National Board of Health and Welfare
• Assesses gender reassignment application through a panel of medical and legal professionals
• Makes a decision based on the eligibility criteria in the law

The Medical Side

Legally separated but practically integrated through the eligibility criteria

The Swedish Tax Agency

Changes the assigned gender in accordance with the decision, as well as the (gendered) personal number in the public register
YYMMDD-XXGX>>YYMMDD-XXGX



The Legal Framework

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Eligibility Criteria

The criteria regulated in the 1972
Gender Recognition Act

Since Youth

A 'genuine' transsexual had had
been feeling 'as belonging to the
other sex' since youth

Citizen

Swedish citizenship was required

Sterilized / Non- Procreative

Lack of procreative possibilities

- Through sterilization
- Prohibition of saving reproductive cells

Unmarried

To be granted gender reassignment,
you had to get a divorce

Adult

You have to be above 18 years old



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Recent Changes

- Changes thanks to NGOs, advocacy, individual voluntary work, strategic litigation

Married

- Since 2009, same sex marriages is allowed in Sweden. Because of this, the Administrative Court found the 'unmarried criteria' obsolete (2010).
- Formal legal change as of July

For 'some time'

The criteria 'from youth' has changed to 'for some time'.

No Forced Sterilization

- In December 2012, the Administrative Court found that the sterilization criteria equals a breach of the constitution, as well as the European Convention on Human Rights
- Formal legal change since July 2013

Residents

As of January 1st, the criteria of citizenship has changed to residency (defined by other laws)

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Future Struggles

Is Sweden a proper role-model?
What is left to do?

For 'some time' ?

The Swedish system with an assessment panel that are able to make judgments over individuals' lives, working with arbitrary criteria

Parental Rights

Legal uncertainties for trans* parents. Especially acute for men giving birth that are registered as biological mothers

Personal Integrity and Security

- Uncertainties with the population register, and the level of secrecy of the information of gender reassignments
- The right to renewed documentation

Separation Medical / Legal

RFSL is in favor of a complete administrative procedure, and no (formal or de facto) diagnosis criteria

Adult Criteria

RFSL is aiming for the removal of the 18-year criteria

Compensation for Forced Sterilization

Class action against the Swedish state. 182 patients



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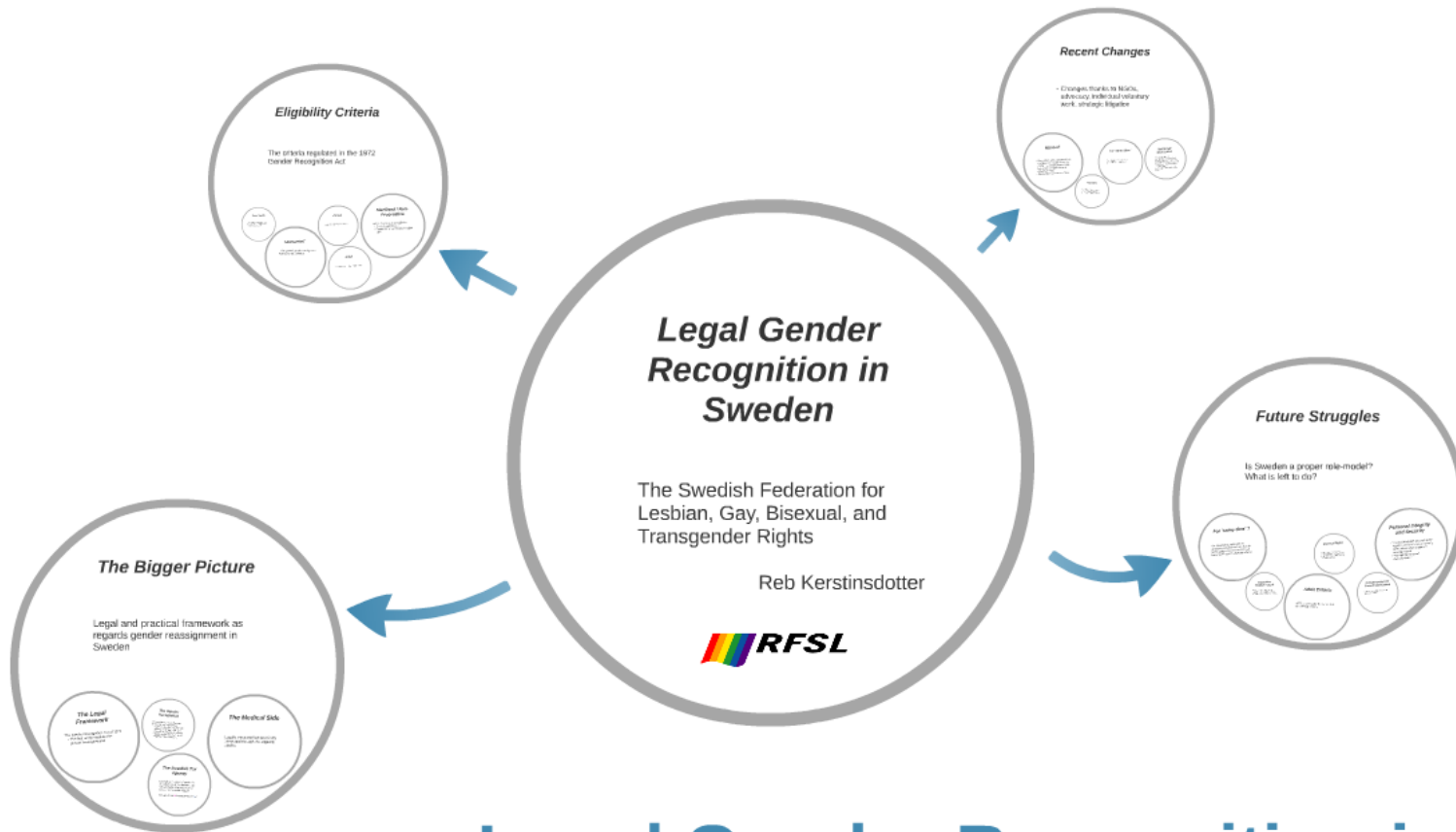
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Legal uncertainties for trans* parents. Especially acute for men giving birth that are registered as 'biological mothers'

Compensation for Forced Sterilization

Class action against the Swedish
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