

# AMNESTY INTERNATIONAL

## PUBLIC STATEMENT

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### Stop Trans Pathologisation Worldwide

On the International Day of Action for Trans Depathologisation, October 21, Amnesty International calls for an end to trans pathologisation: the treatment of trans identities as "mental health disorders."

The WHO is currently in the process of drafting an updated edition, ICD-11. Amnesty International welcomes the proposal to create a new category, 'Gender incongruence of Adolescence/Adulthood' in a new chapter on 'Conditions related to Sexual Health.' This inclusion, if accepted, would end the classification of "transsexualism" and "gender identity disorder" as "mental and behavioural disorders," destigmatize individuals and strengthen their human rights, while ensuring that individuals retain access to gender-affirming healthcare and its coverage.

Amnesty International recommends that the WHO implements this proposal. We also encourage the WHO to actively include trans and human rights civil society organisations in the ICD reform process, and to keep them informed about the process as it develops.

While the ICD review process continues, several countries around the world have already taken steps to depathologise trans identities, reducing barriers to accessing trans-specific healthcare and legal gender recognition. In 2012, the first gender identity law in the world to contain no medical requirements was signed into law in Argentina. Similar laws have been passed in Colombia, Denmark, Ireland, Malta and Norway, while in 2014 the Indian Supreme Court recognised the right for individuals to "decide their self-identified gender," although legislation to implement this is not yet in place.

Most recently, [Greece](#) passed legislation expressly stating that transgender people can change their identification papers without the requirement of medical diagnoses or tests. The passing of this law was a step forward, although it still contains some limitations preventing certain groups from accessing legal gender recognition, and still requires a form of diagnosis for children aged between 15 and 16.

Amnesty International calls for an end to pathologisation of trans identities worldwide. Countries that are developing new laws and policies that affect trans people, including on legal gender recognition, must ensure that these respect human rights. Amnesty International is currently joining trans human rights defender Sakris Kupila in campaigning for Finland to implement a quick, accessible and transparent procedure for legal gender recognition, including removing the psychiatric diagnosis requirement. Join our campaign [here](#).

### Background

Trans, or transgender, people are individuals whose gender expression and/or gender identity differs from conventional expectations based on the physical sex they were assigned at birth. Trans individuals may or may not choose to undergo some, or all, possible forms of gender reassignment treatment.

According to [Transgender Europe](#), 35 countries in Europe alone require a mental health diagnosis to access legal gender recognition. Amnesty International has [documented](#) the human rights violations that this and other requirements cause for trans people seeking legal recognition of their gender

The World Professional Association for Transgender Health (WPATH) has [called](#) for an end to trans pathologisation worldwide, stating that pathologisation of “gender characteristics and identities reinforces or can prompt stigma, making prejudice and discrimination more likely, rendering transgender and transsexual people more vulnerable to social and legal marginalisation and exclusion, and increasing risks to mental and physical well-being.” The UN Special Rapporteur on the right to health commented earlier in 2017 that, “while many people find diagnostic categories beneficial in allowing them to access services and better understand their mental health, others find them unhelpful and stigmatizing...The pathologization of lesbian, gay, bisexual, transgender and intersex persons reduces their identities to diseases, which compounds stigma and discrimination.”

In Finland, a psychiatric diagnosis is required to access specific transgender healthcare as well as for changing one's gender markers in official documents. The diagnosis process can take several years. To be able to get legal gender recognition and to access trans specific health care, one must obtain a specific diagnosis of “transsexualism”. Other diagnoses do not enable access to health care or ultimately legal gender recognition. For example, transgender people not conforming to the binary male-female divide are not diagnosed with “transsexualism” but with “other gender disorders”, excluding them from accessing legal gender recognition.

After the diagnosis the person has to go through a “real-life test”, a test that has been criticized by the CEDAW committee (the Committee on the Elimination of Discrimination against Women) for promoting stereotypical gender roles, in which a person has to show that he or she is living according to their gender identity for the period of one year. A further requirement is sterilization, requiring transgender people to undergo invasive medical treatments, sometimes against their wishes, for the sole purpose of obtaining legal gender recognition. The European Court of Human Rights [found in](#) April 2017 that sterilisation requirements for legal gender recognition are a human rights violation.