



2nd Cycle - UPR Denmark

Suggestions for recommendations to the State of Denmark by LGBT Denmark

December 15, 2015

In many ways Denmark is in the first league when it comes to LGBTI rights. It is important, however, to understand that from a human rights perspective there are still areas where Denmark not only does not live up to the best practices, but even breaches fundamental rights.

In June 2015 sixteen Danish NGOs, including LGBT Denmark, filed a Joint Stakeholder Submission to the UPR process with recommendations for Denmark. Four of these recommendations are specifically LGBT-related. Below we provide a few words on each of these.

Joint Submission recommendation no. 5

Discrimination on grounds of gender identity and gender expression

Gender identity (i.e., gender felt by a person) and gender expression (i.e., gender shown by a person outwardly) are currently not explicitly mentioned in the anti-discrimination and equal treatment legislation. There are court cases regarding discrimination and hate crime against trans persons, but decisions refer to sexual orientation not to gender identity and/or gender expression. Thus, the protection of the rights of trans persons hinges on a misinterpretation of the term *sexual orientation*.

Recommendation: Explicitly prohibit discrimination on grounds of gender identity and gender expression.



Joint Submission recommendation no. **19**
Gender identity of children and young people

The quality of life of both children and youth would be better safeguarded if their self-experienced gender were recognized as authentic and legitimate. Even though the Danish gender recognition act is a milestone, it falls short of protecting the rights of the child regarding its integrity. Furthermore, intersex children are subject to irreversible, non-consensual medical treatment to adapt their body to the gender decided by their parents. This runs counter to recommendations from e.g. EU's Fundamental Rights Agency, the Council of Europe and the UN High Commissioner for Human Rights.

Recommendation: Lift the requirement of 18-years-of-age for legal gender change by allowing the person exercising parental authority over the minor to file an application for change. To ensure the right to bodily integrity of intersex person, coerced surgical gendering must be outlawed.

Joint Submission recommendation no. **29**
Barriers in health care for LGBT persons

For a trans person to get any treatment concerning gender, it is necessary to subject oneself to years of psychological scrutiny for gender profiling. This is the case, for instance, for cosmetic breast surgery for trans women, whereas other women have direct access to treatment with no questions asked. Even hormone treatment is only accessible to trans people after such lengthy investigation.

Recommendation: Document and stop unequal treatment of LGBT people in health care.

Joint Submission recommendation no. **32**
Gender identity, gender expression and sexual orientation in education

In the general population, knowledge and awareness of the conditions of LGBT people is appallingly small. Teaching about these conditions is not obligatory at the universities or professional schools. This means that none of the personnel groups that work professionally with people have actual knowledge about these conditions, unless by self-study or if their teachers or managers provide knowledge of their own accord.

Recommendation: Add gender identity, gender expression and sexual orientation to the curriculum of professions concerning people, e.g. medical professionals, health care workers, teachers, lawyers, judges, police, and social workers.

The full text of our Stakeholder Submission to Denmark can be downloaded here:

<https://panbloggen.files.wordpress.com/2015/06/20150622-upr-2nd-cycle-denmark-stakeholder-report-22-june-2015.pdf>