

1. Public health services for transgender people

1. Young transgender people are in a vulnerable position, and it is important to ensure that they are met with respect and knowledge when they seek health care services and treatment. In Norway, there is currently a centralized health care service for transgender people, the National Treatment Service for Transsexualism (NTBS). The NTBS is located in Oslo, but is responsible for treating patients from all across Norway. This means that some patients have to travel very far to receive treatment which could have been made available to them in hospitals closer to where they live. They also have to wait longer as the centralized service has a long waiting list. Civil society has repeatedly voiced their concern with regards to the centralization of this health care service, as the long waiting list and travel distances make the health care less accessible to transgender people who live far from the capital. According to the Convention on the Rights of the Child article 24, all the States Parties shall “strive to ensure that no child is deprived of his or her right of access” to health care services. By centralizing this health care service at the NTBS we are concerned that young transgender people’s access to treatment is reduced.

2. Furthermore, the NTBS is the only provider of these health care services to transgender people, but there is not an independent complaints mechanism for those who are denied treatment. This means that young transgender people do not have sufficient ways to voice a complaint if they do not receive the treatment and health care they need. We are concerned that by not having an independent complaint mechanism young transgender people’s access to health care is reduced, and therefore support the establishment of such an independent complaint mechanism.

3. Recommendations:

- Establish an independent complaint mechanism, which allows those who are refused health care to complain and have their application reviewed after a rejection.
- Decentralize the health care service for transgender people so that they can be treated at the lowest possible level by involving the first, second and third-line services and thereby make treatment and health care more accessible.

2. Ensuring the right of physical integrity, autonomy and self-determination for intersex people

4. Intersex people are born with sex characteristics that do not fit the normative social constructions of male and female. Between 10-15 intersex children[i] are born each year in Norway, and the country is one of many practicing non-urgent medical or surgical procedures intended to decide the sex of the child.

5. This practice violates many of the articles (3, 8, 12 and 16) and universally accepted rights of children and youth in the UN Convention on the Rights of the Child^[ii]. It has been criticized both in Norway and of international human rights institutions, particularly by several of the UN bodies. The reasoning for criticism builds on the fact that treatment and/or surgical procedures are often driven by social factors and based on weak scientific evidence, hence such procedures should rather be deferred until the individual to be treated can provide informed consent. Repeated surgeries and treatment can cause permanent infertility, lifelong pain, incontinence, loss of sexual sensation and mental suffering, including depression^[iii].

6. Recommendations:

- To follow suit of the Government of Malta (2015) and establish legislative protections that prohibit non-urgent medical surgery and treatment on the sex characteristics of minors without informed consent.
- Establish better scientific evidence and guidelines for treatment of intersex people, which protect their physical integrity and autonomy.
- Ensure that intersex children, youth and their families receive adequate counselling and support, including from peers.

3. Strengthening efforts to protect transgender and intersex people from hate crime

7. In 2017, the Norwegian police received 549 hate crime complaints and 83 of these were motivated by hate against sexual orientation^[iv]. This is a significant increase compared to previous years. In 2013, FRI – the association of gender and sexuality diversity discovered that most of the hate crime complaints they received were not reported to the police. Although the increase in complaints to the police might not signalize an increase in incidents, there is reason to expect that a high number of incidents of hate crime go unreported.

8. The Norwegian penal code does not classify violence motivated by discriminatory attitudes towards transgender and intersex people as a hate crime^[v]. Although, the police shall interpret the law as including transgender and intersex people, the reality is that this practice varies depending on residence in the country.

9. Besides reported incidents, Norway does not have well-established research and evidence on the extent of hateful expressions, discrimination and violence aimed at LGBTI people, including transgender and intersex people. Young people are often seen as a particularly vulnerable group.

10. In line with previous UPR recommendations to combat discrimination against children and youth belonging to minorities, the Government of Norway released an action plan in 2016. This is a strategy for the period 2017-2020 outlining a number of recommendations and measures to combat discrimination based on sexual orientation, gender identity and gender expression. However, there are certain specific action points required that are not clearly mentioned to fully protect transgender and intersex people from hate crime.

11. Recommendations:

- Investigate ways of strengthening the reporting and research on hate crime incidents aimed at young LGBTI people.
- Include transgender and intersex people when classifying violence motivated by discriminatory attitudes as a hate crime in the penal code to avoid discrepancies in practice.
- Improve the information to and training of the police force to handle hate crime complaints aimed at LGBTI people.

[i] https://www.bufdir.no/se/Statistikk_og_analyse/lhbtqi/Intersex/

[ii] <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

[iii] <https://www.unfe.org/wp-content/uploads/2017/05/UNFE-Intersex.pdf>

[iv] <https://www.politiet.no/globalassets/04-aktuelt-tall-og-fakta/anmeldelser-hatkriminalitet/anmeldelser-med-hatmotiv-2017.pdf>

[v] <https://www.amnesty.org/en/countries/europe-and-central-asia/norway/report-norway/>