

*In recent years, regional and universal human rights courts and monitoring bodies have increasingly addressed forced sterilization, particularly as it affects vulnerable or marginalized groups. In their review of specific complaints and States' implementation of treaty obligations, and in providing general guidance, these bodies have condemned forced sterilization as a multiple human rights violation and identified concrete measures of prevention, protection, and redress.*

### African Commission on Human & Peoples' Rights

In its [General Comment No. 4](#) (2017), the African Commission confirmed that forced sterilization is an act of sexual or gender-based violence that may amount to torture or inhuman treatment. The Commission reiterated that States must adopt measures of prevention, protection, and redress.

The [2016 inter-session activity report](#) of the Committee for the Prevention of Torture in Africa called on States to "[p]rovide legal guarantees for full, free and informed decision-making and the elimination of forced, coercive and otherwise involuntary sterilization, and review, amend and develop laws, regulations and policies in this regard."

### European Court of Human Rights

In its 2017 judgment in [A.P., Garçon and Nicot v. France](#), the European Court held that the French requirement that transgender persons undergo a sterilization procedure or other medical treatment before changing the gender identity on their birth certificates violated their rights to respect for private life. The European Court reiterated the view expressed in its judgments concerning [Soares de Melo v. Portugal](#) (2016), involving a mother who had been denied parental rights partly because she refused to be sterilized, that sterilization without informed consent is "incompatible with respect for human freedom and dignity."

### European Committee of Social Rights

In its decision concerning [Transgender Europe and ILGA-Europe v. the Czech Republic](#), the Committee held that the State could not require trans people to undergo sterilization in order to change their gender identity on their legal documents. It determined that the sterilization requirement violated the right to protection of health guaranteed by the European Social Charter.

## Inter-American Commission on Human Rights

The Inter-American Commission on Human Rights [admitted](#) F.S.'s petition against Chile in 2014 and held a [merits hearing](#) on the case in 2017. F.S., a woman living with HIV, alleges she was sterilized without her knowledge in a public hospital. A domestic court subsequently dismissed the criminal case against the doctor. The Commission has concluded that F.S.'s allegations could constitute violations of her rights to humane treatment, access to information, privacy, family, due process and judicial protection, protection from gender-based violence, and access to justice.

In addition to recent hearings that addressed forced sterilization in Canada and Peru, the Inter-American Commission also issued strongly worded statements with regard to both countries. It [called on Peru](#) to address "historical impunity" for forced sterilizations in Peru, following its October 2018 working visit to the country. Concerning Canada, the IACHR issued a [statement](#) in January 2019 supporting the UN Committee Against Torture's concluding observations. It urged Canada to "to put an end to the practice of forced sterilizations by adopting legislative and policy measures to prevent and criminalize the forced sterilization of women." It specifically called on the State "to clearly define the requirements of consent with regard to the procedure of sterilization, in line with the Inter-American standards on the matter; to maintain public and periodically updated records on reports of forced sterilizations, duly disaggregated by gender, ethnicity and other relevant criteria; to provide comprehensive training to health practitioners; and to raise awareness among Indigenous communities on their sexual and reproductive rights."

## Inter-American Court of Human Rights

In 2016, the Inter-American Court of Human Rights issued its judgment in [I.V. v. Bolivia](#), holding Bolivia internationally responsible for violating I.V.'s human rights, including to freedom from inhumane treatment, liberty, due process, honor and dignity, private and family life, freedom of expression, judicial protection, freedom from gender-based violence, and access to a remedy. Doctors in a public hospital had sterilized I.V. immediately after she gave birth, without providing adequate time, conditions, or information to ensure her free, prior, and informed consent. The criminal prosecution of the doctors ended when a court determined the statute of limitations had run. The Inter-American Court ordered Bolivia to provide I.V. with medical and mental health treatment, publish an informational brochure on informed consent, and institute training for medical professionals, among other measures.

In its [Advisory Opinion No. 24](#) of 2017, the Court clearly stated that requiring transgender persons to undergo sterilization or another medical procedure in order to obtain recognition of their gender identity violates the American Convention's prohibition on cruel, inhuman or degrading treatment, among other rights.

## Human Rights Committee

In its 2016 [Concluding Observations](#) on Slovakia's implementation of the International Covenant on Civil and Political Rights, the United Nations Human Rights Committee expressed concern that Slovakia had not recognized or compensated Roma women who had been forcibly sterilized, and called on the State to "(a) establish an independent body to investigate the full extent of the practice of sterilization without

informed consent and to provide financial and other reparation to the victims; (b) provide ongoing training for healthcare personnel on how to ensure that informed consent is obtained; and (c) monitor health-care providers' implementation of legislation on informed consent in situations of sterilization and ensure that appropriate sanctions are applied if breaches occur."

## Committee Against Torture

In its 2018 [Concluding Observations](#) on Canada, the United Nations Committee Against Torture made clear that forced sterilization may constitute torture, and urged Canada to investigate all allegations of forced sterilization, hold accountable those responsible, adopt legislation to prevent and criminalize forced sterilization, and ensure redress for victims.

## Committee on Economic, Social & Cultural Rights

In its [General Comment No. 22](#) (2016), the United Nations Committee on Economic, Social and Cultural Rights identified laws requiring sterilization for legal recognition of one's gender identity as violating States' obligation to respect the right to sexual and reproductive health. It further highlighted that States must take "effective steps" to prevent forced sterilization, including through effective monitoring and regulation of healthcare providers. States violate their obligation to fulfill when they do not progressively ensure that sexual and reproductive health care is available, accessible, acceptable, and of good quality. Finally, the CESCR reiterated States' obligation to provide access to justice and an effective remedy for violations of the right to sexual and reproductive health, including by ensuring that violations are investigated and prosecuted.

## Committee on the Rights of Persons with Disabilities

The United Nations Committee on the Rights of Persons with Disabilities reaffirmed, in its [General Comment No. 3](#) (2016), that forced sterilization may constitute cruel, inhuman or degrading treatment and violate other human rights. It asserted "that the legal capacity of women with disabilities should be recognized on an equal basis with that of others and that women with disabilities have the right to found a family." The Committee called on States to prohibit all forms of forced sterilization.

## Special Rapporteur on torture

In his [2016 report](#) to the Human Rights Council, the United Nations Special Rapporteur on torture focused on the experiences of women, girls, and LGBTI persons. He characterized forced sterilization as "an act of violence and a form of social control [that] violates a person's right to be free from torture and ill-treatment." He clarified, "Full, free and informed consent of the patient herself is critical and can never be excused on the basis of medical necessity or emergency when obtaining consent is still possible. Gender often intersects with other characteristics such as race, nationality, sexual orientation, socioeconomic status, age and HIV status to render women and girls at risk of torture and other ill-treatment in the context of sterilization." The Special Rapporteur recommended measures for States to take, including outlawing forced sterilization.

## Independent Expert on sexual orientation & gender identity

In his [2018 report](#) to the United Nations Human Rights Council, the Independent Expert called attention to violence against transgender persons in healthcare settings, and called on States to ban "forced or coerced surgery, sterilization and other coercive medical procedures imposed on lesbian, gay, bisexual, trans and gender non-conforming persons."

## Special Rapporteur on persons with disabilities

In her [2018 report](#) to the United Nations General Assembly, the Special Rapporteur on the rights of persons with disabilities referred to evidence that "the sterilization of women and girls with intellectual and psychosocial disabilities continues to be prevalent." She called on States to "[g]uarantee that health-care services and programmes include a human rights-based approach to disability, are non-discriminatory, seek informed consent prior to any medical treatment, respect privacy and are free from torture or other cruel, inhuman or degrading treatment."