

LEGAL GENDER RECOGNITION REQUIREMENTS

BASED ON THE EUROPEAN COMMISSION'S
"LEGAL GENDER RECOGNITION IN THE EU"
REPORT (2020)

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FACTSHEET



THIS FACTSHEET WAS PREPARED BY TGEU WITH EXCERPTS FROM CHAPTER 6 OF THE EUROPEAN COMMISSION'S "LEGAL GENDER RECOGNITION IN THE EU: THE JOURNEYS OF TRANS PEOPLE TOWARDS FULL EQUALITY" REPORT (2020).

LEGAL GENDER RECOGNITION

IS THE PROCESS(ES) BY WHICH INDIVIDUALS REQUEST THEIR FIRST NAME AND/OR GENDER MARKER TO BE CHANGED IN THEIR ADMINISTRATIVE RECORDS SO THAT OFFICIAL REGISTERS AND THEIR DOCUMENTS, INCLUDING IDENTITY DOCUMENTS AND BIRTH OR CIVIL STATUS CERTIFICATES, MATCH THEIR GENDER IDENTITY. IN SHORT, WE REFER TO LEGAL GENDER RECOGNITION AS LGR.

I. LGR FRAMEWORKS WHICH SEE TRANS PEOPLE AS NEEDING TO BE 'TESTED' ON THEIR COMMITMENT TO THEIR GENDER IDENTITY

CLUSTER 1: NO LGR PROCEDURES IN PLACE

BULGARIA
CYPRUS
LITHUANIA
LATVIA
ROMANIA

LGR may be possible, but in lack of legislation in place, the procedures are done by the courts. The process is long and applications are evaluated on a case-by-case basis, with a wide margin of discretion for judges.

No same-gender marriage in place, so existing marriages may become null and void after LGR.

CLUSTER 2: INTRUSIVE MEDICAL REQUIREMENTS

SLOVAKIA
CZECHIA
POLAND
FINLAND
AUSTRIA
ESTONIA
SPAIN
ITALY
UK

LGR is only possible if one meets intrusive medical requirements, such as gender-affirming surgery, sterilisation, medical tests, or gender-affirming hormone therapy, sometimes in combination with a mental health diagnosis.

CLUSTER 3: MENTAL HEALTH DIAGNOSIS REQUIREMENT

SLOVENIA
GERMANY
CROATIA
HUNGARY
SWEDEN
NETHERLANDS

LGR is only possible if one acquires a mental health diagnosis of 'gender dysphoria' or similar, or testimonies or opinions of a psychiatrist, psychologist and other medical professionals such as endocrinologist, or other forms of medical or psychological supervision.

CLUSTER 4: PROCEDURAL REQUIREMENTS

GREECE
FRANCE

LGR does not have medical requirements, but there is a judicial or administrative procedure in place. In lack of legislation, the processes are often unreasonably lengthy, costly and opaque in their decision-making.

¹ The five clusters in the European Commission's report were defined in 2019. Already then, trans people from Hungary reported that it was already impossible to obtain LGR. In 2020, Hungary banned legal gender recognition altogether and thus neither longer falls under cluster 3 nor complies with international human rights standards.

II. LGR FRAMEWORKS WHERE TRANS PEOPLE ARE SEEN AS BEST PLACED TO IDENTIFY THEIR OWN GENDER

CLUSTER 5: SELF- DETERMINATION

BELGIUM
DENMARK
IRELAND
LUXEMBOURG
MALTA
PORTUGAL

The legal gender recognition process only involves a self-declaration of one's identity via a written statement, declaration or request with a competent authority.

DIVORCE REQUIREMENT

In **Bulgaria, Cyprus, Czechia, Estonia, Greece, Croatia, Italy, Lithuania, Latvia, Poland, Romania, Slovenia, Slovakia**, same-gender marriage is not legal, so existing marriages may become null and void after LGR or will be 'demoted' to civil partnership, which may result in a loss of rights for spouses (and children). In **Estonia, Greece, and Slovakia**, divorced is explicitly stated as a requirement.

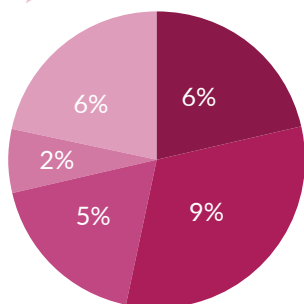
TIME REQUIREMENTS

Austria, Bulgaria, Cyprus, Czechia, Germany, Estonia, Spain, Italy, Lithuania, Latvia, Poland, Sweden, Slovakia, and the **UK** have imposed a timeframe on individuals in accessing LGR, for example requiring 'real-life experience' (RLE), which requires a person to live for a certain period of time in line with their gender identity without official documents to support that identity.

AGE REQUIREMENTS

Bulgaria, Cyprus, Czechia, Denmark, Estonia, Spain, Finland, France, Lithuania, Latvia, Poland, Romania, Sweden, Slovenia, Slovakia, and the **UK** explicitly prohibit LGR for children and young people under 18 years old. **Austria, Belgium, Germany, Greece, Croatia, Ireland, Italy, Luxembourg, Malta, Netherlands, Portugal** allow for LGR under 18, but with additional requirements, such as medical and psychological tests or attestations, parental approval, or burdensome procedural requirements.

LGR procedures in the EU



Total: 28

- Cluster 1: No LGR procedures in place - 6
- Cluster 2: Intrusive medical requirements - 9
- Cluster 3: Mental health diagnosis requirement - 5
- Cluster 4: Procedural requirements - 2
- Cluster 5: Self-determination - 6

"THE EUROPEAN COMMISSION WILL FOSTER BEST PRACTICE EXCHANGES BETWEEN MEMBER STATES ON HOW TO PUT IN PLACE ACCESSIBLE LEGAL GENDER RECOGNITION LEGISLATION AND PROCEDURES BASED ON THE PRINCIPLE OF SELF-DETERMINATION AND WITHOUT AGE RESTRICTIONS."

EU LGBTIQ STRATEGY (2020-2025)

