

# ACCESSIBILITY, CLARITY AND SPEED OF LGR PROCEDURES

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

# 5

## FACTSHEET



THIS FACTSHEET WAS PREPARED BY TGEU WITH EXCERPTS FROM CHAPTER 7.3 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.

#### CLUSTER 1<sup>1</sup>: NO LGR PROCEDURES IN PLACE

BULGARIA  
CYPRUS  
LITHUANIA  
LATVIA  
ROMANIA

"It felt like getting a new document or appointment every second day, going back and forth all the time. It was too much, waiting all the time and having to keep track of everything at the same time."

*Trans person, age unknown, residing in Lithuania (cluster 1)*

"At the moment, we have no guarantee that the judge's decision will be positive and in our favour. So again, it's hit and miss."

*Trans woman, aged 25-34, residing in Romania (cluster 1)*

#### ACCESSIBLE?

It requires a lot of documentation, traveling to appointments, often a lawyer and/or support from NGOs.

#### TRANSPARENT?

The requirements are not clear and judges or other authorities have all the discretion to make a decision.

#### QUICK?

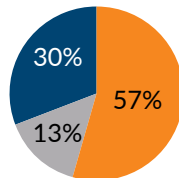
Up to 10 years.

"The process I [went] through...I [had] to do a ton of long-distance travel. I [lived] in the other part of the country, and I have to go to Bucharest every now and then for the process and the jury meetings. It is pretty stressful and it does require time to go through all of it. It can also be pretty costly to be frankly honest. I would describe it as stressful."

*Trans woman, aged 18-24, residing in Romania (cluster 1)*

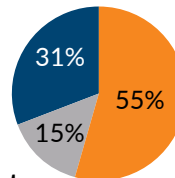
#### CLUSTER 2: INTRUSIVE MEDICAL REQUIREMENTS

SLOVAKIA  
CZECHIA  
POLAND  
FINLAND  
AUSTRIA  
ESTONIA  
SPAIN  
ITALY  
UK



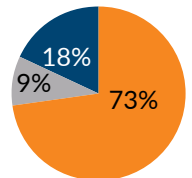
#### Accessible

It requires a lot of documentation, jumping through many hoops, convincing gatekeepers (judges, doctors, other experts) who may or may not have knowledge about trans people.



#### Transparent

It is difficult to find information about the process and the requirements and takes a lot of skill to navigate through



#### Quick

Disagree ●  
Neither ●  
Agree ●

<sup>1</sup> To learn more about the specifics of each cluster, please see the Factsheet 1 on Legal gender requirements here.

# 5

## FACTSHEET



THIS FACTSHEET WAS PREPARED BY TGEU WITH EXCERPTS FROM CHAPTER 7.3 OF THE EUROPEAN COMMISSION'S "LEGAL GENDER RECOGNITION IN THE EU: THE JOURNEYS OF TRANS PEOPLE TOWARDS FULL EQUALITY" REPORT (2020).

It could take up to four or five years due to the complicated procedures, requirements (mandatory hormone therapy for several months), waiting lists, and/or delays.

"They bring in someone external, completely unknown to me, and expect them to help me obtain my legal gender: this is extremely unfair."

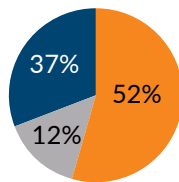
*Participant in the focus group in Poland (cluster 2)*

"In Italy, you first need to do a number of sessions with a therapist who will diagnose the gender dysphoria. [...] After the diagnosis, you will go to see an endocrinologist who will prescribe the hormonal therapy. From this, [there is] the "real-life test": for one year, you live according to your gender identity ... Then, you will have to hire a lawyer and go to court ... The judge [...] may ask for additional documentation. So, the bureaucratic timing becomes longer."

*Trans man, aged 18-24, residing in Italy (cluster 2)*

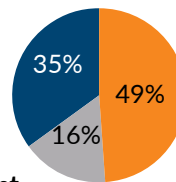
### CLUSTER 3: MENTAL HEALTH DIAGNOSIS REQUIREMENT

SLOVENIA  
GERMANY  
CROATIA  
HUNGARY<sup>2</sup>  
SWEDEN  
NETHERLANDS



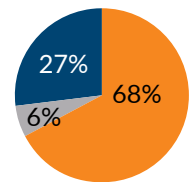
#### Accessible

It requires a lot of documentation, mandatory meetings with legal or medical professionals, convincing gatekeepers (judges, doctors, other experts) who may or may not have knowledge about trans people and who are few in numbers and mostly based in big cities.



#### Transparent

It is difficult to obtain LGR without the support of NGOs or friendly professionals.



#### Quick

It could take up to three years, although for some it was only a few months; significant delays and long waiting times for medical appointments or expert decisions.

Disagree ●  
Neither ●  
Agree ●

"There is no reason why the process could not have taken a week."

*Participant living in Germany*

"The process is without sense and it is humiliating for trans people. [...] When you are forced to receive a psychiatric diagnosis, this is in violation of your moral and psychological integrity. I do not want to have a psychiatric diagnosis, but I need to do it [to access LGR]. I think that this is a violation of my right."

*Trans man (aged 18-24) living in Italy (cluster 2)*

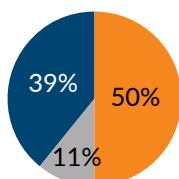
<sup>2</sup> The five clusters in the European Commission's report were defined in 2019. Already then, trans people from Hungary reported that it was already impossible to obtain LGR. In 2020, Hungary banned legal gender recognition altogether and thus no longer falls under cluster 3 or complies with international human rights standards.

"It is not at all quick. It is possible for it to last much more than a year, as especially in large cities, like Athens, the day of the trial is likely to be confirmed after some months. The court decision is likely to be issued after a further four-five months; then there is another time-consuming process to change the identity documents in the population register of the municipality and the regional decentralised administration. This may last almost three months. In sum, from the beginning until the end, the process may last one and a half years or even more."

*Transgender person, age unknown, residing in Greece (cluster 4)*

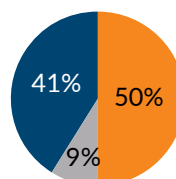
### CLUSTER 4: PROCEDURAL REQUIREMENTS

GREECE  
FRANCE



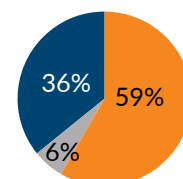
#### Accessible

Complicated especially for those married or trans minors.



#### Transparent

Clerks often do not know how to process an application and trans people have to educate them - especially in more remote areas.

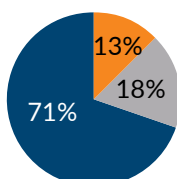


#### Quick

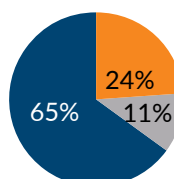
It could take up to two years, although for some it was only a few months; some had to wait for up to six months for a court date; delays were common; those who obtained LGR said they got lucky.

### CLUSTER 5: SELF-DETERMINATION

BELGIUM  
DENMARK  
IRELAND  
LUXEMBOURG  
MALTA  
PORTUGAL

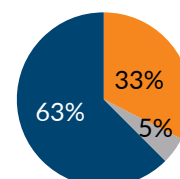


#### Accessible



#### Transparent

Difficulties where the law has changed recently or several times and trans people or clerks were not always up to date about the process.



#### Quick

It varied how long someone had to wait for an appointment; in some countries mandatory reflection periods made it long.

"It seems really straightforward to me [...] At no point do you have to go before a judge, you're not required to have had any kind of surgeries, you're not required to have completed or done any kind of medical transition. There's really not very much gatekeeping at all. So, from a legal standpoint, it really seems very straightforward."

*Trans man, aged 45-54, living in Ireland (cluster 5)*

"In one month, maximum one month, they give you your ID card and whatever you need."

*Trans man resident in Malta*

"Less than a week."

*Respondent living in Ireland*

Disagree   
Neither   
Agree

"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)