

# Trans Rights Map 2022 Reveals Slow Comeback of Progress on Trans Rights

publication, non-discrimination

On the occasion of the International Day Against Homophobia, Biphobia, and Transphobia 2022, TGEU is launching the latest version of the <u>Trans Rights Map</u> in English, Russian, and Spanish.





TGEU's Trans Rights Map illustrates the legal situation of 49 countries in Europe and 5 in Central Asia in matters of trans-specific legislation. It shows country-specific requirements for legal gender recognition as well as existing protections for trans people in asylum, hate crime/speech, non-discrimination, health, and family.

This year, the map registers slow progress, after no significant advancements in <u>2021</u>. Despite the pandemic, an ongoing attack on human rights, and a devastating war in our region, trans activists and their allies achieved 23 positive developments. Unfortunately, there has also been regression in six areas, with governments allowing policies on asylum, bias-motivated speech/violence, and equality to expire without being renewed.

## **Key findings**

- Legal gender recognition was the most dynamic area, although lagging behind progress seen in earlier years:
  - Nine countries have self-determination laws: Belgium, Denmark, Iceland, Ireland, Luxembourg, Malta, Norway, Portugal, and Switzerland (2021: 8).
  - Nine countries still demand sterilisation (2021: 10) despite the European Court of Human Rights condemning such requirements: Bosnia & Herzegovina, Czech Republic, Finland, Kosovo, Latvia, Montenegro, Romania, Serbia, and Turkey.
- A mental health diagnosis is still required in the majority of countries (16 in the EU): Austria, Croatia, Czech Republic, Estonia, Finland, Germany, Italy, Latvia, Lithuania, Netherlands, Poland, Romania, Slovakia, Slovenia, Spain, and Sweden.
- No advancements to depathologise trans-specific healthcare were observed; Malta remains the only country to have an informed consent model.
- France joins Malta in **banning conversion therapy** for trans people of all ages.
- Denmark made the most legal changes by passing new laws to explicitly protect trans people from



discrimination in healthcare services, education system, hate crime, and hate speech.

- France, Greece, the Netherlands, and Norway adopted **gender identity-inclusive equality action plans**; Denmark, Portugal, and the United Kingdom allowed theirs to expire.
- With Iceland and Ireland, 25 countries now **mention gender identity in their asylum legislation**, providing much needed international protection for those who fear persecution for being trans.
- Iceland enabled non-binary parenthood recognition, making it only the second country in the region after Malta.
- Regression was mostly observed in policies on asylum, hate, or equality that expired without renewal. There have been no significant rollbacks in rights; however, rights that had been previously removed have not been reinstalled (Hungary and Kyrgyzstan removed legal gender recognition in 2021).

Nevertheless, it is not a time to be complacent. An aggressive, well-financed, and well-organised conservative backlash took up much needed community resources to push for a regress in trans rights. The war in Ukraine is impacting the economy, democracy, and human rights in the region and deeply touching the lives of trans people in the country. TGEU's research shows that COVID-19 keeps pushing poor and homeless trans people and others to the margins of society.

During the pandemic, civil society activists again picked up where governments and mainstream service providers failed in order to accommodate the needs of trans and LGBTI people. It is against this background that we applaud the progress achieved by trans communities already stretched thin.

Governments must take considerable action to ensure progress in the future. Trans people urge their governments to urgently invest in better legal protection and recognition. This must focus on those further marginalised by racism, poverty, sexism, ableism, xenophobia, and other forms of oppression. Prioritising human rights education and celebrating diversity benefits everyone.

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## TRANS RIGHTS MAP

Europe & Central Asia 2022



The data presented reflects the legal rights of trans people based on consultation from in-country experts as of 5 May 2022

The Trans Rights Map documents the legal situation of 49 countries in Europe and 5 in Central Asia. It shows country-specific requirements for legal gender recognition, as well as existing protections for trans people in asylum, hate crime/speech, non-discrimination, health, and family.

Key findings include:

- 39 of 54 countries in Europe and Central Asia have legal or administrative measures in place that make legal gender recognition available to trans people (2021: 39). No countries in Central Asia currently provide legal gender recognition.
- 37 are members of the Council of Europe; 25 are EU Member States.
  28 require a mental health diagnosis (2021: 28).
- 9 demand sterility (2021: 10).
- 19 still require divorce (2021: 19). 16 have LGR procedures for minors (2021: 15).
   Of these, 10 enable minors to access legal gend recognition without any age limit; 6 have a minimum age requirement (2021: 6).
- 9 countries base legal gender recognition proc on self-determination of the person (2021: 8).
- 3 countries provide full, and 1 provides partial, recognition to non-binary people (2021: 2 | 1).

- 33 of the reviewed countries prohibit dis trans people in employment (2021; 32).
- 25 countries prohibit discrimination of trans people in healthcare (2021: 24).
- 28 countries protect trans people again discrimination in education (2021: 27).
- 28 countries protect trans people against dis in access to goods and services (2021: 28).
- basis of gender identity (2021: 22).
- 30 countries have an Equality Body mandate (2021:30), with 1 country adding trans to the Equality Body mendate and 1 country removing it in practice.
- 10 countries have an Equality Action Plan in place (2021: 10), with 4 countries adopting new action plans and 3 countries allowing their action plans to expire.

25 of the 54 reviewed countries offer international protection on grounds of gender identity (2021: 23).

- 21 countries have laws that prohibit hate crimes against trans people (2021: 20).
- 18 countries have laws that prohibit hate speech against trans people (2021: 17).
- 6 countries have other positive measures in pla that aim at combating hate speech and crimes against trans people (2021: 5).

5 countries recognise the gender identity of trans parents within binary options (2021: 4). Maita and Iceland recognise non-binary parents as well.

- France joins Malta as one of only two countries to prohibit conversion therapy on grounds of gender identity

Of the 54 countries investigated, Of the 34 countres investigates investigates. 27 are European Union Member States. As such, they bear the obligation to protect trans people from discrimination in employment and access to goods and services, and to provide international protection to trans refugees.

- Only 20 of 27 EU Member States protect against discrimination in employment on grounds of gender identity (2021: 20), with the remaining 7 violating EU law (2021: 7).
- Only 17 of 27 EU Member States protect against discrimination in access to goods and services on grounds of gender identity, with the remaining 10 violating EU law (2021: 10).
- Only 14 of 27 EU Member States protect against discrimination in housing on the basis of gender identity (2021: 14).
- Only 18 of 27 EU Member States provide international protection for trans refugees, with the remaining 10 violating EU law (2021: 17).

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## ΚΡΑΤΚИΕ ΦΑΚΤЫ ΚΡΑΤΚИΕ ΦΑΚΤЫ ΚΡΑΤΚИΕ ΦΑΚΤЫ

## КАРТА ПРАВ ТРАНС-ЛЮДЕЙ

Европа и Центральная Азия 2022



Карта прав транс" пюдей отображает текущую правовую ситуацию в 49 странах Европы и 5 странах Центратьной Азик. На карте отображены страновые требования для корядического признания гекура, а также существующие межанизмы защиты транс" людей в вопросах убежища, языка вражды, преступлений по почее нензвыссти недискриминация, здоровья и семьи.

### Основные выводы:

- 37 являются членами Совета Европы; 25 членами ЕС.
- В 28 отрамах требуетоя поихиатрический диагнов (2021: 28).
- в устравка преуско веспледов (2021: 19).
  в 16 стравка действуют процадуры КПГ для восовршения процедуры КПГ для восовршения процадуры КПГ для восовршения пред СОС1: 19). Из вис в 10 страных восовршения пред СОС1: 19). Из вис в 10 страных восовршения пред СОС1: 19). Из вис в 10 страных гроцидурам оридинеского призначения глидеа без ограничения по возрасту (2021: 6).

- 33 страны запрещают дискриминацию в сфере трудоустройства по признаку гендарной идентич (2021: 32).
- 25 страны запрещиют дискриминацию в сфере адравоохранения по признаку гендирной идеят (2021; 24).
- и увосноїтренных страк защищают от дикорименации по признаку гендерной идентично офере образования (2021: 27).
- 28 стран зацицают транс\* людей от ди доступе к товарам и услугам (2021: 28).

- В 10 странах разработан план действий по обеспече равенства (2021: 10), 4 страны приняли новый план действий, и в 3 странах срок действия плана истёх.

- В 18 странах действуют законы, запрещающие язык ненависти в отношении транс" людей (2021: 16).

В 5 отранах признаётоя гендерная идентичность бинарных транс" родителей (2021: 4). Мальга и Исландия также признают небинарных родителя

Представленные данные опражают положение коридических прав трако людей на окновании колотилаций с внутристрановыми экопертания по составляю на 5 май, 2021

Из 54 рассмотренных страи 27 являются государствами-членами Европейского Союза. Как таковые, очи несут обязательство защищать транс\* подей от дискриминация в офере трудоустройства и доступа к товарам и услугам, а также обеспечивать международино защиту транс\* беженщам.

- Лиць 17 из 27 государств-чаеное ЕС вашицького СС (2021: 2 досудановация в достуге к поверам и услугам по привывку геодорной идентичности, гогда как потвешиеся 10 нарушног законодательство ЕС (2021: 17).
- Лишь 14 из 27 государств-членов ЕС предоставляю защиту от дискрыминации по признаку гендерной идектичности в жилищной офере (2021: 14).





## DATOS RÁPIDOS DATOS RÁPIDOS DATOS RÁPIDOS

## MAPA DE DERECHOS TRANS

Europa y Asia Central 2022



Los diatos presentados reflejan los deserbos legades de las personas trans acordo o consulto o espertos de cada país a techa de 5 de imayo de 2001. situación legal de 49 países en Europa y 5 en Asía Central. Muestra los requisitos específicos de cada país para el reconocimiento legal del género, así como las protecciones existentes para las personas 33 países prohíben la discriminación en el empleo por motivos de identidad de género (2021: 32). 21 países cuentan con leyes que prohíben los delitos de odio contra las personas trans (2021: 10). De los 54 países investigados, 27 son Estados miembros de la Unión Europea. Como tales, tienen la obligación de proteger a las personas trans de la discriminación en trans en asilo, delitos de odio/expresión, no discriminación, salud y familia. el empleo y el acceso a bienes y servicios, y brindar protección internacional a las Los hallazoos clave incluven: brindar protección internaci personas refugiadas trans. Sólo 20 de los 27 Estados miembros de la UE protegen contra la discriminación en el empleo p motivos de identidad de género (2021: 20), y los restantes violan la legislación de la UE (2021: 7). legales o administrativas que ponen a disposición de las personas trans el reconocimiento legal de gênero (2021: 39). Ningún país de Asia Central ofrece reconocimiento legal de gênero. 280. Sólo 17 de los 27 Estados miembros de la UE protegen contra la discriminación en el acceso blenes y servicios por motivos de identidad de género, y los 10 restantes violan la legislación i UE (2021: 17). 5 países reconocen la identidad de gênero de m/padres trans dentro de las opciones binarias y Maita también reconoce parentalidades no binaria (2021: 4). Maita e Islandia también reconoces parentalidades no binarias. 22 países prohíben la discriminación en la v motivos de identidad de género (2021; 22). 30 países tienen mandato de un Órgano de igualdad 37 son miembros del Consejo de Europa y 25 son Estados miembros de la UE. 28 requieren un diagnóstico de salud mental Sólo 14 de los 27 Estados miembros de la UE (2021: 10), con 4 países adoptando nuevos planes de acción y planes de acción en 3 países que han protegen contra la discriminación en la vivier motivos de identidad de género (2021: 14). 10 exigen esterilización (2021: 10). 19 todavia requieren el divorcio (2021: 19). Malta sigue siendo el único país que ha Sólo 18 de los 27 Estados miembros de la UE 16 países brindan pro de género (2021: 15). y los 10 restantes violan la legislación de la UE (2021: 17). binaries (2021: 2 | 1). transrightsmap.tgeu.org Cofinanciedo por

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### **Disclaimer**

The data presented reflects the legal rights of trans people based on consultation from in-country experts as of 5 May 2022. The Trans Rights Map documents existing explicit legal protections governments are granting (or denying) trans people. It does not claim to exhaustively portray the complex realities of trans people's lives.

### Acknowledgments

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The interactive Trans Rights Map was designed and developed by Wolfox Studio.