

>THEMES

LEGAL GENDER RECOGNITION

ALBANIA

PINK consulted CSOs and authorities and prepared a draft LGR law, which it will present to the parliament in 2022.

ANDORRA

Civil society continued to urge the parliament to introduce legal gender recognition legislation, but LGR is not on the parliament's agenda right now.

The parliament (General Council) is currently debating the process of name change, which would be conditional upon a psychologist's expert opinion for those under 18, thus failing to fit a self-determination-based model. Civil society is expecting that a proposal will be tabled in parliament in early 2022.

On 28 June, on the occasion of Pride, Contracorrent, DiversAnd and the National Youth Forum of Andorra held a demonstration calling on the government to ensure that trans people can change their name and legal gender in a quick, accessible and easy administrative process that is based on self-determination. The event was brought together by young people.

AUSTRIA

50 civil society organisations appealed to the government on this year's IDAHOBIT (17 May), calling for legal gender recognition that is free and based solely on self-determination, and provides for access to alternative gender marker options without a diagnosis.

BELGIUM

The Institute for the Equality of Women and Men shared that 414 people changed their legal gender in 2020 and 521 in 2021. The number was similar in 2019, but reached a record 742 in 2018 when the new trans law was adopted.

The federal Minister of Justice, Vincent Van Quickenborne, asked for written advice on LGR reform from the gender clinic at Ghent University Hospital, who published their advice in November. The 2020 government coalition agreement vowed to implement the 2019 court decision on the issue. A few policy proposals are being prepared in the federal parliament, but have not been made public, shared with civil society, or tabled. Civil society expects that the legal changes, expected for 2022, will include a model where gender markers would no longer be printed on ID cards. Other details of the proposals are expected to be clarified in 2022.

BULGARIA

Following inconsistent interpretations of the law by national courts, the Constitutional Court ruled in October that the term 'sex' in the equality clause of the Constitution is to be understood only as 'biological sex'. Nevertheless, the Court also recognised that the Constitution protects trans people's right to self-identification and that civil courts must establish whether current legislation allows for this, and if not, the parliament must fill this gap.

CYPRUS

The legal gender recognition reform process continued very slowly this year, after years of being stalled. The committee, consisting of the Law Commissioner, the Advisor to the President on Multiculturalism and Diversity, and officers from the Ministry of Interiors, finalised the draft bill in November. The parliamentary Human Rights Committee announced in the autumn that it would revisit the matter at the beginning of 2022.

In October, the Council of Europe's SOGI Unit, the Law Commissioner, and the Advisor to the President on Multiculturalism, and Diversity, co-organised a roundtable discussion on LGR as part of the thematic review of the implementation of the Council of Europe (CoE) Recommendation CM/Rec(2010)5 of the Committee of Ministers. Cyprus was one of four CoE member states that voluntarily engaged in a dialogue aimed at making progress on this topic. The final review by the CoE on LGR in Cyprus is yet to be published. The event was held at the parliament, under the auspices of the Head of the Parliament, Annita Demetriou.

NORTHERN CYPRUS

QCA published a booklet on legal gender recognition in the northern part of Cyprus.

CROATIA

Accessing legal gender recognition (LGR) continued to be difficult this year. Trans Aid helped two trans people turn to the Administrative Court to challenge the delays in the Council's work. The Council is mandated to issue a decision in all applications within 30 days, but some people have waited for two years. Soon after the cases were filed, the Council issued a decision in both.

Trans Aid lobbied firmly against the board of psychiatrists, which was set up in violation of the ordinance and which

now evaluates any trans person who wants to access healthcare or LGR.

CZECHIA

The proposal of the Pirate Party to not include gender markers on IDs was rejected by the Parliament's lower house this year. Trans*parent asked candidates in the election to state their position on trans rights issues, such as the dropping of the sterilisation requirement for legal gender recognition.

DENMARK

The process of lowering the legal gender recognition age-limit continued to be stalled, with opposition from some political parties and the Ethical Council, which has served as an excuse for the incoming Minister to address the issue.

Amendments to the Names Act will allow for name change on the basis of a simple self-declaration, but names continue to be listed as male or female.

ESTONIA

The Medical Examination Committee, an integral part of the legal gender recognition (LGR) procedure, disbanded itself at the beginning of the year. A new Committee was set up in July, but is yet to start its work. As a consequence, trans people have been unable to fulfil the mandatory LGR requirements and thus unable to have their documents changed.

FINLAND

In April, a citizens' initiative calling for legal gender recognition (LGR) law reform to go promptly ahead, centering young people's rights and self-determination, collected the mandatory 50,000 signatures in a day. In November, the citizens' initiative was handed to the Parliament's Committee on Social Affairs and Health after a preliminary parliamentary debate. In April, the UN Human Rights Committee recommended the government to put in place a quick and easy LGR process.

A working group to plan the law reform was appointed by the Ministry of Social Welfare and Health in June, but the process has been delayed and received much criticism from civil society. In June, the government announced that the working group would prepare a bill according to the government programme, ie. without the sterility and

mandatory diagnosis requirements. This means that legal and medical transitioning will be completely separate. Nonetheless, a reflection period will be included and the age limit will be set at 18. The working group is now preparing the new draft law, to be presented in spring 2022.

The process to reform the social security number is ongoing with a deadline of the end of 2022.

GEORGIA

On 25 March, the first trans person in Georgia was granted legal gender recognition (LGR) by the Tbilisi Civil Registry Service. The applicant showed proof of surgery when applying for LGR in 2020. Georgia has no legal or administrative procedures in place for LGR and several trans people had turned to the ECtHR to have this remedied.

In October, the request of an intersex woman for LGR was denied by the authorities, who requested proof of surgery. The woman filed an appeal.

GERMANY

Civil society continued campaigning for a new law that would establish legal gender recognition on the basis of self-determination, joined by INGOs. On 19 May, the parliament voted against all three drafts that were proposed by the Green Party, The Left, and by the FDP. The new government's coalition treaty envisions LGR based on self-determination.

GREECE

In January, the Athens Magistrate Court denied a trans man's request to have his family name changed. The man's application to change his first name and gender marker was approved, but his male name will now appear next to a female family name, violating his right to private life.

HUNGARY

On 12 March, the Hungarian Constitutional Court ruled that the 2020 ban on legal gender recognition (LGR) did not apply to a case that was launched before the adoption of the law. In October, the Constitutional Court issued another ruling clarifying that its judgement applies to all such cases. Dozens of rejections of LGR applications that were made prior to the 2020 ban were overturned by the courts this year.

In April, the Commissioner for Fundamental Rights called on the Budapest Metropolitan Government Office to repeal its negative decisions. Also in April, the Hungarian National Authority for Data Protection and Freedom of Information concluded that Article 33 violates EU data protection law and should be repealed.

Transvanilla launched its 'Name From The Past' campaign to raise awareness about the impact of an LGR ban on trans people.

ICELAND

Legal recognition for non-binary people became available from 6 January onwards. As of December, 15 people are known to have used this option and changed their gender marker.

IRELAND

In November, the Gender Recognition Act was amended to simplify the process of obtaining a Gender Recognition Certificate, removing several administrative and financial barriers.

KAZAKHSTAN

ALMA-TQ's report 'Living Our Lives Unseen' documents difficulties faced by trans people due to abusive legal gender recognition requirements. In particular, the surgery requirement puts trans people in an impossible situation where they must choose between access to correct documents or their bodily integrity. 75% of those participating in ALMA-TQ's research cited the surgery requirement as their main barrier of having their documents changed. Other requirements, such as having to go through a long list of mandatory steps, were also highlighted as a key issue. The participants shared that in lack of matching documents, they have to deal with social and economic exclusion, manifesting in difficulties in education and employment and being exposed to violence.

KOSOVO

The Ministry of Internal Affairs established a Working Group this year, which will work on several issues regarding the Law on Civil Registry, including legal gender recognition. The Working Group, which includes CSGD and CEL as members, has held two meetings and a workshop in October, to prepare a concept note for the necessary amendments to the Law on Civil Registry. CSGD

and CEL advocated for name change and legal gender recognition to be solely based on self-determination, i.e. not include any limitations in terms of age, marital status, medical status, or similar; and not require mandatory medical treatments, diagnosis, sterilisation, or divorce. CSGD and CEL also advocated for alternative gender marker options to be included and offered. The concept note, which includes all of civil society's points, was approved by the government on 29 December.

KYRGYZSTAN

KI turned to the Constitutional Court requesting the annulment of the 2020 amendments of the law "On acts of civil status", which no longer make it mandatory for the authorities to approve LGR applications on the basis of a medical certificate. The Constitutional Court refused to address the case, but the Administrative Court ruled in favour of a trans applicant, who then successfully changed his gender marker. This means that trans people can now access LGR, but through a burdensome and time consuming court procedure, to challenge the initial denial of their application.

LITHUANIA

On 31 December, the Ministry of Justice issued a decree eliminating the court procedure element of name change, but retaining the mandatory psychiatric diagnosis requirement.

Trans people continued to be able to access LGR through a judicial procedure, without surgery or sterilisation. Eleven cases were ongoing in 2021.

MALTA

The Maltese Government Guidelines on the Recognition of Sex, Sexuality & Gender were adopted by Cabinet and launched in November.

MOLDOVA

The civil society Coalition for Inclusion and Non-Discrimination continued its work this year, and started collaboration with the parliament and government. One of the aims of the coalition is that the government introduces a legal gender recognition law.

MONTENEGRO

Legal gender recognition reform continued to be stalled this year, amidst ongoing civil society criticism. Spectra

published [“Legal recognition of gender identity in the legal system of Montenegro”](#).

NETHERLANDS

In May, Minister of Legal Protection Sander Dekker [tabled](#) the legal gender recognition (LGR) bill, which provides for LGR on the basis of self-determination. Some gaps [remain](#). First, those under 16 and people who want the ‘X’ gender marker in their documents, must go to court procedure. Second, trans refugees need to present a birth certificate from their home countries. Third, gestational trans fathers would continue to be featured as ‘mother’ on their child’s birth certificate.

An Amsterdam Court [ruled](#) on 21 July that ‘X’ can be retroactively entered as a gender marker in birth certificates, instead of ‘sex cannot be determined’. Civil society continued to lobby this year to make it easier for anyone to access alternative gender markers. TNN and a law firm [published](#) an amicus curiae brief anyone can use in their court case.

An online [petition](#) calling for alternative gender markers, gathered over 5,000 signatures. The issue was included in the [Rainbow Ballot Box Agreement](#) in March. MP Lisa van Ginneken [announced](#) she would prepare the relevant bill.

NORWAY

Civil society [urged](#) the government to [introduce](#) alternative gender markers beyond ‘male’ and ‘female’. The parliament [failed](#) to adopt respective regulations in February and the new government [program](#) also omits this measure - much to civil society’s disappointment.

PORTUGAL

On 29 June, the Constitutional Court [ruled](#) on the constitutionality of regulation 7247/2019, which was adopted as an implementing measure of the 2018 legal gender recognition law. The Court ruled that the regulation should have been adopted by the parliament as legislation, and not introduced by the government as an implementing measure. The 2018 law introduced the right to self-determination of the identity of gender and gender expression and the protection of each person’s sexual characteristics. Regulation No. 7247/2019 called for “measures in the educational system, at all levels of education and cycles of study, which promote the exercise of the right to self-determination of gender identity

and gender expression and the right to protection of the sexual characteristics of people”. The Court’s ruling was widely [misinterpreted](#) as striking down the law and declaring it unconstitutional, which is not the case:

“[this] decision leaves untouched the guarantee of the right to gender identity and gender expression and the prohibition of discrimination in the education system” - Constitutional Court

On 1 July, civil society [urged](#) the parliament in a joint letter to immediately start the legislative process in order to protect trans and intersex children and youth.

Rede ex aequo created the first peer to peer [national support group for trans youth](#) and published a [guide](#) for trans people this year about how to access their human rights, including the right to legal gender recognition, trans specific healthcare, and education, and others.

ROMANIA

On 19 January, the European Court of Human Rights [found a violation](#) of Article 8 of the European Convention on the right to private and family life in the X and Y v Romania case, because Romania lacked a clear and foreseeable legal framework for legal gender recognition. The implementation of the judgement is under enhanced supervision.

A second similar case was communicated to the government in September, showing that these violations continue to this day.

RUSSIA

Trans people continued to experience difficulties accessing legal gender recognition during the pandemic.

The case of a trans woman in Yekaterinburg was [reported](#) in August, who was denied the right to change her first name. Russian regulations allow for name change, and does not prohibit name change prior to legal gender recognition. The authorities argued that not everything is allowed that is not prohibited by law.

The government has not responded to Coming Out and T-Action’s 2020 [plea](#) for the simplification of the LGR process.

SERBIA

Civil society continued calling for a legal gender recognition law that provides for a model based on self-determination.

SLOVAKIA

In mid-March, one third of Slovakia's MPs supported amendments to the Constitution that would ban legal gender recognition (LGR), following Hungary's example. Hundreds of professionals, including psychologists, school psychologists, social workers, educators, lawyers signed a joint statement condemning the move. Civil society demanded the parliament to take a stand against the amendments. Inakost sent a letter to each MP and shared testimonies of young trans people about the possible impact of a ban on LGR. Inakost kept publishing testimonies throughout the summer.

The Minister of Health's refusal to sign the Professional guidelines to unify medical procedures for issuing medical opinions on gender reassignment (see under **Health**), means that trans people's access to legal gender recognition (LGR) has continued to be jeopardised. The guidelines abolished forced sterilisation and other medical interventions as requirements for legal gender recognition (LGR), and were developed jointly by medical professionals and trans advocates.

The Ombudswoman called for LGR legislation in her IDAHOBIT statement on 17 May.

SLOVENIA

Civil society continued to be excluded from the legal gender recognition (LGR) working group this year, which was set up by the Ministry of labour, family, social affairs and equal opportunities in 2019. The working group is reported to have finalised its analysis on the legal situation, but this was not published and no further developments took place.

On a positive note, the Government published official forms in July, through which individuals can request their gender marker change. These forms did not exist before, either in physical or online form. The form is also accessible for minors, which civil society saw as an important affirmation that minors can indeed access LGR and not just on an ad hoc basis as before.

SPAIN

In January, the Equality Minister presented a new government draft of a federal LGR law, which was backed by civil society. Nonetheless, the process was stalled afterwards, and a group of trans activists and their families went on hunger strike until another draft bill was finally registered in March by a group of regional political parties. This draft bill, which included non-binary markers in identity cards, was rejected on May 18th.

The socialist party proposed to require witnesses, reports, documentation and the approval of a civil servant. These limitations were criticised by civil society in April. Countless demonstrations took place demanding a human rights-based LGR law. The campaign Exigimos la igualdad trans, to circulate the trans flag across the 17 autonomous regions continued and was signed by representatives of more than 30 public institutions, including regional parliaments and governments.

Eventually, the government draft bill was adopted on 29 June, setting out self-determination for those 16 or over. Trans people will have to register their application, wait for up to three months, and then re-affirm their desire for LGR. Trans youth between 14-15 will need to apply with their legal guardians present and a judicial process is proposed for those aged 12-13. LGR will not be available to those under 12. Migrants residing in Spain and non-binary people will also be unable to access LGR. These limitations were highlighted by civil society as a failure of the government.

In May, the Canary Islands joined nine other Spanish regions that have a self-determination model in place.

SWEDEN

Legal gender recognition reform continued to be stalled for most of the year and civil society continued to be concerned about the delay. In September however, Prime Minister Stefan Löfven affirmed at the opening of the parliament's autumn session that a new law shall be adopted before the general election in 2022. A draft bill was presented by the Government in November, and is out for commentary until Feb 2022.

SWITZERLAND

The new legal gender recognition procedure, consisting of a simple self-determination based declaration and

approved by the Council of States and the National Council in December 2020, will be [available](#) from 1 January 2022 onwards. The People's Party had tried to push for a referendum on the issue, but [failed](#).

In a [landmark judgment](#) on 29 March, the Aargau Higher Court ruled in favor of a Swiss non-binary trans person, whose gender marker is struck out in the German register, but the Swiss authorities refused to make the same change to the person's Swiss papers. The case was appealed by the federal administration and is currently at the Federal [Supreme Court](#). TGNS launched a crowdfunding campaign to fund this strategic case and raise awareness about non-binary people.

TAJIKISTAN

A trans person reported being denied legal gender recognition at the first instance court, but will appeal the judgment.

Local activists published the first ever legal analysis focusing on legal gender recognition in the country. As part of the process, activists approached the Ministry of Health to learn about their commitment on the issue. The Ministry gave vague answers and noted the lack of surgical interventions in Tajikistan.

TURKEY

On 22 April, the Constitutional Court [passed](#) a positive ruling, stating that the rejection of a trans person's name change, because they had not undergone any surgeries, was a violation of private and family life. The Court cited the case law of the European Court of Human Rights. SPoD released a [FAQ guide on legal gender recognition](#).

UNITED KINGDOM

In May, the UK government [rejected](#) the plea of over 136,000 people who signed a petition calling for legal gender recognition (LGR) for people whose identity does not fit in the gender binary, saying it would have too "complex practical consequences" and will not be on the agenda in the coming years.

The gender recognition certificate fee was [reduced](#) from £140 to £5. While a positive step, it is one of the few positives in the UK government's LGR law reform process for England and Wales.

The Scottish government [promised](#) improvements in terms of non-binary people's rights and hosted a Non-Binary Working Group, made up of non-binary people and allies. The Group's recommendations will help the government publish its action plan by spring 2023. In September, the Scottish government [published](#) the analysis of consultation responses on the draft Gender Recognition Reform Bill, concluding that most contributors envisioned a statutory declaration-based system. Minister Nicola Sturgeon confirmed that LGR reform will be on the parliament's agenda in 2022.

In May, the Northern Ireland High Court [ruled](#) the diagnosis of having a 'disorder' can no longer be a legitimate requirement of LGR.