

>THEMES

LEGAL GENDER RECOGNITION

ALBANIA

The European Commission's 2022 report on Albania called for legislation on legal gender recognition (LGR). In 2022, the government backtracked on its commitment to do this.

CSOs continued advocating with the Parliament for LGR and participated in a hearing in November to raise the issue.

Rainbowphilia together with the Helsinki Committee brought a case to court that could pave the way for trans people to change name and gender marker in official documents, in which a trans woman is suing the civil registry because they refused to change her gender marker. The Commissioner Against Discrimination received an invitation to join the lawsuit.

ARMENIA

ECRI's report on Armenia highlighted that legal gender recognition is virtually impossible to access, but that the name change process became simplified.

AUSTRIA

Vienna's Regional Administrative Court ruled in four cases that alternative gender markers should be available to persons who are not intersex. Additionally, in one case, it ruled that the person's self-declaration was sufficient to change the gender marker. The ruling was welcomed by civil society. The Ministry of Interior appealed against all four decisions to the Supreme Administrative Court.

AZERBAIJAN

ECRI recommended that Azerbaijan provide for a legal gender recognition procedure on the basis of self-determination.

BELARUS

Accessing legal gender recognition (LGR) in Belarus remains extremely challenging. To request a change of gender markers on passports, trans people endure an 8 to 21-day stay at a psychiatric clinic, must see a sexologist and a psychologist for a minimum of one year, and undergo unnecessary and degrading medical tests. The wait for the first medical appointment alone can extend up to six months.

Even if the requirements are met, the commission granting

LGR routinely denies requests, imposing an additional six-month wait. Some individuals have faced discriminatory treatment in the process and repeated denials for over three years.

Complaints to higher authorities pay no results. In September 2023, out of 22 cases, 16 were denied, marking a 70% increase in refusals compared to the last five years. Activists fear that LGR will be further restricted in the years to come.

In September, a police officer present at an LGR commission threatened the trans applicant.

On October 16, a trans man was forced to renounce change of name and gender markers acquired a year ago. Sexologist Alexandra Kuchinskaya had invited several authorities, including the Deputy Minister of Health and RSPC director, to a regular appointment required as part of the LGR procedure for the trans man. During this meeting, he was threatened with the potential loss of access to his children unless he abandoned the changes to his passport and other documents. Eventually, he wrote a letter renouncing his rights and, later, sought legal advice and support from LGBTI organisations.

BELGIUM

It is now possible to change one's name or gender marker (M/F only) any number of times. Names no longer have to align with the person's gender identity.

BOSNIA AND HERZEGOVINA

The European Parliament's resolution (see above) called on BiH to introduce a legal gender recognition procedure (LGR) based on self-determination. SOC launched a policy brief on LGR. The current procedure in BiH lacks clarity and is difficult to access - SOC and trans activists continue to lobby for LGR that is based on self-determination.

The Ministry of Human Rights and Refugees endorsed SOC's draft proposal on legal gender recognition and CSOs continued to call on the Federal Ministry of Health to adopt a federal regulation on the matter.

BULGARIA

Due to previously conflicting judgments from the Supreme Court on legal gender recognition (LGR) requirements, the General Assembly of the Civil College (SC) of the Supreme Court of Cassation (SCC) issued an interpretative decision

>THEMES

in late February. The decision stated that as gender is an unchangeable biological factor, legal gender recognition should not be possible in Bulgaria. Civil society expressed deep concern about the ruling which violates international human rights law.

Over the next months, several court judgments seemed to ignore the Assembly's guidance. The Plovdiv district court granted LGR to a trans person, arguing that the person's right to private life must be protected. Early March, the Supreme Court of Cassation also ruled that the European Convention on Human Rights is the legal basis for LGR in Bulgaria. In May, the Sofia City Court also decided to process a trans person's LGR case. Civil society has so far concluded that the interpretative decision does not block LGR.

The first book on LGR by Bulgarian authors, a study of the legal practice for the last decade, was published in December.

In November, Gabriela Bankova went on a hunger strike in front of a Sofia's court. Precedently, she had been refused to have her gender identity recognised in her official documents. The 12-day protest ignited a spark within the trans community to advocate for their rights.

CYPRUS

Despite major advances in 2022 for a legal gender identity recognition bill including a first reading of the bill in November 2022, there have been no developments in 2023.

CROATIA

The National Health Council, which grants final approval in LGR cases, continued placing additional administrative requirements on LGR applicants, failing to meet the 30-day deadline it should abide by. KolekTIRV has urged the newly appointed members of the Council to remedy this issue.

CZECHIA

The Ministry of Interior published a list of 4,000 names that could pass as gender-neutral, available for trans people in transition. It is still not possible to choose a non-gender-neutral name before changing the gender marker.

In February, the Council of Europe Commissioner for Human Rights, Dunja Mijatović urged the government

to abolish the sterilisation requirement as part of legal gender recognition (LGR). In March, Czechia received UPR recommendations to abolish the sterility requirement and introduce LGR on the basis of self-determination.

The Ministry of Justice announced in March that they want the mandatory sterility requirement for LGR removed. The Ministry would support a model whereby only a personal statement and a report from the attending physician will be required, with an age limit of 15 and over. Civil society has been fighting for this change for many years. To date, LGR has remained burdensome, invasive, time-consuming, making everyday life very difficult for many trans people.

However, no bill to end mandatory sterilisations of trans people as a requirement for LGR has yet been introduced.

In a regressive move, the Supreme Administrative Court ruled in favour of the sterility requirement on 18 August. The trans man's lawyers will turn to the Constitutional Court and the European Court of Human Rights, if necessary.

T.H. vs Czech Republic case proceeded to the hearing stage at the European Court of Human Rights.

DENMARK

The government previously vowed that it would follow up on the previous government's plans to abolish the legal gender recognition (LGR) age limit and remove the six-month 'reflection period'. In March, a parliamentary hearing took place on the issue and several trans minors spoke out in support of lowering the age limit. In August, the civil registry published a statement that trans minors under 18 should also be able to access LGR in line with Denmark's international obligation. This can be done administratively and the first minors have now obtained LGR. The Ministry of the Interior and Health will present a new law in 2024 to bring legislation in line with this practice based on international regulation.

FINLAND

On 2 February, Finland introduced a legal gender recognition (LGR) procedure based solely on self-determination, ending the requirement of sterility and mandatory psychiatric diagnosis. The vote was a firm 113:69. The new law includes a 30-day reflection period and sets the maximum number of changes in legal gender at one per year, unless "for a particularly compelling

>THEMES

reason". The law [sets](#) a minimum age requirement at 18 and over, much to the [disappointment](#) of [civil society](#) and contrary to the Social and Health Committee's [report](#).

It also [does not provide](#) for gender marker options beyond male and female. It does however provide for the [recognition of trans parents](#) in their legal gender on their child's birth certificate - upon request. By November, over 1,700 people [had applied](#) for LGR based on self-determination.

Civil society organisations had [lobbied](#) for LGR reform for long time, and the reform process was delayed for several years. In January, MPs of the Centre Party and The Finns tried to halt the process by [raising](#) alleged concerns that men would use the law to harass women. The Centre Party instructed its MPs that they could vote in individual capacity in line with their beliefs.

FRANCE

A working group will be [set up](#) to discuss the increase in legal gender recognition (LGR) requests made by minors. The group is led by MP Jacqueline Eustache-Brinio of the Republican party, who had previously tried to block minors' access to trans-specific healthcare, such as hormone blockers.

GEORGIA

ECRI's report, published in March, [highlighted](#) that Georgia needs to put in place a clear legal gender recognition (LGR) framework. In 2022, several UN and Council of Europe entities, including the European Court of Human Rights called on Georgia to remedy this gap and introduce quick, accessible, and transparent LGR on the basis of self-determination (see [here](#), [here](#), and [here](#)).

In 2022, the European Court of Human Rights [ruled](#) in three LGR cases against Georgia, establishing that the lack of a clear legal framework for LGR is a violation of Article 8. In October, NGOs submitted a report on the implementation of the judgement, [highlighting](#) that one trans man re-applied for LGR this year, but was again rejected.

The appeal of an intersex woman, who was denied LGR without proof of surgery in 2021, is ongoing.

GERMANY

In late August, the cabinet [presented](#) the legal gender

recognition bill, which will move forward to its readings in parliament. While the law introduces a model based on self-determination, it [sets out](#) a three-month waiting period and a separate procedure for minors over 14.

Civil society continued campaigning for a law that is fully compliant with human rights (see [here](#), [here](#), [here](#), [here](#), and [here](#)). In September, over 350 feminist authors, creators, lawyers, queer, trans*, inter and non-binary groups and professional associations, women's shelters and leading representatives of women's associations and equality work [co-launched](#) a petition. By December, the petition was signed by over 16,300 people.

HUNGARY

In February, the Constitutional Court [failed](#) to affirm trans people's right to dignity and privacy, [saying](#) that the ban on legal gender recognition (LGR) is constitutional. The ruling [counters](#) the Court's own 2018 ruling. In May, the Constitutional Court [rejected](#) the constitutional complaints directly submitted against the ban on LGR. Civil society has [turned](#) to the European Court of Human Rights.

In March, the Budapest Metropolitan Court [requested](#) preliminary ruling proceedings from the European Court of Human Rights, asking the Court to rule on whether the right to have one's data rectified guaranteed in the GDPR regulations extends to trans people who have no access to legal gender recognition.

In March, ECRI [recommended](#) that Hungary overturn its ban on LGR and put in place a legal procedure that is based on self-determination.

On 22 June, the European Court of Human Rights [affirmed](#) in [R.K. v. Hungary](#) that the lack of clear LGR procedures, i.e. the inability to access LGR, is a violation of Art. 8 (right to private and family life). Although R.K. applied for LGR before the procedure was banned in 2020, the Court [affirmed](#) that Section 33 of the omnibus law passed in May 2020 makes it entirely impossible for anyone to access LGR.

At an EU Summit in February, PM Viktor Orbán [tweeted](#) "No migration! No gender! No war!", which in a humorous response civil society [welcomed](#) as the PM's plan to abolish the mandatory registration of gender, [binary genders](#), and gender roles.

>THEMES

ICELAND

A new bill was tabled in parliament in the autumn, to change a number of laws in an effort to bring them more in line with Iceland's Act on Gender Autonomy (2019). The changes include allowing people to choose -dóttir, -son or the gender-neutral -bur as endings to their family name, regardless of legal gender, and based on self-determination.

The Reykjavik Human Rights and Democracy Office shared that the number of non-binary applications increased by 75% in 2022.

ITALY

In July, for the first time, a trans woman was able to have her gender marker changed without having undergone any surgeries, after the Trapani court ruled in her favour. The case received some attention in the media, which prompted transphobic backlash.

In October, another trans woman was able to change her gender marker without surgeries.

KAZAKHSTAN

In July, the Kazakh authorities granted a correct birth certificate to an intersex child, marking the end of a months-long legal battle.

KYRGYSTAN

Since amendments were made to the Law of the Kyrgyz Republic "On Civil Status Acts," in 2020, legal gender recognition for transgender individuals has become impossible.

In 2023, 22% of all documented cases concern the consequences of the aforementioned law change, including document alterations, document loss, conscription into the military, difficulties in securing housing, job searching, and more.

*Some of the information about Kyrgyzstan was shared with ILGA-Europe by activists and so far had not been public.

LITHUANIA

Trans people continued to be able to access legal gender recognition (LGR) through a judicial procedure, without surgery or sterilisation.

In April, the Ombudsperson reiterated the call for a LGR procedure that is set out by law. The case L. v Lithuania remains under the enhanced supervision of the Council of Europe.

The Ministry of Justice took steps to create a working group on trans-specific issues, involving CSOs.

MOLDOVA

This year, the Ministry of Justice continued to work on the legal gender recognition law. In 2022, the Equality Council established that the lack of a legal framework constitutes discrimination against trans people.

MONTENEGRO

Legal gender recognition reform continued this year and civil society kept calling for a procedure that is based on self-determination, including as the main theme of this year's Pride (see under Freedom of assembly). The Working Group, which included Spectra and Juventas, prepared the draft law in late 2022, and continued meeting this year. The draft is endorsed by the government and the LGBTI Strategy sets out that it should have been adopted in 2023. However, the draft had not yet been sent to Parliament by the end of the year.

As part of its fourth Universal Periodic Review (UPR), UN States recommended Montenegro to introduce legal gender recognition procedures that uphold the dignity, self-identification, and autonomy of trans people.

NETHERLANDS

Civil society continued to lobby for the new LGR bill to be adopted (see here, here, and here), but the law reform remained stalled this year. In September, the standing committee on Justice and Security of the House of Representatives voted to halt the process until a new cabinet takes office, arguing that the bill is 'controversial'. The bill provides for LGR on the basis of self-determination and expert statements would no longer be required. However, gaps remain. First, those under 16 must go through a court procedure. Second, trans refugees need to present a birth certificate from their home countries. Third, married trans mothers are not granted automatic and presumed parenthood, contrary to how a cisgender father would be recognised.

>THEMES

Civil society continued to lobby this year to make it easier for anyone to access alternative gender markers, and the Minister of Education, Culture and Science [expressed support](#). A Rutgers study [found](#) that 1.8% of the Dutch population over 16 identify as outside the gender binary. In October, the District Court in The Hague [ruled](#) that there was an ongoing distinction between binary and non-binary trans people, the latter being unable to change their gender markers. The court acknowledges that the change is not simple and requires lawmakers to amend a range of laws, but stated that its patience was not infinite. Meanwhile, the online [petition](#) calling for alternative gender markers launched in 2021, has gathered over 10,000 by the end of September and was [presented](#) to the House of Representatives in late October. On October 27, Lisa van Ginneken MP [presented](#) a draft law for making alternative gender markers more easily accessible for anyone, which was welcomed by NGOs.

The municipalities of [Rotterdam](#), [Utrecht](#), [Amersfoort](#) and [Deventer](#) announced that they would reimburse the costs of legal gender recognition, which can amount to 400 EURO. Amsterdam [plans](#) to do the same.

NORTH MACEDONIA

Following the much [criticised withdrawal](#) of the draft Civil Registry Law in 2022, the MPs from the Inter-parliamentary group for LGBTI rights announced in January that they would put (LGR) back on the agenda. On Trans Day of Visibility, Transforma [held](#) a demonstration calling for the law to be adopted.

The new draft law [entered](#) into its first parliamentary reading in [June](#). In July, the Council of Europe Commissioner for Human Rights [called on](#) the parliament to adopt the draft, despite the ongoing [pushback](#) from anti-LGBTI and anti-trans groups and the Orthodox Church. The draft sets out an LGR procedure without medical interventions or diagnosis as requirements, but excludes minors and only features male and female gender markers. The Commissioner recommended to the government that it remove the mandatory divorce requirement. The law was not put on the parliament's agenda until the end of the year. With a lack of clear LGR procedures, North Macedonia continues to fail to comply with the 2019 European Court of Human Rights judgement in [X v. FYROM](#).

In September, ECRI [called on](#) the government to adopt

a clear LGR framework. In October, the government submitted an updated [plan of action](#) to the ECtHR, [saying](#) the law may be adopted before the end of the year.

Transforma [launched](#) a campaign about the importance of the law for trans people in the country.

Four trans people changed their gender marker, all of them on the basis of self-determination. The procedures were faster compared to the previous year.

NORWAY

Non-binary recognition remains a gap in Norway. In June, the Directorate for Children, Youth and Families [finalised](#) its report on introducing a third legal gender category and submitted it to the Ministry of Culture and Equality. The report envisions three possible measures, namely: to no longer include gender in ID documents; to introduce a third legal gender option; or to prepare a national guide for recognising gender diversity. The parliament had previously decided that the gendered social security numbers would be changed due to the system running out of numbers, but that this change would only be introduced in 2032. Thus hindering the implementation of a full third legal gender for nearly a decade.

POLAND

Civil society [submitted](#) an opinion to the Supreme Court this year, following the Minister of Justice Ziobro's 2022 [request](#) for the Supreme Court to consider that in addition to their parents, trans people should also file a court case against their children and spouse when they want to access LGR.

In August, the Human Rights Ombudsperson [filed](#) an extraordinary complaint in response to a court's denial of legal gender recognition for a trans person.

PORTUGAL

This year marked the fifth anniversary of the 2018 legal gender recognition law, which introduced self-determination.

The PS [tabled](#) an amendment in May, which would introduce gender-neutral name options in the civil registry.

ROMANIA

The case of a Romanian-British trans man, who [changed](#) his gender marker and name in the UK but was unable

>THEMES

to have this recognised in Romania, was [referred](#) to the European Union Court of Justice in March.

RUSSIA

In June, the Duma [adopted](#) a ban on legal gender recognition, by [amending](#) the Federal Law On Civil Status Acts. President Putin [signed](#) the law in July. The amendments also allow for marriages to be annulled if a trans person had transitioned.

Civil society [helped](#) hundreds of trans people apply for LGR in the weeks leading up to the ban. A number of trans people were able to change their legal gender as part of court procedures (see [here](#) and [here](#)), as they had started the process before the law entered into force. At the same time, several such applications and requests for updated passports were [denied](#) by the authorities.

Future applications will all be [denied](#). It will still be [possible](#) to change first and last names. After ARSI and the Russian intersex community [advocacy campaign](#), deputies made an [exception](#) for LGR for intersex people after a procedure of approval of medical interventions and verification of an intersex person's sex characteristics by a state medical commission.

In the ban's aftermath, at least six trans people committed suicide, one of them a minor, as reported to CSOs.

SERBIA

In February, Geten [published](#) a report based on research between 2019-2021, finding that there was no uniform practice among registry offices about handling LGR requests; that on average 7-10 people apply each year; those working in the registries wish to undergo further training.

The Council formed to monitor the implementation of Strategy of Prevention and Protection against Discrimination and its related Action Plan [agreed](#) at its first session that it would consider the preconditions for the drafting of legal gender recognition legislation. The Strategy and Action Plan specifically mention the drafting and adoption of an LGR law.

In September, President Vučić [said](#) he would not sign a law that introduces a "third gender".

SLOVAKIA

The Progressive Slovakia party, which received the second most votes, [included](#) legal gender recognition (LGR) based on self-determination in its campaign programme. ECRI's [report](#) on Slovakia called on the government to proceed with the implementation of the Professional guidelines to unify medical procedures for issuing medical opinions on gender reassignment (see under Health), which abolishes the sterility requirement but was [suspended](#) due to anti-trans pressure in 2022.

Although in April the guidelines had been [finally approved](#) by the outgoing Minister of Health Lengvarský, [issues with implementation](#) remained throughout 2023. Several state registries refused requests of trans people for legal gender change, arguing that the guidelines were not valid. Several state registries across the country [conditioned legal gender change](#) with medical proof of end to reproductive ability (castration/sterilisation), in direct violation of the Law on Birth Number stipulating conditions for legal gender change. The law does not specify which medical procedures an individual should undergo. The only condition in the law is a doctor certificate proving that medical transition has been completed.

In March, the parliament [passed](#) in the first reading a bill that would de facto ban LGR entirely. The bill was [tabled](#) by conservative MPs in February and sets out that LGR would only be available to those who can submit a genetic test proving that their 'sex' was "incorrectly determined" by doctors at birth. It also [establishes](#) that gendered birth numbers could not be changed, which would 'out' trans people, who change their name. The move, which was [criticised](#) by the Ombudsperson, [received](#) wide media attention, including internationally, and was criticised by the [Council of Europe Commissioner for Human Rights](#), Amnesty International, [LGBTI+ organisations](#) and MEPs called for its immediate withdrawal (see [here](#), [here](#), [here](#)). Several demonstrations were held outside Slovakian embassies across Europe (see [here](#) for instance). Although the proposed bill had not managed to enter second reading in time for the last parliament session in June before elections in September, an identical bill was [submitted to the new parliament in November](#) by the same MPs from former OĽANO (now "Slovakia") party, who are members of Christian Union.

>THEMES

SLOVENIA

(See also under Bias-motivated Speech)

On the day of the Pride march on 17 June, 18 civil society organisations [held](#) a press conference and [launched](#) an online [petition](#) calling on the Minister of Interior to amend Article 37 of the Rulebook on the Enforcement of the Civil Registry Act and delete the sentence that requires trans people to acquire a certificate from a “medical professional” and proving that they had “changed sex”. As of November, 2,700 people signed the petition. With the removal of the passage, Slovenia would [join](#) 11 other European countries that provide LGR on the basis of self-determination and in a simple administrative procedure. The working group on LGR finalised its analysis of the legal situation back in 2022, but the Ministry of Interior has stalled the process since.

This year again, the Ombudsperson’s annual report [called](#) for a reform to ensure legal gender recognition procedures are based on self-determination.

In June, the Slovenian Democratic Youth (SDM) party [launched](#) the ‘Two Sexes, One Truth’ campaign, opposing legal gender recognition law reform and non-binary identities (see more under Bias-motivated Speech).

SPAIN

In February, the Senate [adopted](#) the federal gender recognition law (the [LGTBI law](#)) which was given [voted](#) for in the Lower House in December 2022. UN [High Commissioner](#) for Human Rights and [other UN experts](#), and the [Commissioner for Human Rights](#) of the Council of Europe praised the progressive legislation. The law, which entered into force on 1 March, sets out self-determination for those 16 or over, parental consent for those 14-15, and court authorisation for those aged 12-13. All applicants will however have to register their application, wait for up to three months, and then re-affirm their desire for LGR.

LGR will be accessible for asylum seekers and residents who come from countries where LGR is not available.

Non-binary recognition is not included. Nevertheless, the Superior Court of Justice of Andalusia ruled in May that the gender identity of a non-binary person, Andrea Speck, must be recognised in the European Citizenship Register of the Ministry of the Interior. Speck [has](#) German nationality and has had ‘divers’ as a gender marker in their

German documents since 2019. Civil society [welcomed](#) the law, but are [concerned](#) about the remaining gaps for minors and non-binary people.

The media [shared](#) stories of the first trans people to change their legal gender on the basis of the new trans law.

Vox [maintained](#) its position against the trans law [submitting an appeal](#) to the Constitutional Court in May, claiming that the law was an “assault by gender ideology” that harmed minors (see more under Equality and Non-discrimination). The PP announced in [April](#) that they would do the same, presenting their appeal in [June](#).

SWEDEN

The legal gender recognition (LGR) reform continued to be [stalled](#) this year. In September, the Moderates (M) and Liberals (L), both government parties, shared that they were going to table a new bill in parliament, as a way of circumventing the deadlock in the government coalition, which would require an expert opinion from a doctor or psychologist and would make LGR available for those aged 16-17 if they have parental consent. The bill has high probability of becoming law. Civil society continued to lobby for a model based solely on self-determination (see [here](#), [here](#), [here](#), [here](#), [here](#), and [here](#)). [50 organisations](#) are currently [supporting](#) this call and a demonstration was held in September by LGBTQI activists calling for LGR based on self-determination. Sweden is currently [the only Nordic country](#) that [does not have](#) such a model in place.

SWITZERLAND

The Federal Statistical Office shared in March that a total of 1171 people [changed](#) their legal gender in 2022. The new procedure, which consists of a simple declaration based on self-determination, [became](#) available on 1 January 2022. In practice, access continues to be difficult for many asylum seekers and refugees. In October, a short [evaluation](#) of the new procedure was published showing that there is no systemic risk of misuse.

Following the Federal Council’s [refusal](#) in December 2022 to recognise non-binary identities, the National Council’s Commission on Legal Affairs held a hearing on the issue. Following the [hearing](#) in April, the National Council voted in September to request the Federal Council to submit a report on possible measures to improve the situation of non-binary people.

>THEMES

In June, the Federal Court ruled that Switzerland does not have to recognise non-binary gender markers that some acquired abroad but emphasised that the current situation is problematic.

On the occasion of her first 100 days in office, Federal Counselor Elisabeth Baume-Schneider emphasised her will to, together with the community, improve the situation for non-binary persons.

TAJIKISTAN

At least two trans men and one trans woman were able to change their documents this year, through a court procedure. Civil society highlighted that there is no transparent procedure for LGR.

*Some of the information about Tajikistan was shared with ILGA-Europe by activists who for safety reasons need to stay anonymous.

UNITED KINGDOM

In December 2022, the Scottish parliament adopted amendments to the Gender Recognition Act to allow recognition by self-declaration, and to reduce the minimum age from 18 to 16. The move was widely welcomed by civil society, the United Nations, and the Council of Europe. In January this year, the UK's Prime Minister decided to use an order under Section 35 of the Scotland Act for the first time ever to block the implementation of the law. The Scottish Government has challenged the order in court, arguing it is unlawful and irrational.