



Joint statement by ILGA-Europe and TGEU – We urge Serbian authorities to fully protect and respect the fundamental rights of trans people!

ILGA-Europe and Transgender Europe have been informed that the Serbian Parliament is about to reform the law on Registry Books, and through this change, to oblige by law trans people who would like to change their legal gender to go through gender affirming surgeries.

At a time where many countries in Europe are reforming their legal gender recognition processes towards self-determination and the recognition of the right to gender identity and gender expression,¹ it is extremely worrying to see a legislative proposal going backwards and blatantly violating the fundamental rights of trans people in Serbia.

Today, in Serbia, trans people are left without any legal option to change their gender marker. It is therefore more than urgent to introduce a pathway providing legal security for them to be able to change their gender. However, such a procedure for legal gender recognition should not require any medical interventions, be it surgeries, hormone treatments or in the worst case sterilisation. Trans people need to be guaranteed the full right to health and bodily integrity, and no legal gender recognition procedure can harm these rights.

Trans people should never be in a situation where they have to make a choice between their right to privacy and family life and their right to health and bodily integrity.

International standards are clear on this by now. Not only did the European Court of Human Rights rule in its decision [A.P., Garçon and Nicot v. France on 6 April 2017](#) against any sterilization requirement in legal gender recognition, but in addition, the Parliamentary Assembly of the Council of Europe in its [resolution](#) of 2015 on “Discrimination against transgender people in Europe” clearly calls on Member States to “abolish sterilisation and other compulsory medical treatment, as well as a mental health diagnosis, as a necessary legal requirement to recognise a person’s gender identity in laws regulating the procedure for changing a name and registered gender”. Serbia as a member of the Committee of Ministers supported [Recommendation 2010\(5\)](#) calling upon member States to remove any abusive requirements from gender recognition procedures. Moreover, medical interventions must not become an economic obstacle for an individual to access legal gender recognition and should be covered through public insurance.

As evidenced by [testimonies](#) of French trans people collected in 2016, any obstacle to legal gender recognition makes trans people’s daily life a nightmare.

We call on the Serbian Government and on the Members of the Parliament to either remove or reject this law and to work, together with the trans community, on a draft law that would fully protect and respect the fundamental rights of trans people.

¹ Norway, Malta, Ireland, Denmark, Belgium, France, Portugal.