EU Enlargement reports 2024 – EU Commission finally addresses trans rights

article, legal gender recognition, hate crime, health & depathologisation

The European Commission's 2024 Enlargement Reports provide detailed assessments of the rights and recognition of trans people in candidate countries.

We have been advocating for years for the EU Commission to address trans people's situation systematically in its enlargement reports. These reports are key to convincing domestic authorities to advance trans people's rights, using the aspiration of a country to join the EU. Without this external motivation, oftentimes, the trans community would not be able to be heard by national policymakers.

Summary of findings

Below is a comprehensive summary of the 2024 EUC findings, covering legal gender recognition, trans-specific healthcare, and hate crime provisions for each country

Albania

- ***Legal Gender Recognition:*** The report indicates that Albania lacks comprehensive legislation on legal gender recognition, posing challenges for trans people who want to change their legal documents.
- ***Trans-Specific Healthcare:*** The report highlights the absence of specialised healthcare services for trans people, leading to unmet medical needs and reliance on informal networks for support.
- ***Hate Crime Provisions:*** Albania's hate crime legislation includes sexual orientation as an aggravating factor but does not explicitly cover gender identity, leaving trans people vulnerable to hate crimes without adequate legal protection.

Bosnia and Herzegovina

- ***Legal Gender Recognition:*** The Commission notes that while procedures exist for legal gender recognition, they are often lengthy and complex, preventing trans people from obtaining appropriate identification documents.
- ***Trans-Specific Healthcare:*** The Commission notes a lack of medical protocols and trained professionals to provide trans-specific healthcare, resulting in limited access to necessary treatments for trans people.
- ***Hate Crime Provisions:*** While anti-discrimination laws exist, they do not explicitly mention gender identity, leading to insufficient protection for trans people against hate crimes.

Georgia

At the time of the EU Enlargement reports Georgia was still holding active candidate status. This has been put on hold for the moment after the Georgian government enacted several laws in opposition to EU rights and values in 2024.

- ***Legal Gender Recognition:*** The report highlights the absence of clear legal procedures for gender

recognition, leading to difficulties for trans people in acquiring accurate identification documents.
- ***Trans-Specific Healthcare:*** The report indicates that Georgia lacks a regulatory framework for trans-specific healthcare, creating significant barriers for trans people who are attempting to access hormone therapy and surgical procedures.
- ***Hate Crime Provisions:*** Georgia's legislation includes provisions against hate crimes.; However, enforcement is weak, and gender identity is not explicitly protected, leaving trans people at risk.

Kosovo

- ***Legal Gender Recognition:***The Commission observes that Kosovo lacks specific legislation on legal gender recognition, creating obstacles for trans people seeking to amend their legal documents.
- ***Trans-Specific Healthcare:***The Commission observes that Kosovo does not provide trans-specific healthcare services, forcing trans people to seek medical assistance abroad or resort to self-medication.
- ***Hate Crime Provisions:*** Although Kosovo has anti-discrimination laws, they lack explicit references to gender identity, resulting in inadequate protection for trans people against hate-motivated incidents.

Moldova

- ***Legal Gender Recognition:*** The report indicates that Moldova does not have a clear legal framework for gender recognition, complicating the process for trans people.
- ***Trans-Specific Healthcare:*** The report highlights the absence of medical guidelines and services for trans individuals, leading to unmet healthcare needs and potential health risks due to unregulated treatments.
- ***Hate Crime Provisions:*** Moldova's legal framework does not explicitly protect against hate crimes based on gender identity, leaving trans people without sufficient legal recourse.

Montenegro

- ***Legal Gender Recognition:*** The Commission notes that Montenegro has established procedures for legal gender recognition; however, the process is criticised for being overly medicalised and invasive. A new law on legal gender recognition based on self-determination remains to be adopted.
- ***Trans-Specific Healthcare:*** The Commission notes that Montenegro lacks specialised healthcare services for trans people, resulting in limited access to necessary medical treatments.
- ***Hate Crime Provisions:*** While hate crime legislation exists, it does not explicitly include gender identity as a protected characteristic, offering inadequate protection for trans people

North Macedonia

- ***Legal Gender Recognition:***The report highlights the absence of a legal framework for gender recognition, resulting in significant challenges for trans people.
- ***Trans-Specific Healthcare:***The report indicates a lack of trans-specific healthcare services, forcing trans people to seek medical treatments abroad or rely on unregulated sources.
- ***Hate Crime Provisions:*** North Macedonia's legal framework does not explicitly address hate crimes based on gender identity, leaving trans people vulnerable to discrimination and violence.

Serbia

- ***Legal Gender Recognition:*** The Commission notes that Serbia has legal provisions for gender recognition; however, the process is lengthy and requires mandatory medical interventions.
- ***Trans-Specific Healthcare:***The report highlights that access to trans-specific healthcare in Serbia is limited, with services largely concentrated in major urban centres and often inaccessible for many trans people

- ***Hate Crime Provisions:*** Serbia's hate crime legislation includes gender identity as a protected characteristic, but enforcement remains inconsistent, reducing its effectiveness.

Türkiye

- ***Legal Gender Recognition:*** The report indicates that Türkiye allows legal gender recognition; however, the process requires sterilisation and other medical procedures, which are considered human rights violations by international standards.
- ***Trans-Specific Healthcare:*** The report highlights significant barriers to accessing trans-specific healthcare, with many services unavailable or requiring extensive bureaucratic approvals.
- ***Hate Crime Provisions:*** Türkiye does not explicitly include gender identity in its hate crime legislation, leaving trans people unprotected against hate crimes.

Ukraine

- ***Legal Gender Recognition:*** The Commission observes that Ukraine has procedures for legal gender recognition; however, the process is bureaucratic and requires mandatory medical diagnoses.
- ***Trans-Specific Healthcare:*** The report highlights the limited availability of trans-specific healthcare services, with many trans people facing difficulties in accessing hormone treatments and surgeries.
- ***Hate Crime Provisions:*** Ukraine's hate crime legislation does not explicitly include gender identity, leaving gaps in protection for trans people

What's next?

These findings underscore the need for candidate countries to enhance legal protections and healthcare services for trans people to align with EU standards on human rights and equality.

As a next step, it would be necessary for the EU Commission to recognise that human rights-compliant legal gender recognition is not just politically welcome, but part of the agreed EU legal framework, the *EU Acquis*. Without legal gender recognition based on self-determination and without mutual recognition of such decisions being ensured, trans people will be prevented from enjoying their EU rights and freedoms.

The Court of Justice of the EU has confirmed that EU Member States have to provide legal gender recognition, following out of Article 7 of the EU Fundamental Rights Charter and Article 8 European Convention on Human Rights.

Together for trans rights!

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