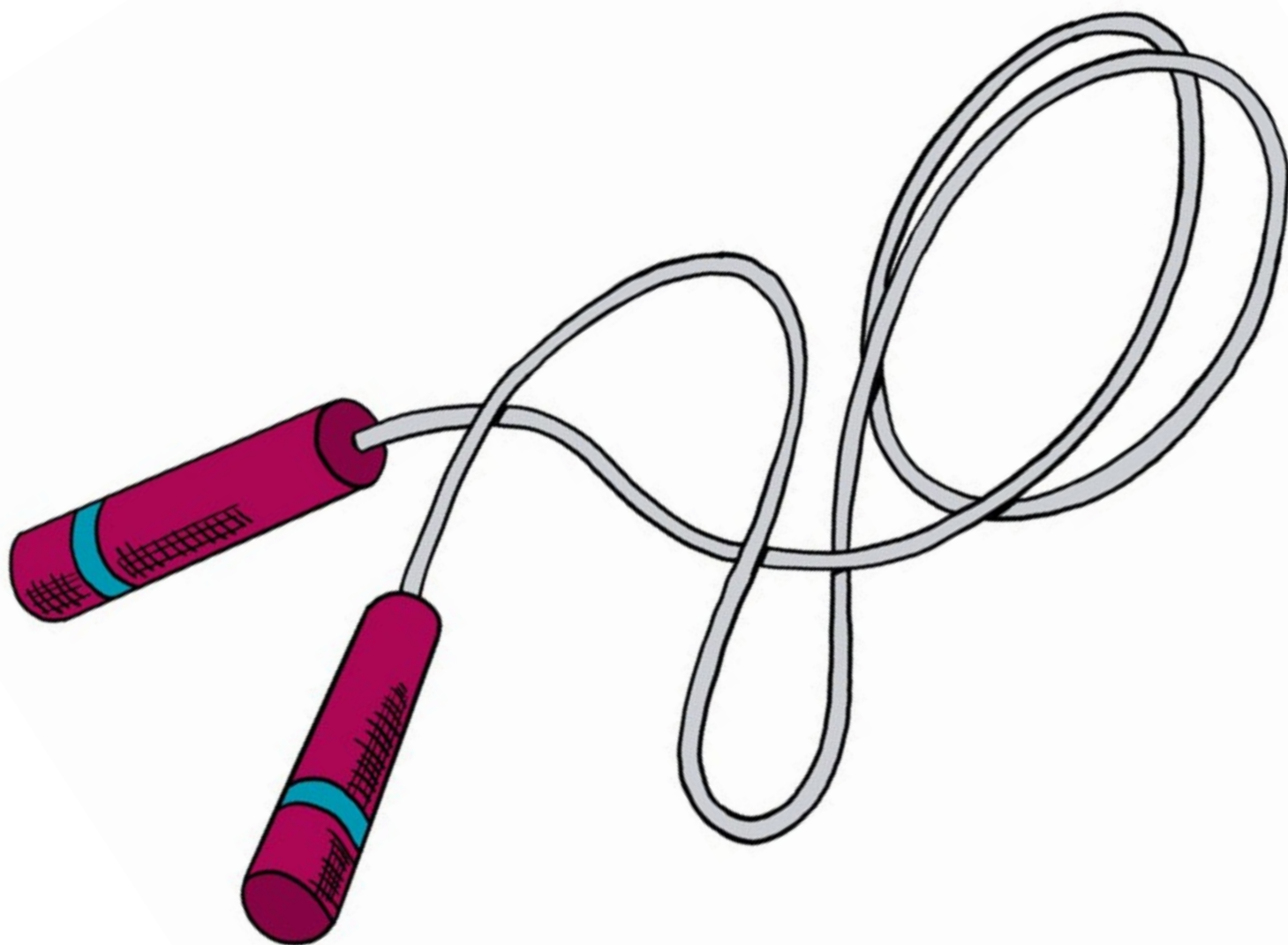




Jumping ropes

Experiences of trans parents
in Europe and Central Asia



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Jumping ropes: experiences of trans parents in Europe and Central Asia

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TGEU is a member-based organisation working to strengthen the rights and wellbeing of trans people in Europe and Central Asia.



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Rationale

In 2019, the European Union Agency of Fundamental Rights (FRA) LGBTI Survey II collected responses from 19,445 trans people and found that 19% of trans respondents were parents of at least one child. While there is no comprehensive data on the entire region of Europe and Central Asia, these figures indicate that parenting is something that many trans people aspire to or already practice.

The first ever EU LGBTIQ Equality Strategy (2020-2025) spells out that there is “a wide range of family models in the EU, including rainbow families with one or more LGBTIQ members”, and that there are “specific difficulties preventing [these] families from enjoying their rights”. As part of the Strategy, the Commission committed to “continue to support the Member States’ efforts to uphold respect for rainbow families’ rights as enshrined in the EU Charter of Fundamental Rights (in particular the right to private and family life and the rights of the child), which applies when implementing EU law.” The Council of Europe’s [Resolution 2048 \(2015\)](#) on ‘Discrimination against transgender people in Europe’ and [Resolution 2239 \(2018\)](#) on ‘Private and family life’ both recognise the hurdles that trans people face in their family life. For instance, they highlight that many trans parents have trouble being recognised with their correct name and gender marker on their child’s birth certificate or other papers and that this may get them into trouble when they need to prove they are a rightful parent. The resolutions call for the removal of these barriers.

In March 2021, TGEU published its first ever report on trans parenthood. [‘Stuck on the Swing’](#) focuses on trans parents’ experiences with freedom of movement in the EU. The report aimed to contribute to the European Commission’s commitments with regard to the freedom of movement of rainbow families, one of the priorities of the EU LGBTIQ Equality Strategy. During the initial 20 interviews that TGEU conducted, trans parents spoke about a wide range of obstacles they have faced, going further beyond the topic of free movement.

Due to thematic limitations, TGEU was unable to cover these in ‘Stuck on the Swing’. TGEU however felt that these testimonies should be shared

with the broader public. In June 2021, TGEU conducted¹ five more interviews, in part to learn more about the experiences of trans parents in post-Soviet states. This report incorporates a total of 24 interviews². For safety and/or privacy reasons, and upon the request of the interviewees, some names were changed and parents are featured under a pseudonym.

This report intends to shed light on the particular difficult situations trans parents find themselves in, which go largely unnoticed. Sharing their stories TGEU wishes to enhance the voices of real trans people. This is needed now more than ever. Misinformation about trans people is increasingly spread and impacts vulnerable groups in particular, such as trans people caring for children. This report is also aimed at supporting the European Commission, the Council of Europe, and governments in Europe and Central Asia in their understanding of trans parenthood and the hurdles trans parents (to be) face across the two regions. TGEU believes that the testimonies shared in this report can also contribute to the work of the Commission and EU Member States, in their efforts to implement the Strategy, including for instance in the area of legal gender recognition (LGR). They can also be helpful for other states that are in the process of LGR, reproductive rights, or family law reform.

¹ The initial call for interviewees was circulated between November and January 2021 (<https://tgeu.org/call-for-interviewees-on-trans-parenthood/>). 25 people expressed interest in participating and 20 agreed to be interviewed in the end. Of these, TGEU's report 'Stuck on the Swing' featured interviews with 16 trans parents.interest in participating and 20 agreed to be interviewed in the end. Of these, TGEU's report 'Stuck on the Swing' featured interviews with 16 trans parents.

² An additional five parents were contacted via the snowball method and interviewed in June 2021. This report incorporates the testimonies of a total of 23 trans parents and one organisation. Twelve interviewees reside in the EU countries, namely Belgium, Bulgaria, France, Germany, Italy, Slovenia, and Sweden - two of them without EU citizenship. One interviewee who resides in the EU asked for their country not to be named, for safety reasons. Eight live in other European countries, namely Russia, Switzerland, Ukraine, and the United Kingdom - two of them are EU citizens or have double citizenship. Three reside in Central Asian countries - their exact location is kept confidential for safety reasons.

The Charter of Fundamental Rights of the European Union sets out the right to private and family life (Article 7), the right to protection of personal data (Article 8), the right to marry and the right to found a family (Article 9), the right to be free from discrimination (Article 21), the rights of the child and the principle of the best interest of the child (Article 24). EU Member States are bound by the Charter when implementing EU Law.

*EU LGBTIQ
Equality Strategy
(2020-2025)*



The European Convention on Human Rights sets out the right to respect for private and family life (Article 8), the right to marry (Article 12), and the prohibition of discrimination (Article 14). Recommendation CM/Rec(2010)5 of the Committee of Ministers of the Council of Europe on measures to combat discrimination on grounds of sexual orientation or gender identity' calls on States to ensure access to legal gender recognition and the amendment of one's name and gender in all official documents. The Recommendation also calls on States to ensure that the child's best interests are the primary consideration in all decisions affecting the child, and applied without discrimination on grounds of sexual orientation and/or gender identity.

The UN Convention on the Rights of the Child sets out the prohibition of discrimination on grounds of the child's or their parents'/legal guardians' status (Article 2), the principle of the best interest of the child (Article 3), the right of the child to be cared for by their parents (Article 7), and the prohibition of interference with the child's privacy and family (Article 16).

Key findings

Trans people in Europe and Central Asia, who want to be parents or are already in a parenting role, face a **wide range of barriers**. TGEU has found that:

1. Some trans people are coerced by national laws/regulations to make an impossible choice between becoming biological parents or having their gender identity legally recognised.
2. Trans people may be denied information and access to their reproductive rights.
3. Legal gender recognition procedures that are lacking, inaccessible, or incompatible with human rights standards, can lead to discrimination against trans parents and their children in their everyday life.
4. Kinship documents (birth certificates, passports, adoption papers, etc.) that are not automatically amended following a parent's change of gender marker and/or name, can lead to discrimination against trans parents and their children in their everyday life.
5. Family laws and regulations often fail to take into account the diversity of families, including trans parents and their children.
6. Growing anti-trans sentiments have made life more difficult for some trans parents and their children.
7. The right to private and family life of some trans parents and their children are routinely violated.
8. Trans parents may encounter hostility from co-parents, family members, or neighbours.
9. Many trans parents are in need of support, including from LGBTIQ and trans organisations.

Trans parents who are non-EU citizens may encounter additional obstacles. The barriers may have a **detrimental impact on trans parents and their families**. TGEU has found that:

1. The current set-up of most legal systems in the region violate the principle of the best interest of the child.
2. In fear of discrimination, some trans parents hide their trans status.
3. Many trans parents bear excessive emotional, social, and financial burdens as a consequence of a system that disregards them.
4. Trans parents may be scared of being questioned, harassed, or even stripped of parental rights because of being trans.

Barriers

1. Some trans people are coerced by national laws/regulations to make an impossible choice between becoming biological parents or having their gender identity legally recognised.

Up until recently, most legal gender recognition (LGR) laws in Europe require(d) trans people to undergo mandatory sterilisation and/or surgeries that strip them of their reproductive ability for good. Some states have abolished these laws, but their irrevocable impact still affects trans people today. Hormonal treatment may also be a requirement, which in most cases impacts one's fertility.

- Jonathan and his partner have a teenage son and live in Belgium. Jonathan is a German citizen and changed his legal gender before their child was born. He had to comply with the sterility requirement and was not allowed by (then) German law to freeze his eggs for any future children. Jonathan's partner went through successful IVF treatment with their first child, but had fertility issues later. Jonathan had no eggs preserved.

“It was important for me to legally and medically transition at the time and I would do it again. But German law required sterility. I was coerced into it, it wasn't my choice. And it has caused a lot of pain, sadness, and hurt. If I had been allowed to preserve my eggs, we might have three or four children now. Sometimes we look outside our window at this double swing in our garden and think what could have been.” – Jonathan, Germany/Belgium

- Marie and Alisher are a married heterosexual couple, who live in Germany and want to be parents. Marie is a trans woman from Germany and Alisher is a trans man from Central Asia. 15 years ago, when Marie changed her legal gender, she had to be sterilised. As a consequence, even though Marie and Alisher might have been able to have a biological child together, this is no longer possible

“When I went through my legal gender recognition procedure in Germany, sterility was a requirement. [...] Before I met Alisher,

I didn't plan to have kids and it never occurred to me that I was forcibly sterilised. It's a hard one to swallow. But now, I just can't stop thinking about it. They knowingly denied me the option to become a parent. They took that choice away from me. Otherwise, we might be able to have biological children now. ” – Marie, Germany

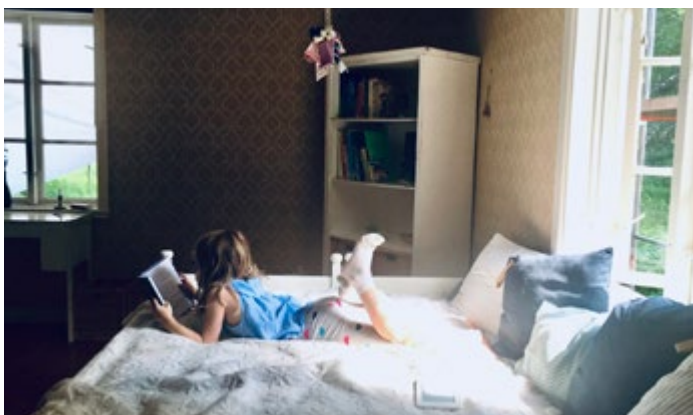
- Marie and Alisher both felt that through such laws and regulations, governments were sending them a clear message: you can either be trans or be a parent, not both.

“The message of the German state was that you are allowed to exist, but not to procreate. It's like the state considered gender-variant people ‘freaks’, who should not have children. In my darkest moments, I have these thoughts in my head. Maybe I am a ‘freak’ who should not be a parent?” – Marie, Germany

“It's hard not to hear this message. At some point you just want to give up, because it's so complicated legally and in every way. And I know that many trans people do give up. Meanwhile, cishetero³ couples have it easy. I'm angry and sad.” – Alisher, Germany/Central Asia

- Benjamin (see below), a trans parent in Germany felt a similar anger:

“Trans parents are not on anyone's radar, we are invisible. And there is a clear expectation of trans people not being able to procreate. It makes me feel deeply angry at my country.” – Benjamin, Germany



*Reading in the sunshine.
Photo by TGEU*

³ Cisgender or cis (short) refers to people who are not trans, i.e. whose gender assigned at birth matches their gender identity.

2. Trans people may be denied information and access to their reproductive rights.

When undergoing gender affirming healthcare, either voluntarily or to fulfil LGR requirements, trans people may not be given information about the possible impact of some medical interventions. They may also be denied information about the possibility of preserving gametes, in case they want to retain their reproductive ability.

- When undergoing sterilisation, medical professionals failed to inform Marie (see above) about the option of having her gametes preserved.

“[When I went through my legal gender recognition procedure] I was 19. So, having children was not a priority for me at that time. But no one had a conversation with me about the medical consequences. If they had done that, we might be able to have biological children now.” – Marie, Germany

Medically assisted reproduction is subject to a number of limitations across states. It may only be accessible to married cisgender heterosexual couples with infertility issues and it is in many countries not covered by public healthcare/insurance. Some interviewees reported having to pay out of pocket. Others made complicated arrangements to undergo the procedures abroad, where it was more accessible and affordable. One parent spent months negotiating with his insurance company to gain coverage.

A trans father also shared some degrading and traumatising experiences he had to endure when he and his partner were trying to access artificial insemination:

- Back when Jonathan (see above) and his partner tried to have their first child, they endured intrusive questions from a gynaecologist and abusive treatment from a psychologist who refused to recommend them for fertility treatment. They later changed to a trans-friendly fertility clinic in Ghent, where they felt safer, and got access to treatment.

“We first went to see a gynaecologist. She was examining my partner, but kept asking me about what operations I had; which had no

relevance to the fertility treatment of my partner, whatsoever. [...] The psychologist was horrendous. She questioned my partner's sexuality and why she is not with a 'real man'. She told us we shouldn't have children, because they will hate us for having a trans parent. She told me [...] no one would ever believe that I was a man. She had no idea who I was and what my psychological state was. I could have left and jumped off a bridge, for all she cared. In the end, she denied us access to the fertility clinic, which needed her approval. It is one of the very few regrets I have in life that we didn't file an official complaint against her.” – Jonathan, Belgium

Another interview was also worried that they would be denied care:

- Vero is a non-binary parent, married to a trans man, and living with him and their child in Sweden. Vero's husband is on the autism spectrum. Vero worries that because of their partner's diagnosis and because being trans is still considered a psychiatric disorder in Sweden, they may be automatically turned down at the fertility clinic.

“We are considering another pregnancy. [But] we're worried about these evaluations and interviews we have to do before insemination or IVF,⁴ because in Sweden they still consider being trans a mental disorder. And my husband has autism. So they might even say we don't qualify. I've been worried. And it's supposed to be my basic human right to have another pregnancy.” – Vero, Sweden



Running through a field of flowers.
Photo by TGEU

⁴ In vitro fertilisation

3. Legal gender recognition procedures that are lacking, inaccessible, or incompatible with human rights standards, can lead to discrimination against trans parents and their children in their everyday life.

In states where LGR is unavailable, inaccessible, or conditional upon abusive requirements that trans people do not want to or cannot fulfil without giving up other human rights, they will be unable to change their gender markers.⁵ Having a mismatch between their gender expression and legal gender, many trans people will anticipate or experience intrusive questions, harassment, or violence in their everyday life. Some trans parents reported that they were willing to endure this before having a child, but they now try to avoid these situations as much as possible. That said, taking care of everyday errands may be difficult. For instance, they may be questioned at their child's daycare or school, at the doctor's office, when wanting to open a bank account for their child, or when they travel abroad together.

- Lea is a French citizen living in Slovenia, where she first met her ex-partner. They have two children. Lea is a trans woman and changed her legal gender after her children had been born. Lea had to wait for two years to go through legal gender recognition. During these two years, she had to travel between France and Slovenia, but her gender expression no longer matched the legal gender in her passport.

“I had to deal with the stress of travelling from Slovenia to France with the children, but without my ex-wife. I only had my old documents with me, with the old picture and the old name. Sometimes they said to me, ‘Madame, this is your husband’s ID card, please give us yours.’ I was forced to out myself at the airport in front of everybody. Sometimes I had to say to the steward/ess, ‘I am trans and this is the only document I have.’ I was so stressed from the moment of the security check to the moment I finally boarded the plane. I had the feeling that someone could grab me anytime and ask who I was and whose children these were. ” – Lea, Slovenia

⁵ See for instance, Legal gender recognition in the EU: The journeys of trans people towards full equality. European Commission. June 2020. https://ec.europa.eu/info/sites/default/files/legal_gender_recognition_in_the_eu_the_journeys_of_trans_people_towards_full_equality_sept_en.pdf; Stuck on the swing: experiences of trans parents with freedom of movement in the EU. TGEU. 2021. <https://tgeu.org/wp-content/uploads/2021/03/stuck-on-the-swing.pdf>

4. Kinship documents (birth certificates, passports, adoption papers, etc.) that are not automatically amended following a parent's change of gender marker and/or name, can lead to discrimination against trans parents and their children in their everyday life.

State regulations vary based on how legal gender recognition affects official documents, i.e. whether and how a person's birth certificate, ID card, passport, driving licence, diplomas, etc. will be amended. They may also regulate the impact of LGR on the documents of trans people's children. And they may have different rules in place depending on when the person changed their legal gender, i.e. before or after the birth of the child; or whether they are a heterosexual and cisgender married couple, or not.

- Bruno has a five-year-old child. Bruno changed his gender marker after the birth of his child because he worried he would not get parental benefits if he did it earlier. Once legally 'male,' he tried to have his child's birth certificate changed, but that is not an option in Germany. The birth certificate features Bruno as a "mother" and with his deadname⁶. Bruno has been unable to leave the country for the past five years, fearing he would not be able to prove he is the father.

"I could be legally recognised as a 'father' to any child in the world, except for the one I gave birth to." – Bruno, Germany

- Benjamin started out his pregnancy planning to be a single father where he knew the same would happen to him as to Bruno. He wanted to avoid this situation at all costs. He invested a lot of time and energy into researching which EU country would recognise him in his correct gender, and that was Sweden. Benjamin travelled to Sweden in advance to prepare everything, spoke to all the relevant authorities, and took a second job to cover the extra costs. Since then, Benjamin and his baby have flown under the radar in the German system, including when travelling back, applying for parental leave, registering the child as a citizen, or getting the child a passport. Benjamin's partner has been an equal parent from birth, and would like to adopt their child. They are both extremely nervous that the court procedure would eventually lead to an adoption certificate, using Benjamin's deadname and calling him a "mother." Not only would this be detrimental to Benjamin's

⁶ 'Deadname' refers to a trans person's name assigned at birth that they no longer use in their daily life or that is no longer featured on their official documents. Being called by one's deadname may be upsetting and triggering. It may also out someone, exposing them to discrimination and violence.

well-being, but it would also expose the family to bureaucratic hurdles, coerced outing, and/or intrusive questions as the legal person on the birth certificate does not actually exist. It would also mean that all the effort of going abroad to give birth was in vain.

“The idea that the only document connecting me to my child would feature my deadname was really triggering and caused me a lot of dysphoria and anxiety. It took me a lot of time, research, and hassle to organise everything. It was basically all on me to make sure my child has the right birth certificate, because my state didn’t care for me.”

– Benjamin, Germany

5. Family laws and regulations often fail to take into account the diversity of families, including trans parents and their children.

All interviewees agreed that their domestic regulations and systems were made to fit the cisgender heterosexual nuclear family norm, and officials were either unwilling or ill-prepared to accommodate or help them. In most cases, family laws did not explicitly exclude trans families, but they were too rigid to accommodate them in practice - amounting to discrimination.

- ➡ Freddy is a single dad by choice, living with his child in the UK. He transitioned many years ago and changed his legal gender to ‘male’ before giving birth. Because he is legally male, Freddy thought he had the right to register as his child’s father on the birth certificate. Everything initially seemed fine when he tried to register his child at the local registry office. The clerk asked their superiors to confirm that it’s OK to register Freddy as a father, and that is when the hurdles emerged. According to the UK laws, a person giving birth must register as ‘mother.’ Furthermore, trans men who do not give birth cannot register as ‘father’ either. If their partner or wife gives birth, these men must register as ‘parent two,’ which UK law says is a label exclusively for the ‘second female parent.’ In other words, legal gender recognition for trans people never extends to parenthood. While the court case is ongoing, the state has not forced Freddy’s child to have a birth certificate that is wrong, but Freddy’s child is now a toddler and still has no papers.

“I feel like I’m fighting this system that has always been against us and is unwilling to change. The system was and is still only set

up for cisgender/heterosexual families. [...] There is no law clearly regulating what happens to trans people who become parents after changing their gender marker, including fathers who give birth. So the judges tell me that they recognise that my human rights are engaged by the issue. They agree that I am, in every meaningful sense, my child's father. So, they see the problem and agree it needs addressing. But then they just say it's parliament's responsibility to solve it.” – Freddy, UK

- Daniyar is a single father and lives with his seven-year-old daughter in Kyrgyzstan. After giving birth to his daughter, Daniyar spent two years trying to be recognised on his child's birth certificate as a father. In the end, Daniyar gave up and is now registered with his male name, under the 'mother' category.

“When she went to the kindergarten for the first time, her teacher checked her documents and called me to ask why there was no mother on them. I just said that ‘she is not with us’. People usually think she passed away or that she left. They are curious. Sometimes I say the authorities made a mistake in the birth certificate and that I just don't have the time to go and have it corrected. But I also think these questions are an indicator of patriarchy. It's OK if there is no father, but not when the mother is missing.” – Daniyar, Kyrgyzstan



Daniyar's child in the garden, Kyrgyzstan

- ➡ Anastasiia Yeva lives in Kyiv and has an 11-year-old daughter. Anastasiia is a trans woman and she legally transitioned in 2018. Although Anastasiia's documents now rightly feature her as 'female', her marriage certificate and her child's birth certificate still show her old information. The mismatch of her documents has caused issues in the bureaucratic system in Ukraine, including in the country's new mobile application that stores a person's legal documents in one place. Because of the mismatch in her documents, the 'Dia' app fails to recognise Anastasiia as her child's parent, and her child is not listed on her account.

"I uploaded all my documents on the app, but it rejected my child's birth certificate, because it featured my old information. So I'm a stranger to her on this platform. My wife has full access to the app and our child's things, but I don't. I also haven't been able to apply for a bank account for her, because I'm not seen as one of her parents."

– Anastasiia Yeva, Ukraine

The lack of recognition of same-gender partnerships may also impact trans parents and their access to free movement. Freedom of movement is a right guaranteed by EU law to all EU citizens. Trans people who are or at any point have been in a same-gender marriage or partnership may face obstacles in the recognition of their parental rights.

- ➡ Yanis is a 37-year-old trans man from Romania, married, with two children. Yanis got married prior to his legal transition, in what was then considered a same-gender marriage. After many years of legal battle, Yanis managed to change his name and legal gender in Romania in 2018. Yanis has been unable to have his marriage certificate and his children's birth certificates changed since. Romania has refused to recognise his marriage and parenthood, due to the government's reluctance to approve same-gender relationships and parenting. As a consequence, Yanis's children have not been granted Romanian citizenship. Living in the UK, Yanis tried to have his marriage certificate and the birth certificates changed, but to no avail. He and his family have been stuck in a legal limbo for years.

Other interviewees were in a different-gender marriage first, which became a same-gender marriage following a spouse's legal transition. In some cases, this has resulted in a loss of rights or issues with bureaucracy.

- ➡ Jefferson and his husband are happily married, just had their second child, and live in Switzerland. Jefferson is a trans man, but his documents and their children's birth certificates feature the 'F' as gender marker. Jefferson did not want to go through legal gender recognition because, due to the lack of marriage equality in the country,⁷ he and his husband would have had to get a divorce and 'downgrade' their relationship to a civil partnership. They were worried, as they would have lost certain rights.
- ➡ Eva is a trans woman who lives in Russia with her wife of 20 years and their children. Eva and her wife got married and had four kids years before Eva legally transitioned. Although Russian legislation does not allow for a same-sex couple to get married, so far this has not affected the continuation of Eva's marriage, which on paper, they formed as a cisgender heterosexual couple many years ago. Since Eva changed her legal gender, both spouses are legally 'female'. The family's approach is to minimise contact with authorities as much as possible and stay low-key. By keeping to themselves as much as possible, Eva hopes that they can avoid harassment or threats.



*Child of a non-binary parent playing.
Photo by TGEU*

⁷ The interview took place while Switzerland still had no marriage equality in place. In September 2021, a referendum was held in which 64% of people voted in favour of marriage equality. The law is expected to come into effect by July 2022.

6. Growing anti-trans sentiments have made life more difficult for some trans parents and their children.

The increasing anti-trans environment across the regions have negatively impacted some trans parents:

“This whole situation in Russia is to build up this agenda to stigmatise trans people. It started with the 2013 propaganda law and has continued ever since.” – Eva, Russia

“When [my case] started, trans stuff was still very obscure. But now, judges now [sic] know about trans people. The TERF⁸ attacks have been scary. And the conversation about trans people was so loud and so one sided. I can’t compete with this noise in the media, the BBC, the Guardian, or the Times, these are not even tabloids. So it all had a massive impact. I’ve had abuse online. [...] It left me speechless. It all had a massive impact, culturally. We thought we could win my case, because mine was similar to a Swedish court case that was successful. But we lost so profoundly.” – Freddy, UK

- ➡ Iskander lives in Central Asia with his wife and child. He transitioned legally before his child was born, and was automatically acknowledged as the father. Iskander has only shared details about his family with close friends and relatives. He believes it to be unsafe to talk to other people about the fact that he is a trans parent, considering the strong influence of traditionalists and anti-gender movements.

“Mostly I fear that my family may face transphobia because they are relatives of a trans person. We are constantly apprehensive and have to make sure that as few people know about me being trans and a parent, as possible. [...] I often think that I do not want my child to live here in the future. And I will try to make sure that my child has the opportunity to study, work, and live in a country that follows international human rights standards.” – Iskander, Central Asia

⁸ TERF stands for ‘trans exclusionary radical feminist’. See for instance, Ruth Pearce & Sonja Erikainen & Ben Vincent: TERF wars: An introduction. The Sociological Review, Volume: 68 issue: 4, page(s): 677-698, July 1, 2020. <https://journals.sagepub.com/doi/full/10.1177/0038026120934713>

7. The right to private and family life of some trans parents and their children are routinely violated.

A number of trans parents reported instances where they felt violated or mistreated by clerks, notaries, social workers, and others. Mistreatment included being gawked at and outed, or encountering inappropriate questions and comments.

“One time I was at a state office and needed to show my marriage certificate and explain the whole situation, again. The clerks all crowded around, when I went to pick up my papers, gawking at them, making copies of them, saying ‘you got your sex changed!’ They were curious, like I was this exotic thing, the first trans person they saw in their department.” – Anastasiia Yeva, Ukraine

“We went to get a passport for my child and the clerk asked why there was no mother on the documents, and I said that it was complicated. Her answer was ‘OK, because let’s be real, it’s not like men can give birth!’. I did not respond.” – Benjamin, Germany

“It’s all about luck. All the clerks are just people, so there is always this human factor. One might say ‘no problem, you’re the second trans person in my practice,’ another might say ‘no’. A third might ask ‘where did you get “the operation” done?’, which is of course none of their business and not even a requirement of LGR since 2016. So every clerk is a person, with their own thoughts, prejudice, or their own transphobia and they can just come up with an excuse and deny your case.” – Anastasiia Yeva, Ukraine



Paint on hands. Photo by TGEU

The role of privilege

A number of interviewees shared that they felt the reason they had it relatively easier than other trans parents was privilege, in terms of contacts, knowledge, finances, or passing.

“I was lucky for several reasons. I knew the few trans competent doctors [we have here], and contacted them. I was lucky, they were really supportive. And I had money for private clinics – going to the public hospital would have been a problem. And I could also take time off for a while.” – Daniyar, Kyrgyzstan

“A very helpful friend of mine had researched a lot already, so I definitely had a head start, knowing the issues in Germany. That was helpful mentally. And very few people know their rights in the EU the way I do (because of my work) and think about the ability to go abroad. For somebody, who has less knowledge about their rights or less confidence, no way it would have worked out so smoothly. [...] Now, whenever someone reaches out, I try to share my experience so that others can do what we did.” – Benjamin, Germany

→ Gabriella is trans mother and lives in Bulgaria. Gabriella's documents are unchanged, but she has not had major difficulties navigating everyday life as a parent. She attributes this in a large extent to her being able to pass as a cis woman and also to other forms of privilege, such as having access to a private kindergarten.

8. Trans parents may encounter hostility from co-parents, family members, or neighbours.

Many trans parents shared that ever since they had socially or legally transitioned, they felt judged as parents and were mistreated by ex-partners they were co-parenting with, relatives, or neighbours. In some cases, hostility from ex-partners had a detrimental impact on trans parents' custody rights. Due to a lack of support from the authorities, trans parents report being particularly vulnerable in these situations.

- ➡ Mark and his ex-partner met before Mark transitioned. Mark was open about being trans, and by the time his partner was pregnant, Mark had changed his legal gender earlier and was automatically recognised as the legal father. They later separated and Mark's ex-partner has since tried to challenge Mark's custody rights due to him being trans.

“Even before the legal battle started, once my child and I drove to [the neighbouring country] to see a performance, and my ex-partner threatened to call the police and say I abducted the child. She said that when we come to the border, there would be police and social workers waiting there for me. So I don't feel safe travelling. My documents are in order, so there would be no questions about me being the father. But if my ex has a bad day, it could end badly. I feel so limited and powerless.” – Mark, EU country

Another interviewee shared how her neighbours turned against her:

“The neighbours knew us as a family, from the playground, the bus stop. When I transitioned, none of them would say hi to me anymore. They just turned away and wouldn't reply. They probably thought I ruined the family. [...] It was difficult. For two years. I couldn't be in the elevator with anyone, I always had to peek out before I left the apartment.” – Anastasiia Yeva, Ukraine

9. Many trans parents are in need of support, including from LGBTIQ and trans organisations

Across the board, trans parents expressed a need for more support from their state, and the offices and authorities they need to be in contact with as parents. Some had positive experiences to share that they hoped would encourage other officials to stand up for trans parents.

“I had to exchange a lot of emails with the Swedish authorities before the birth. I was in daily communication with them and nine people from their legal team were working on my case. Every line showed that they were trying hard to accommodate me, and not at all in a patronising way. At some point, I just cried. It was such a stark contrast compared to how you’re treated as a trans person in Germany. It was so relaxing, easy, and humanising to be able to just speak as the full person I am. In Germany, I was always holding back and hiding.” – Benjamin, Germany

“When we applied, the clerk just took our papers and said it was going to be OK, because she has already had a case like ours before. So this means that this single office, just in Moscow, has had at least two cases already, so maybe we have a lot of these marriages and families. But of course, people try to stay low-key because of the risks and dangers in Russia.” – Eva, Russia

Some raised that more visibility and organising is needed, not just by trans parents, but also trans and LGBTIQ organisations:

“[My daughter] came home crying one day, because other children said she didn’t have a mother. I sat down with her and told her I gave birth to her and that it was not a common thing, but that some men could do it. She said OK. It’s tough, because we have no role models to look to. But we’ll keep talking about it.” – Daniyar, Kyrgyzstan

→ Anna and Yana are from Ukraine and Russia and have a child together. They got married in New York and got a gender-neutral marriage certificate, which

featured them as “spouses”. The couple have faced endless bureaucratic hurdles trying to get a gender-neutral birth certificate for their child, who was born in the UK. Because Yana is a trans woman, they faced additional obstacles, and Yana is currently shown on the birth certificate as the child’s father. Anna and Yana want regulations in place that allow parents to choose the gender-neutral ‘parent’ option if that feels more right and safe to them. This would also make Anna and Yana’s life easier when travelling back home from Sweden, where they currently live.

“I remember bringing my child to an LGBTIQ conference. There were no other kids there and I thought it’s time that this changed! It’s time for organisations to recognise that many of us are parents, talk about it, and create space. [...] I’d also love to see more activism by parents. I know that we are all busy, but I do think it would be very good to be more active in LGBTIQ spaces.”

– Anna, Ukraine/Russia/UK/Sweden



Silhouette at sunset. Photo by TGEU

10. Trans parents who are non-EU citizens may encounter additional obstacles.

The limitations outlined above may impact trans parents who are third-country nationals and EU residents and their children in unique ways. For instance, children of trans parents may risk remaining stateless and having no access to EU citizenship:

- ➔ Marie and Alisher (see above) fear being stuck in a legal limbo, where Marie would have no legal connection to her child and Alisher would be the only legal parent on their child's birth certificate, but with the wrongful title of "mother". Alisher is 'only' a resident in Germany, so Marie and Alisher fear that their child would not receive automatic German citizenship. If German papers wrongfully feature Alisher as a "mother," he might get into trouble travelling to Central Asia for citizenship for their child. There is no scenario that would make it easy or possible for Marie and Alisher to have a child without unnecessary intrusions into their privacy, a loss of acquired rights, putting their family through burdensome administrative procedures, or putting them at risk of being without legal status.
- ➔ Sharing all parental responsibilities, Vero (see above) has been an equal parent for several years. Because Vero is a third-country national, they've had a lot of challenges being recognised as a parent. Due to their visa type, they are not entitled to a Swedish personal number, which would allow them to seek healthcare, open a bank account, or adopt their child.

"Two of his schools have told me they can't list me as a parent, despite the fact that I'm the one picking up and dropping off our child every day. Without the magic social security number, I can't adopt him. I'm there all the time at school events or at the doctor, but everyone says 'you're not a parent'. Please tell me that every time I wake up at 6 in the morning or take care of him when he is sick, like right now. I'm just invisible." – Vero, Sweden

Impact

1. The current set-up of most legal systems in the region violate the principle of the best interest of the child.

The best interest of the child is seriously undermined when states are unwilling or unprepared to recognise trans parents and re-tailor their systems so as not to just fit cisheteronormative ideas of family.

Because of faulty documents, children are also forced to disclose that they have a trans parent:

“In all honesty, [my child] doesn’t really care about my gender. But having a birth certificate showing me as the father means that my child can make his own choices in his social life about what he wants to share. With the wrong documents, that choice would be taken away from him.” – Jonathan, Germany/Belgium

Some reflected on the irony that states use the ‘best interest of the child’ argument when they deny them rights:

“My child is always asking me if we can go somewhere with a plane. Now I say we can’t because of [COVID-19]. But what if she wants to travel when she is older, or study abroad? You need parents’ signatures and my information won’t match. The German courts say this is all in the best interest of the child, but that is ridiculous.”
– Bruno, Germany

“One judge argued that it all comes down to the child’s right to know their origins. But no one was saying my child shouldn’t know that I’m their birth parent. [...] It’s not about keeping anything from my child or being ashamed of who I am. Rather, neither my child or I should be forced to talk about it to everyone and anyone who sees our papers. It’s being outed involuntarily and it can actually be dangerous”.
– Freddy, UK

Some parents have changed or minimised how they participate in their child's life, to protect them:

“I stopped visiting the school completely and for me that was very painful. I was so used to taking part in my child's life, but I was afraid for her. One day I came to pick her up and a friend of hers asked ‘is that your mom or your dad?’. That’s when I stopped, to avoid bullying or gossip. I also stopped taking her to swim class or the doctor’s to avoid questions. It’s not that I’m scared, but I’m a little embarrassed and also just really exhausted having to come out all the time. When it’s the last day of school each year, I am there, next to her mum, but I come wearing sunglasses and unisex clothes. It’s hard for me to not be openly part of the celebration, so I have to hold back and stay in the background. I try to avoid some uncomfortable situations. But later, we go for a stroll in the city and celebrate!” – Anastasiia Yeva, Ukraine

Eva and her wife also try to protect their children from the transphobic and homophobic environment around them as much as they can:

“For us, the stigma has been the norm. That’s how we live. [...] We have tried to minimise the risks. We taught the children what they can and cannot say about our family, and that they should keep it to the minimum how much they talk about our home life. This of course limits their freedom, but also protects them from bullying, threats, or conflicts. I was bullied at school, so I know how it feels. I try to protect my kids so they never have to have the same experience”. – Eva, Russia

Mark, who is in a custody battle, shared:

“I see my little one misses me, because when our hours are up and I need to comply and go, [my child] always tries to make me stay and win my love. But I am not allowed to stay. That’s so difficult. [My child] doesn’t understand that they already have my love. I hope one day they will understand. It wasn’t that I didn’t care or didn’t love them. I just couldn’t stay.” – Mark, EU country

2. In fear of discrimination, some trans parents hide their trans status.

It is always a deeply personal choice whether and/or to whom a trans person discloses their trans history. The parents' openness about their trans status varied, but was most commonly influenced by considerations for their family's safety.

- Egor is a trans man living in Russia, who has been married for five years and has a 10-year-old child with his wife. Egor had a really difficult time in terms of his family's acceptance and postponed his transition out of compassion to his mother. Egor had a difficult time during his partner's pregnancy as he was still registered as a woman and was officially no one to the child. He avoided social situations, so as not to attract attention. When the baby was two years old, Egor decided not to wait any longer and transitioned. Once he was legally male, he could adopt his child. The authorities approved his application, but Egor believes this was only because his trans status did not have to be disclosed. He has avoided changing some documents, for instance, including his child on his passport, to continue to fly under the radar. Egor loves being a dad and taking care of his child.

“We were trying to avoid being found out, so our kid never went to daycare, and we only saw a small circle of people we trusted when she was little. When we had to go to the doctor's or on public transportation, you have to constantly think about what she says, what you say, what you look like. It's constant stress. What if she calls you 'daddy' and you can't even tell her off, because she's doing what she is supposed to do. So we tried to minimise our contact with society during that time.” – Egor, Russia

Some reflected on the irony that states use the 'best interest of the child' argument when they deny them rights:

- Laura is a trans woman living in a Central Asian country. She grew up during Soviet times and had no access to information about trans people back then. Laura's parents arranged a marriage for her - she got married at the age of 20 and had two children. Many years later, Laura decided to start taking hormones, but soon started receiving hostile comments at work, despite her

high-level position. To avoid issues at work and to protect her children from bullying or harassment at school, she stopped the process.

“I tried and promised myself not to be transgender a million times. I thought that getting married would change everything, that I wouldn’t think about it. [...] When I started getting hormones, I was so happy! The grass was suddenly green and the sun was shining much brighter. I could be the way I have always felt since I was young. [...] When the hormones started to kick in and I started to change, I started getting more and more comments about my body [...]. My daughter’s school had a parent-teacher meeting and I didn’t go [to protect my children]. I thought, now it’s only been six months and the changes in my body are not even very visible. What will I do in a couple of years?”
– Laura, Central Asia

3. Many trans parents bear excessive emotional, social, and financial burdens as a consequence of a system that disregards them.

Several parents spoke about the emotional toll they have endured:

“I’ve had enough of this situation. It feels like I’m losing my mind. All this impacts my everyday life, and affects me mentally and even physically. Nobody seems to hear us or they don’t want to.”
– Yanis, Romania/UK

“I really wanted this kid. We had two failed pregnancies before and we wanted this child long before my transition. I promised myself I would be actively taking part in her life. But that is not just walking her around the block or taking her to the movie theatre or to the mall, but also doing homework together, taking her to school, to swim class, all of these things. This abrupt decision of stopping [being a visible parent], that did break me somewhat.” – Anastasiia Yeva, Ukraine

“I really want my partner to adopt our child, especially in COVID-times, I want more security for my child. Everything is so fragile. But we don’t know what will happen; whether the court will order my deadname on the documents and change my parental

status. This is really giving me nightmares, it's making it hard for me to sleep. I really want us to do it, but this legal uncertainty, our lawyer not being able to tell us which way we can go, is a horrible feeling.” – Benjamin, Germany

The same interviewee also shared the impact of the unaccommodating German system had on his birth experience:

“The need to have the right paperwork in place had a big impact on my birth experience. Everything was on track with my labour in our apartment in Malmö. But we knew that at least two midwives had to be present to testify that the child was really born in Sweden. So we called an ambulance to get me to the hospital. In the hospital, the midwife humiliated me and wanted to advance the labour with medication, which wasn't necessary. I refused, but I'm still dealing with the trauma of how I was treated. I really could have had a harmonious birth.” – Benjamin, Germany

Several trans parents spoke of the burden of educating clerks, doctors, or schools.

- ➡ Egon is a trans man, living in Italy, and raising two teenagers, both of whom he gave birth to. Egon spoke of the bureaucratic troubles he faced, after a regulation was put in place in Italy making it mandatory for children's ID cards to include a “mother” and a “father”. The previous practice of featuring “parents” was abolished. Following his legal transition, Egon was featured with a male name on his documents, under the label “mother.”

“I had to fight with the civil servants so they understand that I am a man, who gave birth to [my children], and that they need to put my correct name on my children's documents. [...] The emotional impact was a lot. [...] I was alone, I had to keep fighting for my rights against the state and the machinery of bureaucracy, and my privacy was constantly violated. I had to educate the clerks all the time. And I was also financially impacted. I had to go to the authorities twice as often as other people, and had to take time off work to be able to do that.” – Egon, Italy

A number of parents shared that financial and emotional burdens often went together:

“When I started transitioning, I fit into society. I had a company, I earned well and had a flat very close to my ex and the kids. When I started the LGR process in France, I had to close my company in Slovenia, under my old name and gender. I lost my residency status, and I didn’t have money anymore. I lost all my privileges, I was just nobody. I couldn’t afford an apartment anymore where my kids could also stay. It was tough and I got depressed. I had no support from my ex or from my parents. I was afraid my children would be taken away from me and I’d end up on the street.” – Lea, Slovenia

“It hit me really hard when I was suddenly fired, I didn’t expect it at all. My managers were honest and told me it was because I was trans. I haven’t been able to get a job since. [...] We had a huge decrease in our income and it’s been tough on my whole family. By now I have accepted that I will never be able to work in my field again, it’s just like that now. But if I could go back in time, I wouldn’t transition. I lost so much more than I gained. I expected to have more internal comfort, but I just got a lot more stress and problems.” – Eva, Russia

4. Trans parents may be scared of being questioned, harassed, or even stripped of parental rights because of being trans.

Eva has four children, two of whom are still minors. Eva and her family try to keep a low profile with their family constellation, in fear of transphobic harassment, or worse.

“My children’s birth certificates have not been changed. Any amendments would have to be made with the participation of child care services, which we of course don’t want. We didn’t change our marriage certificate for the same reason. If you don’t poke the system, they leave you alone. If you do, you might get into trouble. This has been a big challenge for us all, to be unable to just be open, always stay alert, and monitor what you say, or

what documents you show. You're constantly under stress. [...] The worst that could happen is that they would want to take our kids away. The two youngest are now 8 and 11." - Eva, Russia

"Even now, I'm concerned. I'm on her birth certificate as a father, but she's not on my passport. I'm worried that if we wanted to change that, the authorities would realise that my previous passport was for a different person, and I might get into trouble with the child protective services. So I won't do it. They could take away my child, it's Russia." - Egor, Russia

"One time, my daughter and I travelled to a neighbouring country. I took all my legal and medical documents, just to be sure, of my diagnosis, medical interventions, legal gender change, all of it. I went to the airport much earlier and I was prepared to show them everything and explain. In the end, they didn't ask for anything. It helped that my relatives were with me, I felt more confident. But I was worried, it was a lot of pressure."
- Daniyar, Kyrgyzstan



Lego toys. Photo supplied by Cal, Sweden



Craft animals. Photo by TGEU

Trans parents' messages

... to their governments:

“*Trans people exist, and governments have to acknowledge us legally.*” – Lea, Slovenia

“Some trans people want to be parents and others are already parents. It’s a reality and it’s something that doesn’t hurt anyone. But we are so unwanted that there are laws against us. This has to stop.” – Bruno, Germany

“Just allow us to have a life. Nothing else, just let us be who we are, have kids, have a normal life.” – Yanis, Romania/UK

... to regional and international bodies:

“*Help create more trans visibility and raise awareness in society, including people in positions of power – such as judges, nurses, police officers, social workers and the like. Most hate and violence come from fear of the unknown. We don’t have to be portrayed like heroes, but not as monsters either – just as ordinary people.*” – Mark, EU country

“Really crack down on anti-LGBT laws that are making our lives miserable, especially across Eastern Europe. Don’t let people trample over other people because of their misbeliefs.”
– Gabriella, Bulgaria

“We feel your support through your recommendations. We do need more support and influence, and for you to find ways to support our country in implementing those recommendations, through financial or technical help.” - Laura, Central Asia

... to fellow trans parents (to be):

“

Being a parent is a great feeling. Every year it's something new, your kid grows and you grow with them. My message to other trans people, who may want to be parents, but are scared, is that there is quite a lot of support out there. You can always find a solution. If you want to have a baby, don't let your fears hold you back. Everything is possible.” – Egor, Russia

“Be strong! Together, we can go further. We have to let governments know that we are here. Even if they don't want to hear us.” – Yanis, Romania/UK

“Just to love your kids as much as you can and make sure you're the best parent you can be. Your children will love you back even if the rest of society doesn't.” – Gabriella, Bulgaria

TGEU's recommendations

TGEU calls on governments to:

- Ensure that laws and regulations around family rights include and protect trans parents and their children.
- Put in place anti-discrimination legislation that extends to all areas of life and includes gender identity and expression as protected grounds.
- Abolish abusive laws and regulations that require trans people to undergo mandatory medical interventions, such as hormone treatment, surgeries, or sterilisation, prior to legal gender recognition.
- Put in place legal gender recognition legislation and procedures that are quick, easy, and accessible; are based solely on self-determination; do not include restrictions on the basis of age, disability, family, or other status; and include a multiplicity of gender marker options.
- Ensure that kinship documents, such as birth certificates, adoption papers, IDs, passports, and other documents recognise trans parents in their correct name and legal gender, regardless of whether a parent changes their information before or after the birth of their child.
- Ensure that kinship documents keep a person's gender history confidential and provide parents with the option of choosing gender-neutral titles, i.e. 'parent' in addition to 'mother' and 'father'.
- Ensure that trans people are provided information about and access to the preservation of their gametes when they use trans specific healthcare services and that the preservation of their gametes is covered by public healthcare or insurance.
- Recognise parenthood and kinship documents when registered in another Member State, including in the case of trans parents.
- Recognise same-gender partnerships that were formed in another Member State, with a view to including trans people that are currently or were previously in a same-gender partnership.

TGEU calls on the European Commission to:

- Support Member States put in place legal gender recognition legislation and procedures that are quick, easy, and accessible; based solely on self-determination; provide gender marker options for non-binary people; and extend gender recognition to parenthood.
- Explore possible measures to support the mutual recognition of civil status documents, with a view to ensuring that legal gender recognition decisions are mutually recognised between Member States.
- Explore possible measures to support the mutual recognition of partnerships between Member States, with a view to ensuring that same-gender partners and trans partners are included.
- Propose a horizontal legislative initiative on the mutual recognition of parenthood between Member States that includes specific measures to facilitate the recognition of trans parents in their legal gender.
- Ensure that the revised EU guidelines on free movement include trans parents, their spouses, 'durable partners', and children in their scope.
- Foster the exchange of best practice between the Member States on ensuring the right to freedom of movement to trans parents and their children, and provide reliable and comparable data in this area with support from the European Union Agency for Fundamental Rights (FRA).
- Make funding opportunities available, in particular through the 'Citizens, Equality, Rights and Values' programme and research funds, for trans-led projects on the topic of parenthood.
- When collecting data on marginalised LGBTIQ communities and developing specific initiatives to improve their socio-economic situation through the European Social Fund (ESF+), ensure that the perspective of trans parents is duly recognised with a view to minimising any barriers trans parents and their children face in the enjoyment of their rights.
- Monitor implementation of the EU cross-border healthcare directive with a view to ensuring that potential trans parents can make full use of healthcare services related to preservation of gametes, assisted reproduction, and birth.

