

# The rise of binary laws and their impact on trans communities in Europe and Central Asia

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## Summary

The paper provides a brief about legislative trends that seek to codify the gender binary and their impact on trans people in Europe and Central Asia. Binary gender policies are not isolated measures but are part of broader political dynamics in the region. Gender politics and trans people are instrumentalised very much to achieve certain economic and political objectives.

## About TGEU

TGEU is a regional umbrella organisation working to strengthen the rights and wellbeing of trans people in Europe and Central Asia, and represents over 215 member organisations and over 200 individual activists across 54 countries in the region.

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## Countries

In the past three years, the rise of anti-trans, anti-democratic, and anti-gender sentiment has been fuelled by developments in three countries: the United States, where a substantial portion of anti-trans organising and funding originates along with the recent anti-trans executive orders, defunding of gender equality, and strong anti-trans rhetoric; the United Kingdom with its 2025 Supreme Court ruling in *For Women Scotland Ltd v. The Scottish Ministers* on the definition of “woman” under the Equalities Act and its ramifications for the daily lives of trans people; and Russia, which has also seeks to spread and strengthen anti-trans sentiment abroad through funding flows, disinformation campaigns, and laws that target LGBTI activism.

Although anti-trans measures in Europe and Central Asia have pre-dated these events, the developments in the United States, the United Kingdom, and Russia have provided a filip to conservative, religious, and political forces as well as anti-gender groups to emulate and follow these actions; they sparked a wave of anti-gender and anti-trans initiatives in the region.

For instance, since 2020, **Hungary**<sup>1</sup> has introduced a series of changes effectively banning legal gender recognition, first by amending the Civil Registry Law to define “sex at birth” as biological and immutable, and later by adopting constitutional amendments<sup>2</sup> defining sex strictly as male or female, excluding non-binary identities and removing gender identity as a protected ground under equality law. These initiatives were accompanied by a ban on same-sex couples adopting children, and taken together, this creates the impression that children are being protected from LGBT communities, which are portrayed as dangerous. In **Bulgaria**, back in 2021, the Constitutional Court<sup>3</sup> held that the concept of ‘sex’ is determined at birth and can only have a binary meaning. This later led to a 2023 decision of the Supreme Court which effectively held that courts cannot provide permission for legal gender in Bulgaria.

While these began as isolated events, anti-trans legislative and policy measures have proliferated in the region. Since 2023, **Slovakia** has taken a series of measures to restrict legal gender recognition, including by reinstating the need for sterilisation as a condition for legal gender recognition, revoking key medical guidelines, and attempting to enact changes to the civil status law. This process culminated in a constitutional amendment<sup>4</sup> in 2025 recognising only two sexes – male and female – and declaring the primacy of Slovak law over other legal systems, including EU law, with respect to matters of family life.

In February, there was a bill initiated in **Kyrgyzstan**<sup>5</sup> setting a strict biological definition of sex, banning legal gender marker changes, prohibiting trans-specific medical care (except for narrowly defined congenital conditions), restricting parental support for gender-diverse minors, and limiting marriage and parenthood, defining it as “mother = woman” and “father = man.”

**Belarus** uses the same rhetoric as Russia (and as many other countries), initiating amendments against the “propaganda of homosexual relationships, gender transition, pedophilia, and childfree,” claiming that they “discredit the institution of the family.”<sup>6</sup>

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<sup>1</sup><https://tgeu.org/tgeu-condemns-hungarys-removal-of-protections-for-trans-people-amidst-the-budapest-pride-ban/>

<sup>2</sup><https://tgeu.org/hungary-changes-constitution-to-recognise-only-two-sexes-a-direct-attack-on-human-rights/>

<sup>3</sup> [https://www.europarl.europa.eu/doceo/document/P-9-2021-004584\\_EN.html](https://www.europarl.europa.eu/doceo/document/P-9-2021-004584_EN.html)

<sup>4</sup> <https://tgeu.org/slovakias-new-binary-constitution-erases-trans-existence/>

<sup>5</sup><https://tgeu.org/kyrgyzstan-introduced-a-new-bill-pathologising-trans-people-and-enforcing-gender-conformity/>

<sup>6</sup> <https://tbelarus.com/en/post/lgbt-propaganda-ban-approved-in-the-second-reading>

The **Transnistrian region of the Republic of Moldova**, which is pro-Russian, is another one targeting bodily autonomy with its "propaganda" bill, being also combined with bans on "childfree propaganda."<sup>7</sup>

In **Georgia**,<sup>8</sup> a government that has become increasingly hostile and oriented toward the Kremlin, previously also proposed constitutional amendments to define sex exclusively as male and female based on genetic characteristics. These proposals have not yet been incorporated into the constitution. However, the government has amended legislation to remove the terms "gender" and "gender identity" from laws, replacing them with wording about "equality between women and men." It has also completely banned legal gender recognition and criminalised the provision of trans-specific healthcare for trans people.

Across these contexts, we see a clear convergence toward a model that mirrors earlier legislative patterns in **Russia**. This includes the introduction of rigid, biological definitions of sex; the prohibition of legal gender recognition and trans-specific healthcare; and restrictions on family life, such as marriage, parenthood, and adoption. These measures are consistently justified through narratives of "protecting the family," "national security," and "sovereignty," while also targeting so-called "propaganda" related to gender, sexuality, or childfree lifestyles. Taken together, these elements reflect a shared legislative template, one that combines anti-trans provisions with broader tools used to restrict civil society and roll back human rights.

In **Türkiye** in 2025, the government introduced draft provisions as part of a broader reform package that would criminalise the expression or so-called "promotion" of LGBTI identities, with prison sentences of up to three years for behaviour deemed "contrary to biological sex or public morality." Although these provisions were removed before the parliamentary vote, reports in February 2026 indicate<sup>9</sup> they are now being revived and expanded through new standalone legislation prepared by the Justice Ministry. The proposed measures go further by penalising participation in same-sex engagement or wedding ceremonies, targeting both medical professionals and trans people involved in trans-specific healthcare procedures without state authorisation, and significantly tightening access to legal gender recognition through increased age requirements and prolonged, state-controlled medical assessments.

In **Albania**, a national referendum was proposed<sup>10</sup> to challenge the gender equality law and promote conservative positions such as recognising only two genders (male and female), recognising marriage only between a man and a woman, and emphasising a child's right to be raised by a mother and a father. Previously in 2025, Albania proposed legal changes (especially

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<sup>7</sup> <https://database.ilga.org/moldova-lgbti>

<sup>8</sup> <https://tgeu.org/briefing-georgias-new-anti-lgbti-legislation-a-step-backwards-for-human-rights-and-equality/>

<sup>9</sup> <https://stockholmcf.org/turkey-to-imprison-lgbt-advocates-criminalize-same-sex-ceremonies-in-new-bill-report/>

<sup>10</sup> <https://euronews.al/en/cec-reviews-request-for-referendum-on-gender-equality-approval-of-standard-signature-sheet-expected/>

to the Civil Registry Law) to define gender strictly as biologically fixed and assigned at birth, effectively enforcing a binary framework.<sup>11</sup>

Most recently, **Portugal's**<sup>12</sup> right-wing parties, including the ruling coalition, proposed a series of legislative measures to roll back the current self-determination law, prohibit trans-specific healthcare for minors, as well as LGBTI topics in schools. The parliament voted last week to advance these measures, which will now proceed to the next stage of the legislative process.

## Consequences

Trans and non-binary people face growing hostility, threats to their safety, social isolation, denial of healthcare, exclusion from the labour market, forced disclosure of their gender identity, criminal persecution, and the systematic erasure of their identities. These dynamics reflect systemic discrimination that excludes trans people from public life and limits their ability to enjoy fundamental rights and freedoms, including access to education, work, freedom of movement, and quality healthcare.

The initiatives described above attempt to roll back profound socio-cultural changes in how people understand identity, bodily autonomy, and self-determination. They shape the broader social climate by encouraging surveillance and policing among citizens, fostering fear, suspicion, and insecurity, deepening social polarisation, and strengthening authoritarian tendencies within both states and societies. In doing so, they undermine democratic institutions, human rights frameworks, and the substantial advances made towards gender equality.

Binary gender policies also produce harmful legal and social consequences. While states continue to allow non-consensual surgeries on intersex children, intersex adults may be denied access to legal gender recognition because such procedures are framed exclusively around trans people. Binary legal frameworks can also lead to situations where trans people face barriers accessing healthcare services or everyday essential services such as banking due to mismatches between appearance and gender markers, or placement in the wrong wards.

The growing stigma also isolates trans communities. Some human rights organisations distance themselves from trans groups to avoid political backlash, and unregistered grassroots initiatives increasingly struggle to find fiscal hosts to receive and administer grants. As a result, trans people are becoming more economically vulnerable, and some are forced to relocate, losing cultural roots and social ties, as well as resulting in the loss of committed activists.

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<sup>11</sup> <https://tgeu.org/historic-win-albania-adopts-inclusive-law-on-gender-equality/>

<sup>12</sup> <https://www.attitude.co.uk/news/portugals-parliament-gender-autonomy-rights-517785/>

## Trends

The historical invisibility of trans people has undergone a big change: trans people are increasingly visible online and present as colleagues and neighbours. Yet they are still often reduced to victim statistics, sensationalist news stories, or sexualised images. Public discussions about trans people frequently trigger moral panic. In countries experiencing political or economic crises, such as authoritarian regimes or economic instability, public anxiety is easily redirected toward scapegoats, and trans people have become one.

State and non-state actors are mobilising to restrict the rights of women and LGBTI people in the name of protecting children and families, creating a template for persecuting any group that challenges those in power.

These actors are supported by substantial financial resources and coordinated narratives opposing so-called “gender ideology”. Their strategies include introducing constitutional amendments that define gender strictly in binary terms, restricting long-term LGBTI advocacy, and weakening civil society through broader changes to laws governing how civil society is able to exist and function in opposition to state power. A growing number of civil society organisations have raised concerns about the dismantling of ‘gender’ as an analytical and legal concept and the return to the biological essentialist category of ‘sex’ at the highest institutional levels in international organisations, including by the UN Special Rapporteur on Violence Against Women and Girls, raising concerns about the impact on trans-inclusive human rights standards.

Initiatives emphasising “biological sex” or “two sexes only” in constitutional or statutory language, alongside limitations on legal gender recognition for trans and non-binary people, form part of broader conservative and nationalist policy agendas that position “traditional family values” against gender diversity. The rhetoric behind these initiatives invokes the protection of children and women, the defence of the nuclear family, the preservation of morality and the nation, and, increasingly, arguments framed around national security. By constructing scapegoats, those in power create precedents that legitimise oppression, which can later be used against other groups in the name of patriarchy and authoritarianism.

## Recommendations

It is important to recognise that **binary gender laws are not simply technical legal changes**. They are part of a broader pattern of democratic backsliding and are accompanied by changes to laws on same-sex marriages, adoption, foreign agent laws, media freedom, and civic space. When governments begin defining identity in narrow and exclusionary ways, restricting bodily autonomy, and targeting minority communities, it often goes hand in hand with attacks on civil society and fundamental freedoms. Acknowledging these interconnections is a critical first step for an effective response.

Actors with political and financial influence should **monitor these developments closely and act early**. Legislative models and narratives are increasingly travelling across borders at speed, often replicating similar arguments and legal frameworks. Timely and coordinated responses – including diplomatic engagement, clear public communication, and raising concerns in international and regional fora – can help prevent the normalisation and consolidation of exclusionary laws.

Sustained and flexible support for affected communities is essential. In many places, trans-led groups are the ones providing support, services, and advocacy when state institutions fail to do so. Yet they are also among the most vulnerable, facing legal restrictions, political pressure, and growing financial insecurity. **Accessible, long-term, and flexible funding**, alongside political and moral support for these organisations, is crucial if they are to continue their work.

It remains important to **promote inclusive policies** that respect people's dignity and autonomy. Many countries have already shown that legal gender recognition based on self-determination and access to appropriate healthcare can be implemented in ways that strengthen equality and social stability. Sharing these positive examples can help counter the narrative that exclusionary policies are the only option.

Finally, these laws affect real people whose lives are directly affected. As restrictions increase, some trans people are forced to leave their homes in search of safety and dignity. Governments, international organisations, and humanitarian actors should ensure that protection mechanisms, including asylum systems and support for human rights defenders, are **responsive and sensitive to gender identity**.

Continued leadership, coordination, and solidarity across sectors will be crucial to ensure that trans people are not left behind in broader efforts to uphold human rights and democratic principles.