Trans Rights Map 2022 Reveals Slow Comeback of Progress on Trans Rights

publication, non-discrimination

On the occasion of the International Day Against Homophobia, Biphobia, and Transphobia 2022, TGEU is launching the latest version of the Trans Rights Map in English, Russian, and Spanish.

TGEU's Trans Rights Map illustrates the legal situation of 49 countries in Europe and 5 in Central Asia in matters of trans-specific legislation. It shows country-specific requirements for legal gender recognition as well as existing protections for trans people in asylum, hate crime/speech, non-discrimination, health, and family.

This year, the map registers slow progress, after no significant advancements in 2021. Despite the pandemic, an ongoing attack on human rights, and a devastating war in our region, trans activists and their allies achieved 23 positive developments. Unfortunately, there has also been regression in six areas, with governments allowing policies on asylum, bias-motivated speech/violence, and equality to expire without being renewed.

Key findings

- **Legal gender recognition** was the most dynamic area, although lagging behind progress seen in earlier years:
    - **Nine countries have self-determination laws:** Belgium, Denmark, Iceland, Ireland, Luxembourg, Malta, Norway, Portugal, and Switzerland (2021: 8).
    - **Nine countries still demand sterilisation** (2021: 10) despite the European Court of Human Rights condemning such requirements: Bosnia & Herzegovina, Czech Republic, Finland, Kosovo, Latvia, Montenegro, Romania, Serbia, and Turkey.
- **A mental health diagnosis is still required in the majority of countries** (16 in the EU): Austria, Croatia, Czech Republic, Estonia, Finland, Germany, Italy, Latvia, Lithuania, Netherlands, Poland, Romania, Slovakia, Slovenia, Spain, and Sweden.
- **No advancements to depathologise trans-specific healthcare** were observed; Malta remains the only country to have an informed consent model.
- France joins Malta in **banning conversion therapy** for trans people of all ages.
- Denmark made the most legal changes by passing **new laws to explicitly protect trans people from**

discrimination in healthcare services, education system, hate crime, and hate speech.

- France, Greece, the Netherlands, and Norway adopted **gender identity-inclusive equality action plans**; Denmark, Portugal, and the United Kingdom allowed theirs to expire.
- With Iceland and Ireland, 25 countries now **mention gender identity in their asylum legislation**, providing much needed international protection for those who fear persecution for being trans.
- Iceland enabled **non-binary parenthood recognition**, making it only the second country in the region after Malta.
- **Regression** was mostly observed in policies on asylum, hate, or equality that expired without renewal. There have been **no significant rollbacks in rights**; however, rights that had been previously removed have not been reinstalled (Hungary and Kyrgyzstan removed legal gender recognition in 2021).

Nevertheless, it is not a time to be complacent. An aggressive, well-financed, and well-organised conservative backlash took up much needed community resources to push for a regress in trans rights. The war in Ukraine is impacting the economy, democracy, and human rights in the region and deeply touching the lives of trans people in the country. TGEU's research shows that COVID-19 keeps pushing poor and homeless trans people and others to the margins of society.

During the pandemic, civil society activists again picked up where governments and mainstream service providers failed in order to accommodate the needs of trans and LGBTI people. It is against this background that we applaud the progress achieved by trans communities already stretched thin.

Governments must take considerable action to ensure progress in the future. Trans people urge their governments to urgently invest in better legal protection and recognition. This must focus on those further marginalised by racism, poverty, sexism, ableism, xenophobia, and other forms of oppression. Prioritising human rights education and celebrating diversity benefits everyone.

Interactive Trans Rights Map

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TRANS RIGHTS MAP
Europe & Central Asia 2022

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The Trans Rights Map documents the legal situation of 49 countries in Europe and 5 in Central Asia. It shows country-specific requirements for legal gender recognition, as well as existing protections for trans people in asylum, hate crime/speech, non-discrimination, health, and family.

Key findings include:

The data presented reflects the legal rights of trans people based on consultation from in-country experts as of 5 May 2022

Legal Gender Recognition (LGR)

- 39 of 54 countries in Europe and Central Asia have legal or administrative measures in place that make legal gender recognition available to trans people (2021: 39). No countries in Central Asia currently provide legal gender recognition.
- Of these 39:
  - 37 are members of the Council of Europe; 25 are EU Member States.
  - 28 require a mental health diagnosis (2021: 28).
  - 9 demand sterility (2021: 10).
  - 19 still require divorce (2021: 19).
  - 16 have LGR procedures for minors (2021: 15). Of these, 10 enable minors to access legal gender recognition without any age limit; 6 have a minimum age requirement (2021: 6).
- 9 countries base legal gender recognition procedures on self-determination of the person (2021: 8).
- 3 countries provide full, and 1 provides partial, legal recognition to non-binary people (2021: 2 | 1).

Non-Discrimination

- 33 of the reviewed countries prohibit discrimination of trans people in employment (2021: 32).
- 25 countries prohibit discrimination of trans people in healthcare (2021: 24).
- 28 countries protect trans people against discrimination in education (2021: 27).
- 28 countries protect trans people against discrimination in access to goods and services (2021: 28).
- 22 countries prohibit discrimination in housing on the basis of gender identity (2021: 22).
- 30 countries have an Equality Body mandate (2021: 30), with 1 country adding trans to the Equality Body mandate and 1 country removing it in practice.
- 10 countries have an Equality Action Plan in place (2021: 10), with 4 countries adopting new action plans and 3 countries allowing their action plans to expire.
- 16 countries provide nondiscrimination protection on grounds of gender expression (2021: 15).

Asylum

- 25 of the 54 reviewed countries offer international protection on grounds of gender identity (2021: 23).

Hate speech and crime

- 21 countries have laws that prohibit hate crimes against trans people (2021: 20).
- 18 countries have laws that prohibit hate speech against trans people (2021: 17).
- 6 countries have other positive measures in place that aim at combating hate speech and crimes against trans people (2021: 5).

Family

- 5 countries recognise the gender identity of trans parents within binary options (2021: 4). Malta and Iceland recognise non-binary parents as well.

Health

- Malta remains the only country to have effectively depathologised trans identities.
- France joins Malta as one of only two countries to prohibit conversion therapy on grounds of gender identity.

EU Member States

Of the 54 countries investigated, 27 are European Union Member States. As such, they bear the obligation to protect trans people from discrimination in employment and access to goods and services, and to provide international protection to trans refugees.

- Only 20 of 27 EU Member States protect against discrimination in employment on grounds of gender identity (2021: 20), with the remaining 7 violating EU law (2021: 7).
- Only 17 of 27 EU Member States protect against discrimination in access to goods and services on grounds of gender identity, with the remaining 10 violating EU law (2021: 10).
- Only 14 of 27 EU Member States protect against discrimination in housing on the basis of gender identity (2021: 14).
- Only 18 of 27 EU Member States provide international protection for trans refugees, with the remaining 10 violating EU law (2021: 17).

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КАРТА ПРАВ ТРАНС-ЛЮДЕЙ
Европа и Центральная Азия 2022
TGEU
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Карта прав транс* людей отображает текущую правовую ситуацию в 49 странах Европы и 5 странах Центральной Азии. На карте отображены страновые требования для юридического признания гендера, а также существующие механизмы защиты транс* людей в вопросах убежища, языка вражды, преступлений на почве ненависти, недискриминации, здоровья и семьи.
Основные выводы:
Юридическое признание гендера
В 39 из 54 рассмотренных стран действуют законодательные или административные нормы, позволяющие транс* людям получить доступ к юридическому признанию гендера. (2021: 39). Ни одна страна из Центральной Азии не обеспечивает доступ к юридическому признанию гендера.
Из этих 39:
37 являются членами Совета Европы; 25 — членами ЕС.
В 28 странах требуется психиатрический диагноз (2021: 28).
В 9 странах требуется бесплодие (2021: 10).
В 19 странах до сих пор требуется развод (2021: 19).
В 16 странах действуют процедуры ЮПГ для несовершеннолетних (2021: 15). Из них в 10 странах несовершеннолетние могут получать доступ к процедурам юридического признания гендера без ограничений по возрасту; в 6 странах действует ограничение по возрасту (2021: 6).
В 9 странах юридическое признание гендера основано на самоопределении личности (2021: 8).
3 страны обеспечивают полное и одна — частичное юридическое признание для небинарных людей (2021: 2 | 1).
Недискриминация
33 страны запрещают дискриминацию в сфере трудоустройства по признаку гендерной идентичности (2021: 32).
25 страны запрещают дискриминацию в сфере здравоохранения по признаку гендерной идентичности (2021: 24).
27 из рассмотренных стран защищают от дискриминации по признаку гендерной идентичности в сфере образования (2021: 27).
28 стран защищают транс* людей от дискриминации при доступе к товарам и услугам (2021: 28).
22 страны запрещают дискриминацию в жилищной сфере по признаку гендерной идентичности (2021: 22).
В 30 странах существует орган, ответственный за равенство (2021: 30), 1 страна включила транс* вопросы в мандат этого органа, и 1 страна убрала их на практике.
В 10 странах разработан план действий по обеспечению равенства (2021: 10), 4 страны приняли новый план действий, и в 3 странах срок действия плана истёк.
16 стран обеспечивают защиту по признаку гендерного самовыражения (2021: 15).
Убежище
25 из 54 рассмотренных стран предлагают международную защиту по признаку гендерной идентичности (2021: 23).
Язык вражды / преступления на почве ненависти
В 21 стране действуют законы, запрещающие преступления на почве ненависти в отношении транс* людей (2021: 20).
В 18 странах действуют законы, запрещающие язык ненависти в отношении транс* людей (2021: 16).
В 6 странах действуют прочие меры положительного характера, направленные на противодействие языку и преступлениям ненависти в отношении транс* людей (2021: 7).
Семья
В 5 странах признаётся гендерная идентичность бинарных транс* родителей (2021: 4). Мальта и Исландия также признают небинарных родителей.
Здравоохранение
Мальта остаётся единственной страной, добившейся полной депатологизации транс* идентичностей.
Франция присоединилась к Мальте и стала второй страной, запретившей конверсионную терапию на основании гендерной идентичности.
Государства-члены ЕС
Из 54 рассмотренных стран 27 являются государствами-членами Европейского Союза. Как таковые, они несут обязательство защищать транс* людей от дискриминации в сфере трудоустройства и доступа к товарам и услугам, а также обеспечивать международную защиту транс* беженцам.
Лишь 20 из 27 государств-членов ЕС предоставляют защиту от дискриминации в сфере трудоустройства по признаку гендерной идентичности (2021: 20), тогда как оставшиеся 7 нарушают законодательство ЕС (2021: 7).
Лишь 17 из 27 государств-членов ЕС защищают от дискриминации в доступе к товарам и услугам по признаку гендерной идентичности, тогда как оставшиеся 10 нарушают законодательство ЕС (2021: 17).
Лишь 14 из 27 государств-членов ЕС предоставляют защиту от дискриминации по признаку гендерной идентичности в жилищной сфере (2021: 14).
Лишь 18 из 27 государств-членов ЕС обеспечивают международную защиту транс* беженцев, тогда как оставшиеся 10 нарушают законодательство ЕС (2021: 17).
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При финансовой поддержке Европейского Союза

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Disclaimer

The data presented reflects the legal rights of trans people based on consultation from in-country experts as of 5 May 2022. The Trans Rights Map documents existing explicit legal protections governments are granting (or denying) trans people. It does not claim to exhaustively portray the complex realities of trans people's lives.

Acknowledgments

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