

EXPERIENCES OF GOING THROUGH A LEGAL GENDER RECOGNITION PROCEDURE

BASED ON THE EUROPEAN COMMISSION'S "LEGAL GENDER RECOGNITION IN THE EU" REPORT (2020)

LEGAL GENDER RECOGNITION

IS THE PROCESS(ES) BY WHICH INDIVIDUALS REQUEST THEIR FIRST NAME AND/OR GENDER MARKER TO BE CHANGED IN THEIR ADMINISTRATIVE RECORDS SO THAT OFFICIAL REGISTERS AND THEIR DOCUMENTS, INCLUDING IDENTITY DOCUMENTS AND BIRTH OR CIVIL STATUS CERTIFICATES, MATCH THEIR GENDER IDENTITY. IN SHORT, WE REFER TO LEGAL GENDER RECOGNITION AS LGR.

MEDICAL REQUIREMENTS

Several European countries require individuals to fulfil medical requirements as part of the LGR process, including gender dysphoria diagnoses, hormone treatments, surgery or sterilisation.

"As for the medical issue, what if you're trans but don't feel like you need medical attention. Maybe you don't want hormone treatment or are in a happy place and don't need to talk to a therapist [...] So why do you need at least a year of trans care?"

Trans man (aged 25-34), Sweden (cluster 3)

PROBLEMATIC AND DISRESPECTFUL INTERACTIONS WITH HEALTHCARE PROFESSIONALS

»» lack of understanding and competence, inappropriate language use, misdiagnosing patients, failing to understand the side effects of hormones prescribed, obstruction by clinicians.

"disrespectful"
"psychologically traumatic"
"embarrassing"
"absolutely" "degrading"
"[made me] question if I am worthy of living"

NEARLY HALF (47%) OF THE RESPONDENTS REPORTED ONE OR MORE DISRESPECTFUL EXPERIENCES.

STATE RESTRICTIONS ON THE CHOICE OF MEDICAL PROFESSIONALS

IN MANY COUNTRIES TRANS INDIVIDUALS MUST CHOOSE FROM AN APPROVED LIST OF PSYCHOLOGISTS AND/OR PSYCHIATRISTS

This undermines trans individuals' ability to choose the type of care that they receive: a right normally granted by European governments to all medical patients and service users.

LIMITED CAPACITY IN THE HEALTHCARE SYSTEM FOR THE MEDICAL REQUIREMENTS OF LGR

LIMITED INSURANCE COVERAGE FOR COVERING LGR'S MEDICAL REQUIREMENTS

Four in ten respondents reported being refused funding from a state insurance scheme for a medical treatment they needed to access as part of an LGR process. More than **one-fifth** reported being refused funding by a private healthcare scheme.

"One of the most common difficulties faced by participants [...] was that the available supply of specialist professionals and clinics [...] was inadequate, contributing to long waiting lists."

ADMINISTRATIVE AND CIVIL REQUIREMENTS

2

FACTSHEET



THIS FACTSHEET WAS PREPARED BY TGEU WITH EXCERPTS FROM CHAPTER 8 OF THE EUROPEAN COMMISSION'S "LEGAL GENDER RECOGNITION IN THE EU: THE JOURNEYS OF TRANS PEOPLE TOWARDS FULL EQUALITY" REPORT (2020).

PROBLEMATIC AND DISRESPECTFUL INTERACTIONS WITH LEGAL AND CIVIL PROFESSIONALS

To prepare documentary evidence and complete forms, individuals [will] encounter a range of legal and civil professionals, such as judges, lawyers, staff at town halls and civil registries, civil servants and others.

24% of respondents encountered one or more disrespectful interactions.

10% encountered respectful but problematic interactions.

"The law was new and [civil/legal professionals] did not understand it, I had to educate everyone I interacted with throughout the process."

Trans man aged 25-34 living in Ireland

» lack of knowledge and acceptance, lack of information sharing between authorities, arbitrariness

"offensive terms"
"invasive questions"
"misgendered"
"intrusive"

"Not everyone can make it. From an [economic] point of view, but also psychological. A person I know has needed three years, three years of battles in court... Three years that you throw away."

Trans man (aged 18-24) from Italy (cluster 2)

CHANGES TO CIVIL STATUS AND FAMILY LIFE

Because of LGR regulations in their countries, some trans people:

- were no longer able to marry their partner (in lack of marriage equality)
- had to get a mandatory divorce
- lost custody of their children
- were recognised with the wrong gender marker on their child's birth certificate
- were denied fertility treatment.

ENFORCED WAITS: 'REAL-LIFE EXPERIENCE' (RLE) AND REFLECTION PERIODS

'Real-life experience' (RLE) requires a person to live for a certain period of time, up to two years, in line with their gender identity, without official documents to support that identity. 'Reflection period' is a set amount of time a person must wait after their initial declaration of wanting to undergo LGR.

"Do I have to wear dresses?
Is that how you live in your intended gender?"

Trans woman aged 25-34 living in Sweden (cluster 3)

"I lived in a big city so I didn't feel that someone would try to attack me, but I know that a lot of people feel that 'real-life experience' is humiliating or even dangerous."

Trans man (aged 25-34), Poland (cluster 2)

"Redundant" "unclear" "excessive"

2

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COSTS

MEDICAL COSTS

LGR costs can range from zero to 15.000EUR, depending on the country. The median overall financial cost of going through a recent LGR process was EUR 250.



CLUSTER 2

Medical requirements (sterilisation, surgery, hormone treatment): **822EUR**

CLUSTER 1

No procedure in legislation: **814EUR**

CLUSTER 3

Diagnosis or supervision by medical body: **250EUR**

CLUSTER 4

No medical requirements, but requires divorce or judicial procedure: **200EUR**

CLUSTER 5

Self-determination: **80EUR**

DIVORCE COSTS

FEES FOR CHANGING ID AND OTHER IMPORTANT DOCUMENTS (drivers license, passport, birth certificate, diplomas, etc.)

LEGAL FEES

"It is a procedure that discriminates on the basis of class."

Participant in the focus group in Greece

Access to legal aid varied and legal costs could go as high as 5.000EUR.

PAYING FOR LGR

59%

used their personal savings

20%

received financial support from friends or family

Less than half (42%) covered LGR costs via a state insurance or public healthcare scheme.

Crowdfunding - used by those with pre-existing social, economic and racial privileges.

"It's not just the legal costs, but [cost of] getting all the information in order, the costs of getting backdated bank account statements and stuff like that. There's a massive time cost...[...]."

Trans woman, aged 65-74, residing in UK (cluster 3)

INDIRECT COSTS (TRAVEL COSTS TO GO TO APPOINTMENTS)

Two-fifths paid for long-distance travel for healthcare appointments and one-fifth had to pay for prescription costs that were a necessity for completing the LGR process.

"THE EUROPEAN COMMISSION WILL FOSTER BEST PRACTICE EXCHANGES BETWEEN MEMBER STATES ON HOW TO PUT IN PLACE ACCESSIBLE LEGAL GENDER RECOGNITION LEGISLATION AND PROCEDURES BASED ON THE PRINCIPLE OF **SELF-DETERMINATION AND WITHOUT AGE RESTRICTIONS.**"

EU LGBTIQ STRATEGY (2020-2025)

*** These clusters were defined by the European Commission in summer 2019.

