

MOTIVATIONS AND REASONS FOR (NOT) USING LGR PROCEDURES

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

3

FACTSHEET



THIS FACTSHEET WAS PREPARED BY TGEU WITH EXCERPTS FROM CHAPTER 7.2 OF THE EUROPEAN COMMISSION'S "LEGAL GENDER RECOGNITION IN THE EU: THE JOURNEYS OF TRANS PEOPLE TOWARDS FULL EQUALITY" 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.

REASONS FOR USING LGR PROCEDURES

- overcoming ID problems/avoiding being outed
- legal protection or sense of security
- accessing medical or administrative services (e.g. name change)
- recognition of self
- avoiding misgendering
- relieving psychological burden.

Not all trans people want to go through LGR. But among trans people who have not used LGR procedures,

- nearly 60% of trans women
- nearly 60% of trans men
- 17% of non-binary people
- 13% of cross-dressers

...would like to go through LGR in future.

"I don't feel like I'm able to stand up in the court and explain that I feel like myself, a man. And it's not a choice, like what socks do I want to wear today, but just my life. I'm afraid that the judge will not be supportive [...] I'm not ready to go and listen - not in a normal conversation but in court - that I'm lying and should stay normal."

Trans man, aged 18-24, residing in Poland (cluster 2)

...they were considering **moving to another country** where LGR procedures are more simple.

...they were **unable to afford** it.

REASONS FOR NOT USING LGR PROCEDURES

The EC study organised interviews and focus group discussions to learn more about why some trans people do not want to have their legal gender changed.

Some trans people who have not yet gone through an LGR process said...

...they found the procedure too **complicated, intimidating, or unclear.**

...they were **struggling to access** medical professionals to fulfil LGR requirements..

"[The LGR procedure in my country of residence] requires hormone treatment, which is difficult and expensive. I live in a big city but would need to commute 100 km to the nearest competent sexologist."

Trans man, aged 18-24, residing in Poland (cluster 2)

...they were worried about the emotional **toll** of a process where their lives could be decided by judges and external experts.

...they could not access LGR because they were **migrants, asylum seekers, or refugees.**

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"[I consulted with a trans rights organisation] and [...] we came to the conclusion that my chances to get my legal gender changed in Germany were low. And it made little sense to me [to try to go through the process in Germany], because I still wouldn't be able to change my gender identity on my passport, which is my main identifying document."

Non-binary person, age 25-34, residing in Germany (cluster 3)



- they worried that LGR would jeopardize their **residence status**.
- there was **no gender marker option** they could identify with.

- they would be questioned about being trans just because they have a **long-term health condition or disability**.
- they didn't feel **ready**.
- they didn't want to jeopardize their chances of becoming **parents**, going on parental leave, or to risk being outed.
- they thought it might be **dangerous** if their gender identity was the one on their documents.
- they were **critical** of the concept of gender markers being mandatory on IDs or the entire LGR process or its abusive requirement.

"No, I haven't changed my gender marker because I want a third gender "neutral" to appear in my ID and this is not an option in Spain at the moment."

Non-binary person, aged 25-34, residing in Spain (cluster 2)

"I basically don't believe in LGR for anyone. I don't think that a legal gender marker is something we should have. I think it only serves regressive purposes to box people in that way. [...] I guess it comes down to pride, I don't want to ask "please sir can I be a woman now", because I am one regardless of what they say."

Trans person with another gender identity, age unknown, living in the Netherlands (cluster 3)



"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)



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