Legal Gender Recognition Checklist

publication, legal gender recognition

Check to see how your country's gender recognition laws and procedures are. This checklist specifically helps you understand whether a law follows human rights principals.

What does this checklist help you understand about gender recognition laws?

Legal gender recognition refers to the process of legally changing one's gender marker and/or name to better align with one's gender. This affects legal documents, like identity cards, or the name that is used for official purposes, like bank accounts.

Having clear gender recognition processes in law is essential to supporting the rights and dignity of trans and gender-diverse people.

Legal gender recognition is not medical transition. However, some countries may require a person to change their legal gender marker before they can access certain trans-specific healthcare.

What does this checklist help you understand about gender recognition laws?

This checklist helps you assess legal texts or proposals regulating gender recognition procedures. It lists minimum standards on commonly known issues, with a focus on human rights. It is split into three categories:

- Procedures
- Requirements
- Effects.

This is a guide. It may not be complete. Additionally, you must adapt the information to your context. Legal systems, language, and political climate may mean there are different ways for you to achieve your goals. You may also have to account for additional issues not mentioned in this guide.

Suggestions for how to improve this guide can be sent to richard@tgeu.org.

Who is this checklist for?

Anyone can use this checklist – whether to review an existing law or look at a new, proposed law. However, this checklist is specifically designed for:

- Policymakers
- People with some legal understanding
- Trans activists.

How to use this checklist

Go through the three different sections. You will need to answer ‘Yes’, ‘No’, or ‘Don’t know’ for each criteria. If you cannot answer ‘Yes’ to a question, you may want to review the text to clarify or amend it.

You can save and return to the form. At the bottom of the form, there is a also section for your email. If you want to receive a copy of your answers, make sure you add your email.

After you fill out the form, you will have the options to ‘Print’ or ‘Submit’ your form. In order to receive a copy, you must have entered your email address and click ‘Submit’.

Legal gender recognition checklist

If you prefer to work with a PDF, you can download the PDF version here.

Recommendations

We find the following aspects to be crucial for any human rights compliant procedure:

- Economic accessibility
- Minors’ access and procedural protections
- Access for non-citizens (including refugees, asylum seekers, and stateless persons)
- Protection of privacy
- Self-determination as the general principle
- Clear grounds for refusal (if any)
- Self-determination as the general principle
- Alternative gender marker options
- Adapting work certificates and other key documents
- Secure rights acquired through marriage.

If you used the checklist, and could not answer any of the questions with a clear yes, we recommend focusing on improving those points. However, this is particularly important if you answered “No” or “Don’t know” on any questions related to the points above.

Resources

The following resources might be helpful for your next steps:

- Self-determination Models in Europe: Practical Experiences (TGEU, 2022)
- Trans Rights Are Human Rights: Dismantling Misconceptions About Gender, Gender Identity & the Human Rights of Trans People (GATE, TGEU, ILGA-Europe, 2021)
- Toolkit: Legal Gender Recognition in Europe (TGEU, 2016)
- Trans Rights Map > Legal Gender Recognition (TGEU)

- Legal Recognition of Gender Identity and Depathologization Report A/73/152 (UN Independent Expert, 2018)
- Legal Gender Recognition in Europe (Council of Europe, 2022)
- Legal Gender Recognition in the EU (EU Commission, 2020)

Book a policy consultation

We have policy consultation available for our members. Membership is only open to organisations or individuals located in Europe and Central Asia. You can learn more about how to become a member and benefits here.

If you want to discuss the outcomes of your checklist with a specialist, or have further questions, you can book a consultation with an expert on legal gender recognition. Please send us your filled out form upon booking your consultation so we can discuss them with you.

Book a consultation