

Best Practice

No state in Europe has gender recognition procedures which are human rights compliant. Argentina adopted in 2012 a Gender Identity Law that respects human rights. It is quick, accessible and transparent. 3.000 ID Cards were changed within 12 months. (source: Argentinean Ministry of Interior). The Argentinian model, a simple administrative procedure, represents best practice. It does not include a divorce requirement or the consent of the spouse, it does not require applicants to be sterile or to have a mental health or "expert" diagnosis, and it is available to people under the age of 18.

**Quick.
Accessible.
Transparent.
Recognition Opens Doors.**

Fact Sheet:

Legal Gender Recognition

Find more information on Legal Gender Recognition
and what you can do to improve it at
www.tgeu.org/AccessAllAreas



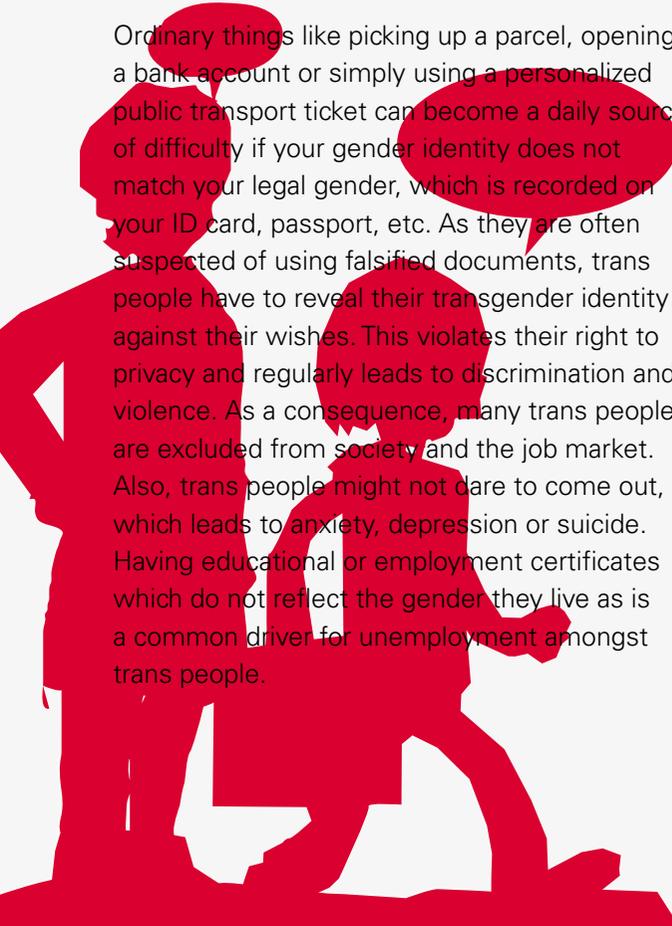
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What is Legal Gender Recognition?

Legal Gender Recognition is the process of changing the name and gendered information on official key documents and in registries, in order to recognize a person's gender identity. States can set requirements as to who is eligible, however forced sterilization, forced divorce, mandatory mental health diagnosis, or age barriers are requirements which clearly violate an individual's human rights.

Why is Legal Gender Recognition important?



Ordinary things like picking up a parcel, opening a bank account or simply using a personalized public transport ticket can become a daily source of difficulty if your gender identity does not match your legal gender, which is recorded on your ID card, passport, etc. As they are often suspected of using falsified documents, trans people have to reveal their transgender identity against their wishes. This violates their right to privacy and regularly leads to discrimination and violence. As a consequence, many trans people are excluded from society and the job market. Also, trans people might not dare to come out, which leads to anxiety, depression or suicide. Having educational or employment certificates which do not reflect the gender they live as is a common driver for unemployment amongst trans people.

Quick, accessible and transparent Legal Gender Recognition prevents discrimination, protects a person's privacy and is the basis to a life lived with dignity.

What are problems with Legal Gender Recognition in Europe?

Legal Gender Recognition is not available in 16 countries in Europe either because there are no regulations in place or the available procedures don't work. As a consequence, trans people cannot legally change their documents and live a life with dignity.

RECOMMENDATION:
Review the legal framework and enable quick, accessible and transparent Legal Gender Recognition.

Forced Sterilisation is required in 23 European gender recognition procedures. This clearly violates the right to physical integrity, the right to be free from torture and the right to found a family. Not all trans people can or want to undergo such medical interventions.

RECOMMENDATION:
Remove any medical requirement from Legal Gender Recognition.

Forced Divorce or annulment of marriage is mandatory in 19 states for a married trans person. This brings hardship to them and their families as their spouse and children also lose rights protected through

marriage. A divorce process is an emotional and financial burden and forces loving couples apart.

RECOMMENDATION:
Remove any requirement to be single from Legal Gender Recognition.

A mental health diagnosis or "expert" opinion is required in all recognition procedures in Europe. This means that trans identities are classified as 'sick' even though they are not. This leads to stigmatization and social exclusion. Also, the necessary diagnostic process excludes many trans people who would need Legal Gender Recognition and prolongs the procedure, often by many years.

RECOMMENDATION:
Remove any requirement for a mental health diagnosis or expert opinion from Legal Gender Recognition.

Age Barriers exclude young trans persons' access to Legal Gender Recognition. Procedures are only available at the age of majority, usually 18 years (except for Germany and Austria). This hinders social integration, e.g. at school, and harms personal development at a critical age. Also, required medical requirements can trigger exclusion of young or elderly trans persons (e.g. above 65 years) from Legal Gender Recognition.

RECOMMENDATION:
Remove any explicit or implicit age barriers from Legal Gender Recognition.