

Keynote on Law, Policy, and Ethics

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KILLARNEY, IRELAND

Who is TGEU?

- Transgender Europe (TGEU) is a membership-based organisation based in Berlin with over 200 members across 48 countries in Europe and Central Asia
- **Vision:** TGEU envisions a world free from discrimination where gender diversity is celebrated, where trans people are valued, and where trans movements are self-aware, intersectional, and evolving to meet the needs of a diverse and resilient community.
- **Objective:** Strengthen the rights and well-being of trans people in the region

Developments in law and policy on trans rights

- Legal gender recognition
- Access to healthcare
 - Sexual and reproductive health and rights
 - Bans on conversion practices and forced medical procedures
- Access to trans-specific healthcare for young people
- Anti-gender movements and the right to health

Legal Gender Recognition (LGR)

- 39 of the 46 member states of the Council of Europe have a legal or administrative measure for legal gender recognition
- **Finland:** Act on Legal Recognition of Gender, 2023
- **Spain:** Ley 4/2023, de 28 de febrero, para la igualdad real y efectiva de las personas trans y para la garantía de los derechos de las personas LGTBI
- **European Court of Human Rights:**
 - *Rana v. Hungary* (2020): Right to legal gender recognition extends to recognised refugees

Conditions for LGR	2019	2022
States that require psychiatric evaluation	36	22
States that require sterilisation	16	9

Legal Gender Recognition (LGR)

- European Court of Human Rights
 - *O.H. v Germany & A.H. v. Germany* (2023): No violation of Article 8 on the right to private life even though the transgender parent was deadnamed and misgendered in official records
- **Bulgaria:** Interpretative Decision No. 2/2000 from the 20.02.2023
- **Hungary:** Full meeting of the Constitutional Court on the judicial initiative to establish the illegality of legislation
- TGEU Report on “Self-determination models in Europe: Practical Experiences”
 - Interrogates claims of misuse and fraud of LGR in Belgium, Denmark, Norway, Malta, Iceland, Luxemburg, and Portugal

Access to trans-specific healthcare

- **Lithuania:** Dėl Lyties Tapatumo Sutrikimo (Transseksualumo) Diagnostikos Ir Gydymo Tvarkos Aprašo Patvirtinimo, 2022
- **Spain:** Ley 4/2023, de 28 de febrero, para la igualdad real y efectiva de las personas trans y para la garantía de los derechos de las personas LGTBI

TRANS HEALTH MAP European Union

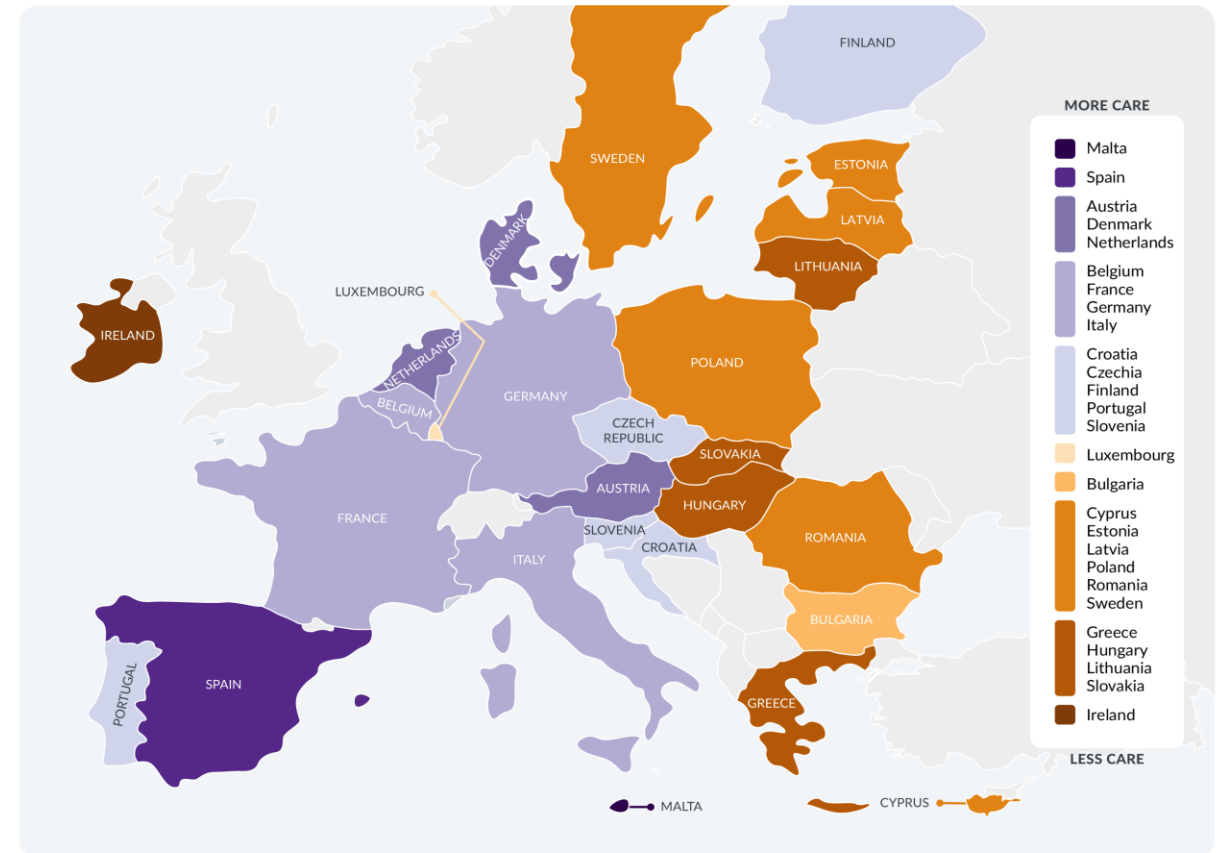


Availability and accessibility of trans-specific healthcare

TGEU Trans Health Map shows the overall status of trans-specific healthcare in each EU member state based on information collected on 6 factors:

- (a) type of trans healthcare and coverage available in the country;
- (b) requirement for a psychiatric diagnosis before hormonal treatment or surgery;
- (c) waiting time for first appointment with a trans healthcare professional;
- (d) groups excluded or made to wait longer to access trans-specific healthcare;
- (e) youngest age for puberty blockers;
- (f) youngest age for hormones.

The map was created using a survey of country experts and an in-depth analysis of publicly-available documentation. One to three expert responses were received for each country. Experts were primarily activists and a small number were, instead or additionally, medical professionals.



Sexual and reproductive health and rights (SRHR)

- **European Parliament resolution** on the situation of sexual and reproductive health and rights in the EU (2021)
- **France:** Décision n° 2022-1003 QPC (2022)
- **Spain:** Ley 4/2023, de 28 de febrero, para la igualdad real y efectiva de las personas trans y para la garantía de los derechos de las personas LGTBI

Forced procedures on trans people

Forced sterilisation


- Czechia: Pl. ÚS 2/20 (2020)

Current bans on conversion practices

- **Malta:** Sexual Orientation, Gender Identity and Gender Expression Act (2016)
- **Germany:** Gesetz zum Schutz vor Konversionsbehandlungen (2020)
- **Greece:** ΓΙΑΤΡΟΣ ΓΙΑ ΟΛΟΥΣ, ΙΣΟΤΙΜΗ ΚΑΙ ΠΟΙΟΤΙΚΗ ΠΡΟΣΒΑΣΗ ΣΤΙΣ ΥΠΗΡΕΣΙΕΣ ΤΟΥ ΕΘΝΙΚΟΥ ΟΡΓΑΝΙΣΜΟΥ ΠΑΡΟΧΗΣ ΥΠΗΡΕΣΙΩΝ ΥΓΕΙΑΣ ΚΑΙ ΣΤΗΝ ΠΡΩΤΟΒΑΘΜΙΑ ΦΡΟΝΤΙΔΑ ΥΓΕΙΑΣ ΚΑΙ ΑΛΛΕΣ ΔΙΑΤΑΞΕΙΣ (2022)
- **France:** LOI n° 2022-92 du 31 janvier 2022 interdisant les pratiques visant à modifier l'orientation sexuelle ou l'identité de genre d'une personne (2022)
- Regions of **Spain**
- Council of Europe Commissioner of Human Rights, **Nothing to cure: Putting an end to so-called “conversion therapies” for LGBTI people** (2023)

Trans-specific healthcare for young people

- **United Kingdom:** *Bell v. Tavistock*
 - High Court: Children below 16 years are not capable of giving informed consent to puberty blockers (2020)
 - Court of Appeal: Judging capacity is solely within the remit of medical professionals and court cannot decide whether children below 16 years can give consent (2021)
- **Finland:** Recommendation by the Council for Choices in Healthcare on Medical treatment methods for dysphoria associated with variations in gender identity in minors (2020)
- **Sweden:** Socialstyrelsen guidelines on Care of Children and Adolescents with Gender Dysphoria (2022)
- **Russia and Hungary:** Anti-LGBT propaganda laws



The role of healthcare providers and TGEU's message

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