

Statement by the European Professional Association for Transgender Health on the ban on trans-specific healthcare in Georgia

The European Professional Association for Transgender Health (EPATH), founded in 2013, is a European membership organisation that brings together scholars and clinicians to exchange knowledge and scholarship to promote excellence in the provision of transgender healthcare. EPATH functions as the European chapter of the World Professional Association for Transgender Health (WPATH), and as such endorses the Standards of Care (SOC) of WPATH.

We, the European Professional Association for Transgender Health (EPATH), are deeply concerned by the adoption, in October 2024, of a package of laws titled “On Family Values and Protection of Minors” by the Georgian Parliament. This package of laws undermines rights to the best attainable standard of health of transgender and gender-diverse (TGD) people by imposing severe restrictions on marriage, adoption, and access to trans-specific healthcare.

Article 5 of the legislative package titled “Use of Medical Manipulation” prohibits “*The performance of a surgical operation on another person or the use of any other type of medical manipulation on another person in order to assign a person to a sex different from the biological sex*”. An additional provision of the law provides for criminal liability for a violation of Article 5, including imprisonment of up to four years. Further, Article 6 of the law additionally bans legal gender recognition by stating that “*Indication of sex different from the biological sex in an identity document or any other state-issued document shall be prohibited*”.

In effect, this provision constitutes a complete ban on the provision of trans-specific healthcare in Georgia. Due to this law, TGD people will not be able to access hormones, which is considered by many TGD people as critical for their physical and mental health, and which are recommended by healthcare professionals based on decades long experience, current scientific evidence, and international medical best practice. Lack of access to essential healthcare can have detrimental effects, leading to increased depression, stress and anxiety, deepening the effects of minority-stress. Further, bans on access to trans-specific healthcare encourage violent and discriminatory attitudes and practices within the broader healthcare system, which can in turn have a detrimental impact on the physical and mental health of TGD people. According to the World Professional Association for Transgender Health’s (WPATH) Standards of Care—Eighth Edition (SOC-8) health care professionals should assist TGD people in accessing safe and effective pathways to achieving lasting personal comfort with their gendered selves with the aim of optimising their overall physical health, psychological well-being, and self-fulfilment. Hormonal and surgical treatments are essential parts of trans-specific healthcare that may also include voice and communication therapy, primary care, hair removal, reproductive and sexual health, and mental health care. WPATH advises that healthcare systems should provide medically necessary gender-affirming health care for TGD people. A ban on such treatments hampers the access to evidence-based health care and social services; it violates the human rights of TGD people, singles out and discriminates against TGD people by prohibiting their access to essential healthcare.

Moreover, the threat of criminal liability imposed for a violation of Article 5 is excessive and places an onerous burden on medical professionals in Georgia, who are primarily bound by ethical principles to provide the best quality of healthcare that is necessary for good health,

with informed consent. However, the new laws completely constrain doctors and require them to violate their ethical duties and responsibilities or risk falling foul of law to face up to four years in prison.

Further, the European Court of Human Rights has held in numerous cases, including those involving Georgia, that national legislation must render the rights under the ECHR “practical and effective, not theoretical and illusory” and that States must establish quick, transparent and accessible procedures for legal gender recognition. EPATH recognises the right of all people to identity documents consistent with their gender identity, including those documents which confer legal gender status. We oppose any legal changes which act as barriers to those wishing to change legal gender markers on documents, including total bans on access to trans-specific healthcare and legal and gender recognition.

We therefore call upon the Georgian Parliament and parliamentarians to repeal the ban on trans-specific healthcare and legal gender recognition and further remove any criminal liability on medical professionals who provide healthcare to TGD people. This is essential to realise the right to the best attainable standard of health for TGD people.