

The Principle of Freedom and the Right to Respect the Private Life from the Perspective of the Civil Identity of Transgender People

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Abstract

This study aims at analyzing how fundamental rights and individual freedom interfere with privacy issues for transgender people. The main purpose is to identify the legal and social challenges faced by this community in the process of legal recognition of gender identity. To achieve these objectives, the research uses a mixed methodology, which combines comparative legal analysis of legislation from different jurisdictions with relevant jurisprudence and public policy, highlighting exemplary practices and legislative gaps. The results of the study indicate the existence of a gap between the principles of human rights agreed at the international level and their implementation at the national level. Despite significant progress in some countries, many transgender individuals still face bureaucratic obstacles and discrimination when claiming their rights. Therefore, is obvious the need for legislative reform to facilitate the recognition of gender identity in a way that respects personal autonomy and privacy. The study recommends the development of policies and practices that promote social integration and respect for human rights for transgender people, emphasizing the crucial role of a rights-based approach in achieving equality and non-discrimination.

Keywords: transgender people, private life, individual freedom, civil law.

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1. General considerations

Freedom and autonomy of will are fundamental principles in civil law, recognised both nationally and internationally as essential to the understanding and application of legal rules. Freedom, in this context, is the ability of a person to determine how to participate in legal relations, based on the possibility to decide and act according to one's own values and interests, as long as it does not infringe the rights of others². Autonomy of will is closely linked to freedom and refers to the legal capacity of a person to establish, by freely expressed consent, rights and obligations in legal relationships³. This principle is recognised by the ability of individuals to enter into contracts and to arrange their legal relationships according to their own wishes and agreements, within the limits imposed by law⁴. This concept is closely linked to the recognition of human dignity and individual freedom and is the cornerstone of contracts and other legal commitments, creating for individuals the possibility (ability) to set their own rules in their private legal sphere, which is essential for the functioning of a market economy and the respect of fundamental rights.

However, autonomy of will is not absolute and is limited by the need to protect public interests and the rights of other individuals⁵. For example, contracts may not be entered into which infringe fundamental human rights, lead to tax evasion or are contrary to consumer protection rules.

In conclusion, autonomy of the will is an essential principle that allows individuals to exercise

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² Jugastru, Călina. *Civil law. Obligations*. Hamangiu Publishing House, Bucharest, 2023, p.17.

³ Flour, Jacques; Aubert, Jean-Luc & Savaux, Eric, *Droit civil: les obligations t.1: l'acte juridique (17th edition)*. Sirey-Universite, 2022, p. 114.

⁴ Almasan, Adriana. *Civil law. Dynamics of obligations*. Hamangiu Publishing House, Bucharest, 2018, p.159.

⁵ Nicolae, Ioana; Matefi, Roxana, *Autonomy of will and its substantive and formal limits*, „Dreptul” Issue 12, 2017, p. 9-18.

their freedom and actively participate in legal relationships, thereby promoting personal and economic development. At the same time, it is in dynamic balance with the limits imposed by law, which ensure the protection of public order and the general welfare. This balance reflects society's view of the degree of individual freedom and social responsibility and is an indicator of a community's fundamental values.

2. The date and methodology

The aim of this research is to identify answers to questions such as:

- What are the main legal and social challenges faced by transgender people?
- Are the fundamental rights and freedoms of transgender people respected and protected?
- What is the socio-cultural and political impact on the enforcement of these rights?
- What are the steps to be taken to improve the protection and respect of the rights of transgender people in accordance with the principle of freedom and the right to privacy?

We will attempt to clarify these issues by researching relevant national and international legislation, examining case law and case studies, and reviewing academic literature on the subject.

3. National and international regulation of the principle of individual freedom

In Romanian civil law, these principles are protected and promoted by regulations that ensure that each person has freedom of choice and the capacity to exercise their will in a legal manner. Thus, civil law respects and protects individual choices and voluntary agreements, emphasising respect for the will of the parties in the conclusion and execution of contracts⁶. This encourages individual autonomy and allows people to shape their own legal destinies within a legal system that values and protects individual freedom.

Autonomy of will is also a fundamental principle in the civil law of the Republic of Moldova (published: 01-03-2019 in the Official Gazette No. 66-75 art. 132 and successively amended, updated by LP52 of 16.03.23, MO97-99/24.03.23 art.150; in force 24.03.23). This principle is essential in the regulation of civil legal relations, granting persons the capacity to establish their own rules of conduct, within the limits of the law, through manifestations of will which take the form of legal acts, contracts and other types of commitments.

According to Article 10 of the Civil Code of the Republic of Moldova⁷, autonomy of will is based on the recognition of the right of persons to determine their interests in accordance with the democratic values and principles of the rule of law. By exercising autonomy of will, subjects of law can organise their property and personal-non-property relations in accordance with their own intentions and interests, as long as they do not contravene public order, good morals and mandatory provisions of the law.

In Moldovan law, autonomy of will is limited by several essential principles, such as the equality of the participants in the legal relationship (principle provided for both natural and legal persons)⁸, good faith, contractual justice and the protection of the party considered to be in a vulnerable position. Thus, the conclusion, modification or termination of a legal relationship must respect these frameworks in order to ensure balance and social justice.

⁶ Freedom of will is regulated in Article 1169 of the Civil Code, which states: *'The parties are free to conclude any contracts and to determine their content, within the limits imposed by law, public policy and morality'.*

⁷ Article 10 of the Civil Code of the Republic of Moldova: *"(1) Natural and legal persons participating in civil legal relations shall exercise their rights and perform their obligations in good faith, in accordance with law, contract, public order and good morals. (2) The non-exercise by natural and legal persons of their civil rights shall not lead to their extinction, except in the cases provided for by law."*

⁸ Article 173 Civil Code of the Republic of Moldova. Types of legal persons: *"Legal persons are public law or private law persons which, in civil relations, are placed on an equal footing"*. Article 174 Civil Code of the Republic of Moldova: *Legal persons of public law. "(1) The State and administrative-territorial units participate in civil legal relations on an equal footing with other subjects of law. The powers of the State and the administrative-territorial units shall be exercised in such relations by their organs in accordance with their competence."*

In addition, autonomy of will also implies the possibility to choose the form in which this will manifests itself. For example, the Civil Code allows contracts to be concluded in both written and oral form, depending on the specifics and requirements of each situation, with certain exceptions where the law requires a particular form. However, there are situations where the autonomy of will may be restricted. An example would be in matters of personal status, where civil laws lay down strict rules on marriage, parentage, legal capacity and other aspects of individual status that cannot be changed by private agreement.

In conclusion, autonomy of will in Moldovan law is a pillar supporting individual freedom in civil law, allowing individuals to manage their legal lives in a way that reflects their own wishes and interests. However, this right is not absolute, being framed by social needs and compliance with the law in force. In practice, autonomy of will is limited by mandatory rules (which do not allow derogation) and dispositive rules (which allow derogation but establish a ground rule in the absence of an agreement to the contrary). This balance between individual freedom and the legal order ensures that autonomy of will operates in a way that protects fundamental social and individual interests.

In the context of European Union (EU) law, the principle of autonomy is based on the values of freedom, democracy and respect for human rights. The EU respects Member States' autonomy of will, recognising their national sovereignty and competences, while coordinating certain policies at supranational level to promote common interests. In the area of private international law, autonomy of will is reflected in EU regulations that allow parties involved in cross-border contractual relationships to choose the law applicable to their contracts (e.g. Rome I Regulation⁹) or the jurisdiction in case of disputes (e.g. recast Brussels I Regulation¹⁰).

At the same time, the EU imposes certain restrictions on voluntary autonomy to protect general interests, such as consumer protection regulations, where parties cannot derogate from certain fundamental rights by mutual agreement. For example, the EU Directive on unfair terms in consumer contracts provides that certain contractual terms which create a significant imbalance between the rights and obligations of the parties are prohibited, even if they have been accepted by the consumer.

In labour law, autonomy of choice is also limited by European legislation which sets minimum standards for working conditions, thus seeking to ensure a balance between the flexibility required by employers and the security and protection of employees.

In conclusion, in EU law, autonomy of choice is recognised and respected as a basic principle of private law, but it is limited by regulations aimed at protecting public interests, social equity and respect for the fundamental rights of citizens. This balance reflects the EU's integrated vision of individual freedom and social protection.

4. A brief history of the development of transgender rights

The history of transgender rights is a complex and diverse subject that cuts across multiple disciplines, from law and medicine to sociology and cultural studies. Historically, transgender identities have been presented, understood and treated differently depending on the cultural context and historical era, and the struggle for the recognition of transgender rights is a relatively recent movement, gaining strength since the second half of the 20th century.

In recent decades, the struggle for recognition and respect of this category of rights has gained increasing visibility globally reflecting changes in social perception and legislation on gender diversity and gender identity.

Although transgender people have existed in all cultures and historical periods, social and legal recognition of their rights has long been non-existent. Throughout much of history, societies

⁹ Regulation (EC) No. 593/2008 of the European Parliament and of the Council of 17 June 2008 on the law applicable to contractual obligations (Rome I) which in Article 11 "The freedom of the parties to choose the applicable law should be one of the essential elements of the system of rules governing conflict of laws in matters relating to contractual obligations", the document is available online at: <https://eur-lex.europa.eu/legal-content/RO/TXT/PDF/?uri=CELEX:32008R0593&from=EL>, accessed 10.11.2023.

¹⁰ Recast by Regulation 1215/2012, the document is available online at: https://e-justice.europa.eu/350/RO/brussels_i_regulation_recast, accessed 10.11.2023.

have marginalised transgender people, often punishing them for not adhering to strict gender norms. This has led to a historical invisibility, with few records documenting such experiences before the 20th century brought the first signs of change.

In the interwar period, especially in cities like Berlin, there was a degree of experimentation with gender identities, but these communities were eventually crushed by the rise of fascism.

In the 1950s and 1960s, change came with people like Christine Jorgensen in the US, who became famous after undergoing sex reassignment surgery as one of the first people to bring the existence and experiences of transgender people to the attention of the general public.

The Stonewall Riot of 1969 was a significant turning point. There were protests that followed a raid on the Stonewall Inn bar in New York, events that accelerated the formation of activist groups that included transgender rights in their agendas.

In the 1970s and 1980s, the first clinics and services dedicated to gender health were set up and at the same time, some countries began to recognise the possibility of gender reassignment on legal documents.

The 1990s brought an increase in visibility, with activists such as Marsha P. Johnson and Sylvia Rivera contributing substantially to the LGBTQ+ liberation movement. It was also a time when the term "transgender" began to be preferred over "transsexual" because it better reflected the diversity of gender experiences and identities.

The 21st century has seen significant progress in the recognition and protection of these rights. In many countries, discrimination on the basis of gender identity is now illegal, and trans people have the right to change their name and gender marker on official documents without having to undergo surgery or hormone therapy.

A significant moment was the adoption by the World Health Organization of a new classification in 2019 that no longer categorizes trans identities as mental disorders.

In many places, the right of transgender people to marry, to adopt children and to access healthcare specific to their needs has been recognised. Gender diversity education has begun to appear in schools and society as a whole is becoming more aware of the needs of the transgender community.

However, progress is uneven and there are many challenges. Their rights are often the subject of political and cultural controversy. In many parts of the world, transgender people still face violence, discrimination and lack of access to adequate health services. There is also an ongoing struggle for recognition of non-binary identities and the specific rights associated with them.

5. Transgender rights legislation at national and international level

Gender identity is defined as "the individual's deep sense of adherence to a set of behaviours, attitudes or values. In the hypothesis that gender identity is not related to the sex assigned to the person at birth, the term transgender is applied, which designates individuals whose behaviour combines characteristics of both genders (people who identify outside the male/female binary) and who, consequently, can have any sexual orientation and any sexual characteristics"¹¹.

Transsexuality, defined as the experience of an individual identifying with a gender different from that assigned at birth, has often been surrounded by controversy and misunderstanding. In the Romanian context, transgender rights are still at an evolving stage, with many legislative and social challenges to overcome.

Romania, as a Member State of the European Union, is subject to both national legislation and European directives on human rights and non-discrimination. However, our country has had a complicated path with regard to transgender rights.

Before the 2000s, the subject was virtually non-existent in both public and legislative discourse. Since the 2000s, with the accession to the European Union and the need to align with

¹¹ Voiculescu, Nicolae & Berna, Maria-Beatrice. *Gender identity and sexual orientation: the dilemmas of accepting human diversity for tolerance and acceptance*, Universuljuridic.ro Premium, the document is available online at: <https://www.universuljuridic.ro/identitatea-de-gen-si-orientarea-sexuala-dilemele-acceptarii-diversitatii-umane-intru-toleranta-si-acceptare/>, on 11.11.2023.

European standards in terms of fundamental rights, Romania has started to make progress in recognising and protecting these rights.

6. Legal change of sex and name

One of the biggest challenges for transgender people is the process of changing names and gender markers on official documents. In Romania, the process of legal recognition of gender identity is regulated through the Civil Code and other secondary legislation¹². According to the current legislation, a transgender person can request a change of civil status documents through a judicial procedure. This requires the person to provide a diagnosis of gender dysphoria and to demonstrate that they have undergone or are undergoing medical treatment for gender transition, including hormone therapy and sometimes gender reassignment surgery¹³.

This requirement to undergo medical or surgical intervention is seen by many as a violation of human rights, as it may involve irreversible and invasive procedures to gain legal recognition. International human rights organisations, such as the Council of Europe Commissioner for Human Rights, have criticised such requirements as unnecessary and degrading¹⁴.

Romanian legislation includes measures to protect transgender people from discrimination. Law No. 202/2002 on equal opportunities between women and men states that discrimination on the basis of sex includes discrimination on the basis of sexual reassignment. At the same time, Emergency Ordinance No. 137/2000 prohibits discrimination on multiple grounds, including sexual orientation. However, these laws are not always effectively enforced and transgender people in Romania may face discrimination in employment, education, access to goods and services and in the health sector.

For transgender people, access to appropriate health care is vital. In our country, medical treatments needed for gender transition, such as hormone therapy and sex reassignment surgery, are largely inaccessible due to high costs and lack of specialists. In addition, there is a lack of awareness and sensitivity on the part of health professionals to the specific needs of transgender people.

Another relevant issue is public education and awareness about transgenderism. Prejudices and stereotypes persist and lack of adequate education contributes to the marginalisation and stigmatisation of transgender people. Education initiatives in schools and public awareness campaigns are essential to combat discrimination and promote the social integration of transgender people.

Regarding marriage and civil partnership, Romanian law is clear: marriage is defined as the union between a man and a woman. Thus, transgender people can legally marry only after changing their documents to reflect the gender they identify with. While this can be seen as an indirect recognition of gender identity, the lack of a civil partnership law and limited recognition of same-sex marriages leaves many LGBT couples in a legal grey area.

In the context of the Republic of Moldova, this subject is at the intersection of human rights, legal norms and social perceptions, all of which are dynamic and evolving. The Republic of Moldova has taken important steps towards aligning itself with European human rights standards, including by signing and ratifying important international instruments. However, with regard to transgender-specific rights, legislation is still in a formative process and does not provide explicit and comprehensive recognition of transgender rights. However, some laws and regulations provide a general framework for the protection of their rights:

- the Labour Code prohibits discrimination on grounds of sex, but does not explicitly refer to gender identity.

¹² Law no. 119/1996 on civil status documents, republished and Government Ordinance No. 41/2003 on the acquisition and administrative change of names of natural persons, as amended.

¹³ Legal recognition of gender identity. The ACCEPT Association document is available online at: <https://transinromania.ro/tranzitie/tranzitie-juridica/>, accessed 11.11.2023.

¹⁴ Booklet published by the General Secretariat of the Council on Promoting Respect for the Human Rights of Lesbian, Gay, Bisexual and Transgender People, Bucharest, 2010, available online at: <https://www.consilium.europa.eu/media/32939/lgbt-qc3110646roc.pdf>, accessed 11.11.2023.

- the Penal Code includes penalties for hate crimes, which could include discrimination or violence against transgender people, although this is not always clear or consistently applied.
- health legislation includes some provisions on medical treatments and interventions related to gender transition, but these are often unclear or insufficient.

As far as the European Union (EU) is concerned, there are numerous commitments to protect the fundamental rights of all its citizens, including transgender people. EU legislation on transgender rights is based on the principles of non-discrimination, equal opportunities and respect for human rights¹⁵.

The Treaty on the Functioning of the European Union (TFEU) is one of the main documents that stipulates the promotion of equality and the prohibition of discrimination on any ground, including sexual orientation or gender identity. Although the term "*transgender*" is not explicitly mentioned, the case law of the Court of Justice of the European Union (CJEU) has interpreted the protection against discrimination on grounds of sex to extend to gender identity¹⁶.

The Employment Equality Directive, Directive 2000/78/EC¹⁷ establishes a general framework for combating discrimination on grounds of religion or belief, disability, age or sexual orientation in employment and occupation. While it does not directly mention gender identity, the CJEU has interpreted the protection against discrimination on grounds of sex to apply also to transgender people¹⁸.

The EU Charter of Fundamental Rights, consolidated in the 2009 Lisbon Treaty, grants fundamental rights to be respected by the EU institutions and, within the limits of EU law, by the Member States and includes the right to dignity, the prohibition of torture, the right to private and family life, and the prohibition of discrimination.

As far as Member States' national legislation is concerned, although there is a common framework at EU level, the provisions on transgender rights differ significantly between Member States. Some countries offer exemplary models of good practice¹⁹, while others are still struggling to provide adequate protection and recognition for transgender people.

Thus, some Member States have legislation allowing name and gender changes on official documents through a simplified and respectful process. For example, in Malta, legislation on gender identity, gender expression and sexual characteristics has been hailed as one of the most progressive in the world, allowing transgender people to officially change their gender without the need for surgery or a diagnosis of gender dysphoria.

In other countries, the processes are much more complicated, requiring proof of sterilisation or other forms of medical intervention, or even a diagnosis of mental disorder. These requirements are seen by many human rights organisations as outdated and discriminatory.

One of the biggest obstacles is the legal recognition of gender. Procedures for changing legal documents vary considerably and can often be humiliating and bureaucratic. Furthermore, transgender people still face high levels of discrimination and violence, with reports indicating that transgender people experience a higher risk of being victims of hate crimes and are often

¹⁵ Muraru, Ioan & Tănăsescu, Elena-Simina, *Constitution of Romania. Commentary on articles*, 2nd ed., Ed. CH Beck, Bucharest, 2019, pp. 106-116 and pp. 149-155.

¹⁶ *Report from the European Commission to the European Parliament, the Council and the European Economic and Social Committee on the application of Council Directive 2004/113/EC implementing the principle of equal treatment between men and women in the access to and supply of goods and services*, Brussels, 2015, p.5, the document is available online at: <https://eur-lex.europa.eu/legal-content/RO/TXT/PDF/?uri=CELEX:52015DC0190&from=et>, accessed 11.11.2023.

¹⁷ The document is available online at: <https://eur-lex.europa.eu/RO/legal-content/summary/equal-treatment-in-employment-and-occupation.html>, accessed 11.11.2023.

¹⁸ The document is available online at: <https://eur-lex.europa.eu/legal-content/RO/TXT/HTML/?uri=CELEX:52013DC0861&from=SK>, accessed 11.11.2023.

¹⁹ Argentina stands out for its progressive legislation, adopted in 2012, which allows gender reassignment on official documents without the need for surgery or a medical diagnosis. It respects the right to self-identification and provides access to state-funded medical care and gender reassignment surgery. Norway has also adopted laws allowing legal gender reassignment through a simplified process. Since 2016, citizens can change their gender on their legal documents through administrative procedures, without the need for a gender dysphoria diagnosis or surgery. Canada stands out for its comprehensive approach and broad protection against discrimination on the basis of gender identity. Canadian legislation, such as the Human Rights Act and the Criminal Code, provides protections against gender-based discrimination and violence, while promoting inclusion and respect for diversity.

discriminated against in the workplace and in access to services²⁰.

7. Case law relevant to respect for the rights of transgender people

A significant legal case that has influenced the rights of transgender people in Romania is the European Court of Human Rights (ECHR) case *X and Y v. Romania*²¹. In this case, the ECHR found that Romania violated Article 8 of the European Convention on Human Rights because our country did not have a clear and predictable legal framework for the legal recognition of gender. The applicants, Mr X and Mr Y, had spent years in national courts seeking authorisation for gender reassignment from female to male and administrative changes to their names and personal numerical codes, along with other necessary changes to civil status records. However, their applications were rejected on the grounds that people making such requests had to prove that they had undergone gender reassignment surgery. The ECHR noted that the lack of procedure and the unreasonable requirements imposed by national courts presented the applicants with an impossible dilemma: either they were forced to undergo the surgery, violating their right to respect for their physical integrity, or they had to renounce recognition of their gender identity, which also falls within the scope of respect for privacy²².

The ECHR pointed out that the Romanian justice system has placed a burden on transgender people through legal procedures for recognition of gender identity, which have led to "*feelings of vulnerability, humiliation and anxiety*"²³ for applicants X and Y. The Court held that the refusal to change civil status documents for these petitioners did not demonstrate society's overriding interest in denying transgender people the right to self-determination.

In addition, between 2006 and 2017, only 48 cases related to the rights of transgender people were heard in national courts in Romania, and in 32 of these cases, judges made the modification of identity documents conditional on genital surgery, which was considered by many to be an abusive and unjustified requirement²⁴.

This ECHR decision is historic and long awaited, given the seriousness of the problems faced by the trans community in Romania. With this decision, the Romanian state is obliged to correct legislation and administrative and judicial procedures to ensure a predictable legal framework for the recognition of gender identity and easier change of civil status documents. Romanian courts are also obliged to take this decision into account in their subsequent jurisprudence, in the spirit of respecting the rights of transgender people in Romania. These cases highlight the importance of respecting the fundamental rights of transgender people and the need for significant legislative and procedural changes to ensure equality and respect for all citizens.

Romania is not the only country condemned at the ECHR for violating Article 8 of the European Convention on Human Rights. Thus, the European Court of Human Rights judgment of 10 March 2015 in the case of *Y.Y. v. Turkey* addresses the issue of legal gender recognition, an important issue for trans communities in Europe. The case focuses on Turkey's domestic requirements for legal recognition of preferred gender, in particular the requirement of sterilisation for people who wish to undergo gender reassignment surgery (SRS). The Court found that the refusal to authorise SRS constitutes an interference with the applicant's right to privacy, requiring a link to their right to personal development and autonomy, including the ability to make decisions about their own body.

²⁰ The document is available online at: <https://op.europa.eu/webpub/com/factsheets/lgbti/ro/>, accessed 11.11.2023.

²¹ The document is available online at: <http://ier.gov.ro/wp-content/uploads/2021/10/X-si-Y-impotriva-Romaniei.pdf>, accessed 11.11.2023.

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²⁴ Brăilă, Patrick; Dragomir, Voicu; Ionescu, Iustina; Ion-Rotaru, Teodora & Popa, Maria, *Report of ACCEPT Association, Trans in Romania, on Community, Individual and Legal Experiences of Transgender People in Romania*, November 2020, p. 49, document is available online at: <https://transinromania.ro/wp-content/uploads/Raport-trans-in-Romania.pdf>, accessed 11.11.2023.

8. Conclusions

Autonomy of will is a central pillar in civil law, balancing individual freedom with the demands of life in society. By being able to guide their own decisions and shape their legal relationships, individuals contribute to the dynamism and adaptability of civil law. At the same time, the limitations imposed on the autonomy of the will reflect the commitment of civil law to protect the fundamental values of society and to ensure fairness and justice in legal relationships. In this sense, autonomy of will not only defines the structure of civil law, but also facilitates and reflects the diversity and complexity of human interactions within a legal framework.

The evolution of transgender rights has come a long way, from marginalisation and persecution to legal recognition and protection. While there are still many challenges, the steps taken so far reflect a significant change in the way society perceives and accepts human diversity. Continued education and activism is crucial to ensure that all people, regardless of their gender identity, can live full and respected lives in a society that recognises and celebrates our differences.

For the future, it is essential to continue education and awareness-raising efforts and to adopt public policies that promote social integration and ensure legal protection for transgender people. International recognition of transgender rights is also crucial to advancing equality and social justice globally.

As Romanian society continues to develop and align with international human rights standards, it is expected that transgender rights will become an increasingly high priority area on the public and legislative agenda. By actively involving transgender communities, non-governmental organisations and state institutions in the reform process, Romania can make significant progress in ensuring equality and dignity for all its citizens, regardless of gender identity.

Romanian legislation on transgender rights is in a process of evolution, with improvements still needed to ensure full and equal protection. Recognition of gender identity without medical or surgical requirements would be a significant step in this direction. In addition, the effective implementation of anti-discrimination laws and the promotion of awareness-raising and education programmes are key to building a more inclusive society.

The EU continues to work to strengthen the rights of transgender people. A priority is to harmonise legislation between Member States and ensure that all transgender people receive equal recognition and protection. Human rights organisations and transgender advocacy groups are also active in promoting legislative reforms and supporting transgender people in the process of legal gender recognition.

In conclusion, although the EU has made significant progress in promoting the rights of transgender people, much remains to be done to ensure full and effective equality. Legislation and its implementation must continue to evolve to reflect the needs and rights of this often marginalised group. By combining efforts at EU level with those of Member States and civil society, existing challenges can be overcome and a more inclusive and equal European society can be built.

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