

## Legal Protection

Overall, legal protection for LGBTI people means that their human rights are codified and enforceable.

### [Legal Protection](#)

For more information, contact our [Advocacy Director, Katrin Hugendubel](#).

For information on ILGA-Europe's strategic litigation, [Senior Strategic Litigation Officer, Marie-Hélène Ludwig](#)

Human rights instruments are evolving to reflect the times we're living in — and address the current everyday realities that LGBTI people face.

At ILGA-Europe, we work to ensure that rights of LGBTI people are protected within national constitutional and legal systems, as well as by European and international human rights law, namely by the European Convention on Human Rights, the European Social Charter, the Charter on Fundamental Rights and EU Treaties – and UN treaty bodies. Above all, our goal is to ensure the continuous advancement and protection of the rights of LGBTI people.

We do this by engaging in strategic litigation and advocacy at European and international levels. We also support national-level advocacy. As a whole, our work focuses on family, legal gender recognition, intersex human rights and anti-discrimination.



Here is how we work with each of these focus areas:

1. [Family](#)
2. [Legal Gender Recognition](#)
3. [Intersex Human Rights](#)
4. [Anti-Discrimination](#)

## Family

ILGA-Europe works to ensure that LGBTI people's family rights are recognised and protected. For example, we support cases and initiatives that would bring marriage equality and access to registered partnerships with equal rights for LGBTI people.

We also work towards ensuring freedom of movement and residence rights for LGBTI people across the EU. Family members – including spouses, registered partners and children – should enjoy freedom of movement without discrimination. Moreover, children of rainbow families (biological or adopted) should have access to these same rights – no matter their nationalities.

Parenting rights are a key area for us, too. We work to help make sure that LGBTI people can have custody of or access to their biological children following the breakup of a previous, different sex relationship or in cases of medically-assisted procreation. Access to assisted reproductive treatment is fundamental, as is access to parental leave for the second parent in a same-gender couple.

Other aspects of parenting rights include LGBTI people's access to adopt children, whether they're single, engaging in second parent adoption or going down the joint adoption route. ILGA-Europe also acknowledges the

specific challenges that trans persons face around parenting and we work to combat them.

For example, we try to ensure that the rights of trans persons are still protected if a marriage dissolves that they entered prior to their gender change. And for trans parents, we work to ensure that their right to parenthood is indicated by the correct legal name and gender on their child's birth certificate, while at the same time protecting their privacy.

We use the following strategies to achieve our goals on ensuring legal protections for LGBTI families.:

- Offering support to national advocacy
- Conducting strategic litigation
- Engaging in advocacy at the European level — in collaboration with NELFA, TGEU and NGOs working on family rights and children's rights
- Raising awareness about the obstacles faced by rainbow families to enjoy their family rights
- Support development of international human rights standards with the EU and Council of Europe
- Creating space for peer learning among legal practitioners and members to share best practices and brainstorm together

## Legal Gender Recognition

Working to ensure legal gender recognition for trans, non-binary and intersex people meets essential minimum requirements. First of all, we strive to enable quick, transparent and accessible procedures based on self-determination for changing names and/or genders on birth certificates, identity cards, passports, educational certificates and other documents.

ILGA-Europe is firm in our stance that trans people should never be required to undergo sterilisation or any other medical intervention as a prerequisite for legal recognition of their gender.

Last but not least, we argue for abolishing divorce requirements as a precondition of legal gender recognition.

To achieve all our goals around enabling human rights-based framework for legal gender recognition for trans, non-binary and intersex people, we use the following strategies:

- Conducting strategic litigation
- Supporting national advocacy
- Engaging in advocacy at the European level jointly with TGEU and OII Europe
- Support development of international human rights standards with the EU and Council of Europe
- Creating space for peer learning amongst legal practitioners and members to share best practices and brainstorm together
- Engaging in advocacy with [EPATH](#) and [WPATH](#)

## Intersex Human Rights

Our work to ensure that human rights of intersex people are respected, include helping ensure the right to bodily integrity and the banning of intersex genital mutilation. At ILGA-Europe, we also strive to cement equal access to legal gender recognition for intersex people.

Access to healthcare is a focus area for us, too – according to individual physical needs and separated from the sex/gender markers in their official documents.

To achieve all our goals around ensuring intersex human rights, we embrace the following strategies:

- Providing strategic litigation
- Supporting national advocacy
- Engaging in advocacy at the European level together with OII Europe
- Developing international human rights standards with the EU and Council of Europe
- Creating space for peer learning among legal practitioners and members to share best practices and brainstorm together

## **Anti-Discrimination**

When it comes to ensuring equality and non-discrimination for LGBTI people, ILGA Europe focuses on a few areas.

Overall, we work to make sure that LGBTI people are not discriminated against based on sexual orientation, gender identity and expression and sex characteristics. That includes tackling hate crime and incitement of violence based on grounds of sexual orientation, gender identity, gender expression and sex characteristic (SOGIESC) – and protection from hate speech. It also entails access to goods and services, socio-economic equality and employment; protection from multiple discrimination; and freedom of movement.

To achieve our anti-discrimination goals, we use the following strategies:

- Conducting strategic litigation
- Supporting national advocacy
- Engaging in advocacy at the European level
- Supporting development of international human rights standards with the EU and Council of Europe

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## **LAW / POLICY PAPERS / REPORTS**



Report

09.04.2024

## **Inventory of relevant SOGIESC case law and pending cases before the ECtHR and CJEU**

In order to focus our strategic litigation efforts across Europe to fully protect and advance LGBTI rights, with this inventory ILGA-Europe wants to support members [...]

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Report

05.06.2020

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## Third party interventions



Case Law

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**Bogdanova v. Russia**

The rights of trans people in prison

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Case Law

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**A.B. and K.V. v Romania**

Recognition of same-sex marriages in the context of freedom of movement in the EU through the prism of implementation of CJEU's Coman judgment Submitted jointly [...]

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Case Law

29.10.2021

### **Coman and Others v Romania**

Recognition of same-sex marriages in the context of freedom of movement in the EU through the prism of

implementation of CJEU's Coman judgment.

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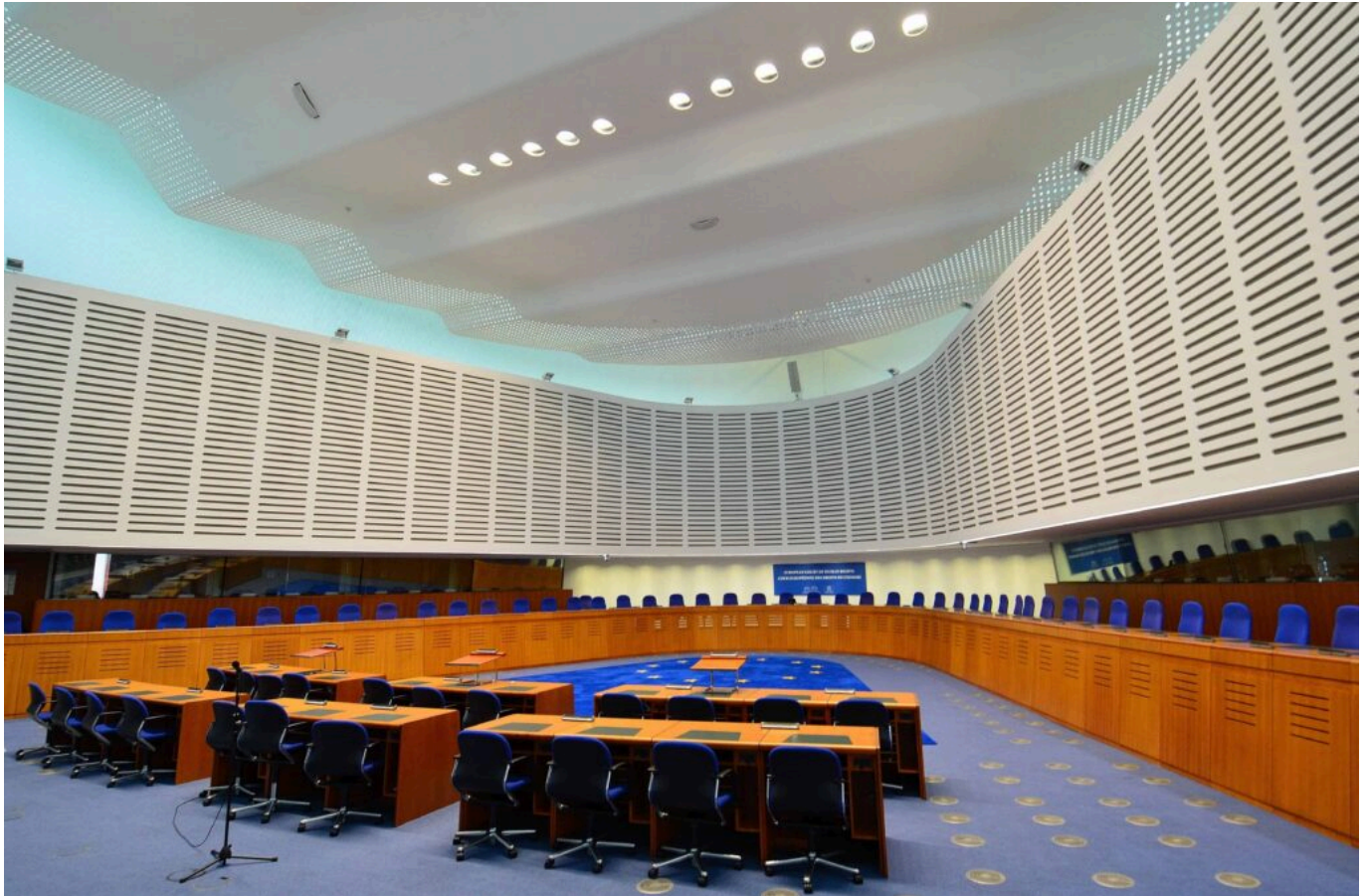
Case Law

14.12.2021

### **Judgment in Case Stolichna obshtina, rayon 'Pancharevo'**

Child, being a minor and a Union citizen, whose birth certificate was drawn up by the host Member State and designates as parents two persons [...]

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Case Law

11.11.2020

## **A.H. and Others v Germany**

Recognition of trans parenthood.

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15.09.2020

### **Buhuceanu and Ciobotaru v. Romania**

Recognition of same-sex unions. Submitted jointly by ILGA-Europe, FIDH, NELFA and ECSOL.

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Case Law

15.07.2019

### **A. against Azerbaijan and 24 other applications**

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Case Law

25.07.2019

**A.D.-K. & Others v. Poland**

Adoption

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Case Law

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