

Gender Identity and The Right to Legal Recognition in the Republic of Albania. An Analysis of The Legal Framework and Challenges in Implementation

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Abstract

Gender identity is a fundamental aspect of life, and a person's gender is determined immediately after birth and then becomes a social and legal fact. Human rights are universal and apply equally to everyone, so there are no special rights for trans people. However, trans people face particular challenges in accessing their human rights, such as intolerance or prejudice. Gender identity and the right to legal recognition constitute a fundamental component of human rights and equality before the law. This study aims to examine the Albanian legal framework regarding the recognition of legal identity and to analyze the challenges in the practical implementation of this right for transgender persons. The methodology used includes the analysis of domestic legislation and ratified international acts as well as the international aspect of the treatment of gender identity. The main results show that the lack of a specific law on legal gender recognition creates uncertainty and violates the right to personal identity, as this issue still remains in the early stages of legal and institutional development in the Republic of Albania.

Keywords: Gender identity; right to legal recognition; legal framework; institutional discrimination; legal reform.