

Selective Europeanisation in Healthcare Governance

EU Norms, Luxembourg, and Transgender & Intersex Rights

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Presentation Outline

- I. Introduction
- II. Research Question
- III. Theoretical Frameworks
- IV. Empirical Findings
- V. Drivers of Resistance
- VI. Argument
- VII. Policy Imperatives
- VIII. Next-steps
- IX. References

A Paradox

Selective Europeanisation in Practice

Progressive Legal Recognition

Alignment with EU

Rights-Based Norms

Strong legal reforms aligned with EU equality and self-determination principles, particularly in legal gender recognition frameworks.

Journal officiel du Grand-Duché de Luxembourg. (2018). Loi du 10 août 2018 relative à la modification de la mention du sexe et du ou des prénoms à l'état civil et portant modification du Code civil. Luxembourg. <https://legilux.public.lu/eli/etat/leg/loi/2018/08/10/a797/jo>

The screenshot shows a web browser window with the URL legilux.public.lu. The page header includes the logo of the Government of Luxembourg and the text "Journal officiel du Grand-Duché de Luxembourg". A search bar is present with the placeholder text "Rechercher un mot clé, une thématique, une date...". Below the search bar is a "Retour accueil" button. The main content area is titled "Acte en vigueur" and features three icons: a bell for "Suivre cet acte", a close icon for "Fermer tout", and a expand icon for "Développer tout". The text of the law is displayed, starting with "Loi du 10 août 2018 relative à la modification de la mention du sexe et du ou des prénoms à l'état civil et portant modification du Code civil." followed by the royal assent text: "Nous Henri, Grand-Duc de Luxembourg, Duc de Nassau, Notre Conseil d'État entendu ; De l'assentiment de la Chambre des Députés ; Vu la décision de la Chambre des Députés du 25 juillet 2018 et celle du Conseil d'État du 27 juillet 2018 portant qu'il n'y a pas lieu à second vote ; Avons ordonné et ordonnons :". Below this, the articles are listed: "Art. 1^{er}." and "Art. 2.". At the bottom, a pink highlighted text reads: "Le fait de ne pas avoir subi des traitements médicaux, une opération chirurgicale ou une stérilisation ne peut motiver le refus de faire droit à la demande." An upward arrow icon is visible in the bottom right corner.

Incomplete Healthcare Adaptation *Intersex Protections and Depathologisation Gaps*

Healthcare governance remains partly pathologising, with limited intersex protections and incomplete implementation of rights-based reforms.

Le Ministère de l'Égalité des genres et de la Diversité. (2025). Plan d'action national pour la promotion des droits des personnes LGBTIQ+. Journal officiel du Grand-Duché de Luxembourg. (2018). Loi du 10 août 2018 relative à la modification de la mention du sexe et du ou des prénoms à l'état civil et portant modification du Code civil. Luxembourg. <https://legilux.public.lu/eli/etat/leg/loi/2018/08/10/a797/jo>



Theoretical Frameworks

Multi-Level Governance

Policy is shaped dynamically across **interacting** EU and national levels; domestic actors actively mediate this downward influence (Hooghe & Marks, 2003).

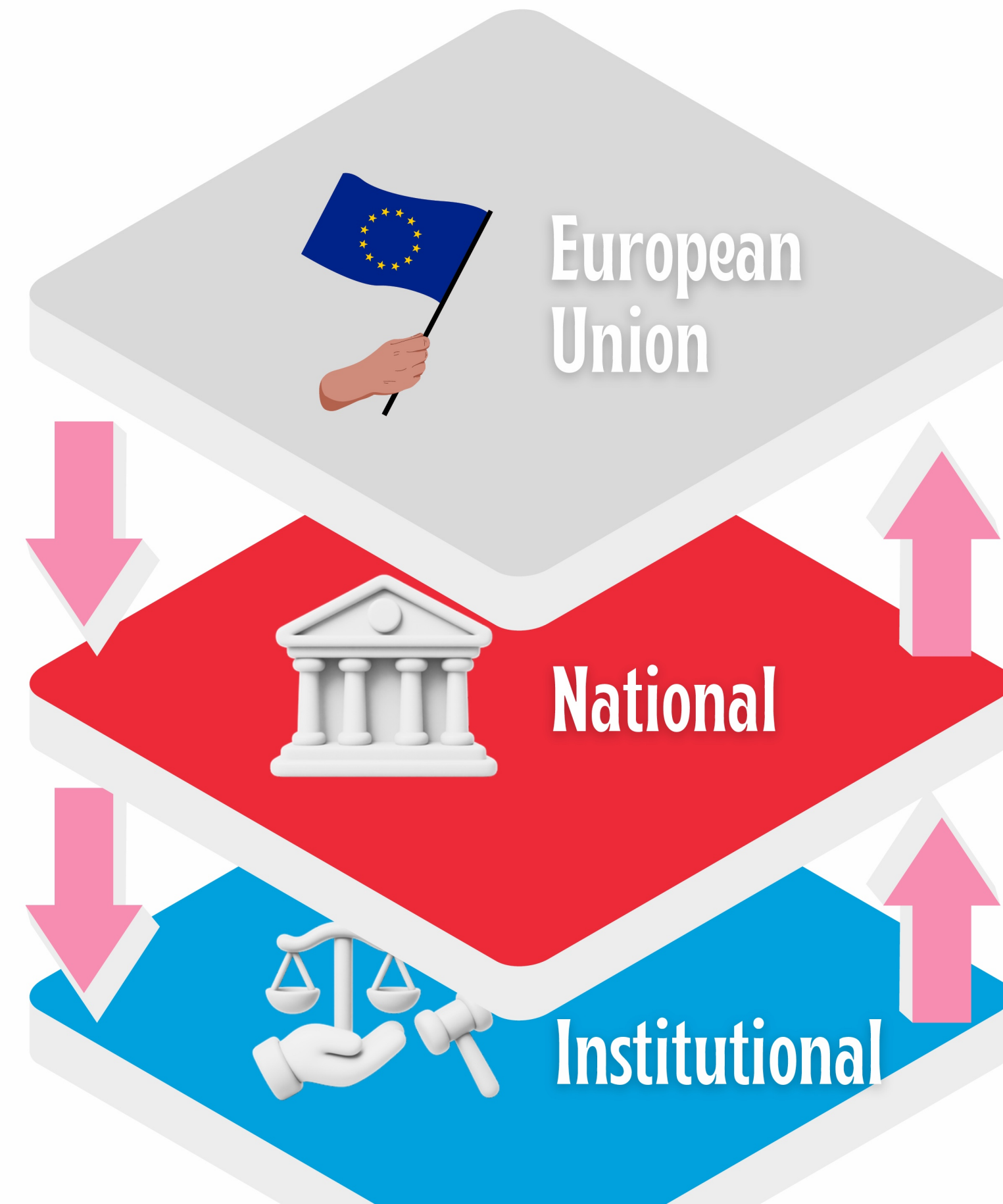
Europeanisation

EU norms generate **adaptational pressure** for domestic reform, but actual outcomes vary widely based on domestic institutional structures (Ladrech, 2010; Olsen, 2002).

Hooghe, L., & Marks, G. (2003). *Unraveling the Central State, but How? Types of Multi-level Governance*. *American Political Science Review*, 97(02). <https://doi.org/10.1017/S0003055403000649>

Ladrech, R. (2010). *Europeanization: Conceptual Developments and a Framework for Analysis*. In R. Ladrech, *Europeanization and National Politics* (pp. 19–43). Macmillan Education UK. https://doi.org/10.1007/978-1-137-06814-9_2

Olsen, J. P. (2002). *The Many Faces of Europeanization*. *JCMS: Journal of Common Market Studies*, 40(5), 921–952. <https://doi.org/10.1111/1468-5965.00403>



Research Question

How and to what extent has Luxembourg adapted to EU norms on transgender and intersex healthcare within a multi-level governance framework?

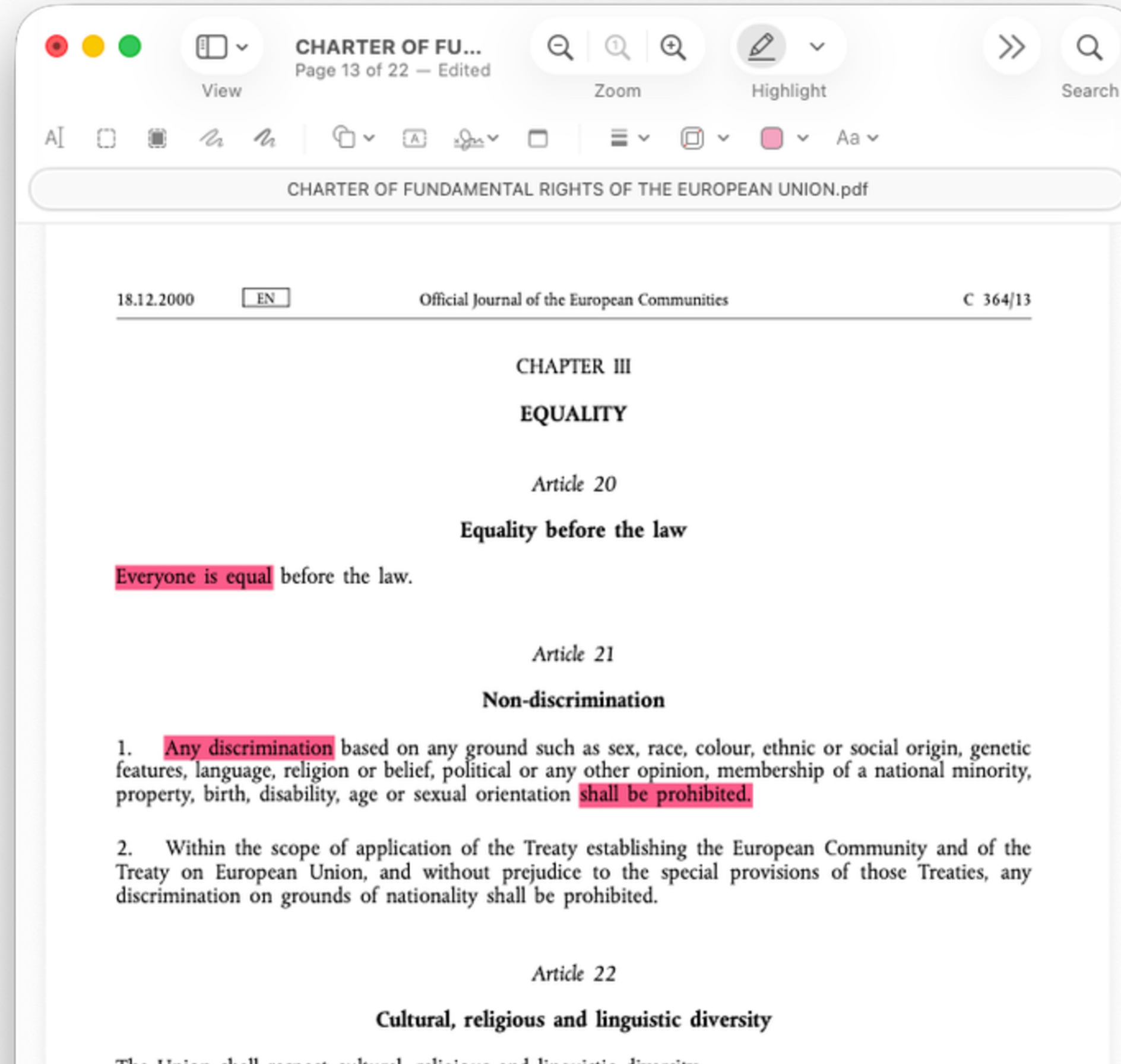
Why does adaptation remain partial despite strong EU normative pressure?

Why this matters?

Equality and non-discrimination are core values and fundamental rights

According to the Charter of Fundamental Rights of the European Union (2000)

European Parliament. (2000). Charter of Fundamental Rights of the European Union. Official Journal of the European Communities. https://www.europarl.europa.eu/charter/pdf/text_en.pdf



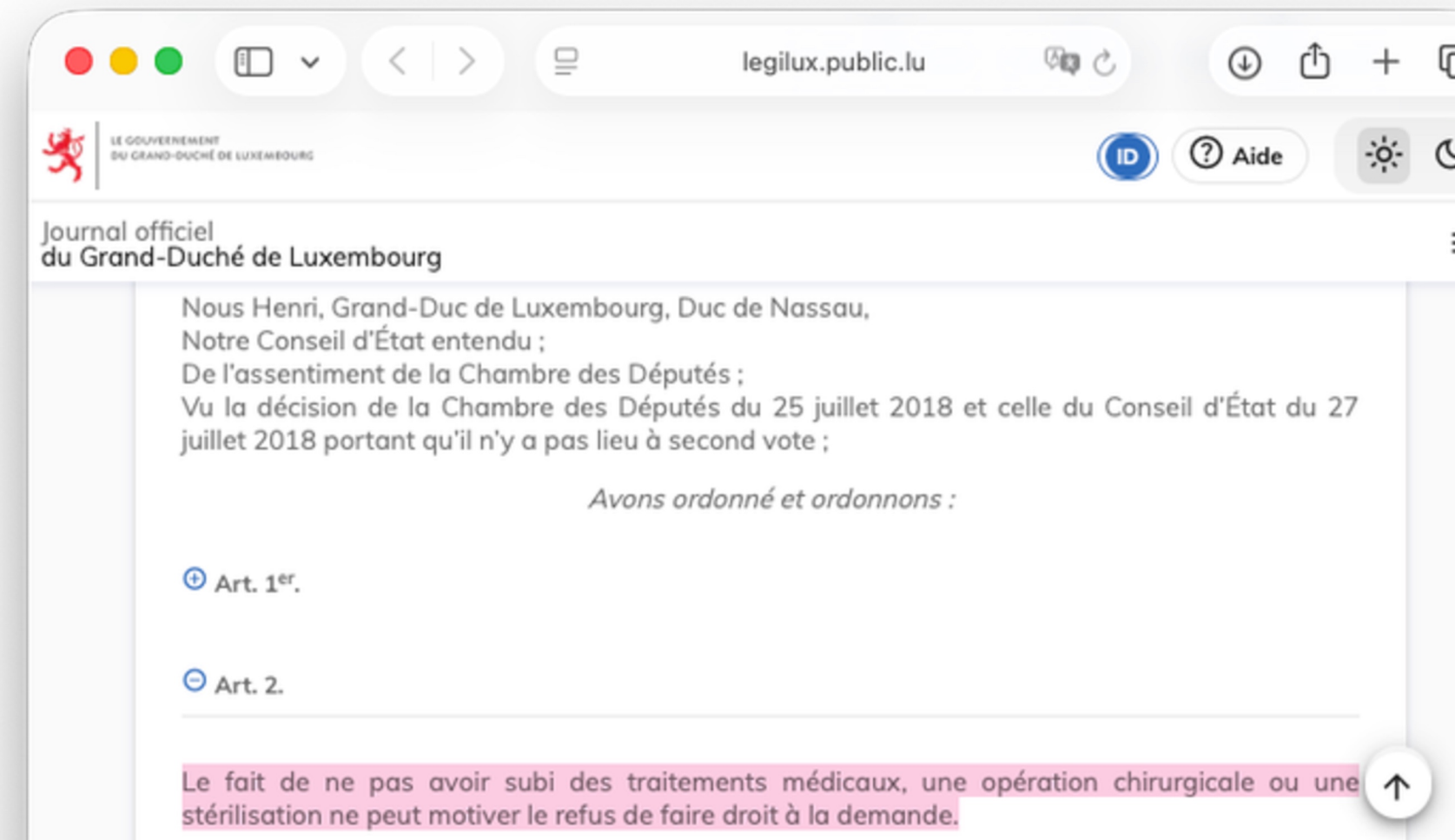
Progressive Legal Recognition

“The fact of not having undergone medical treatment, surgery, or sterilisation cannot justify refusing the request.”

— Official Journal of the Grand Duchy of Luxembourg (2018, art. 2)

Luxembourg's legal system demonstrates close alignment with EU norms regarding Legal Gender Recognition.

Journal officiel du Grand-Duché de Luxembourg. (2018). Loi du 10 août 2018 relative à la modification de la mention du sexe et du ou des prénoms à l'état civil et portant modification du Code civil. Luxembourg. <https://legilux.public.lu/eli/etat/leg/loi/2018/08/10/a797/jo>



Empirical Finding 2

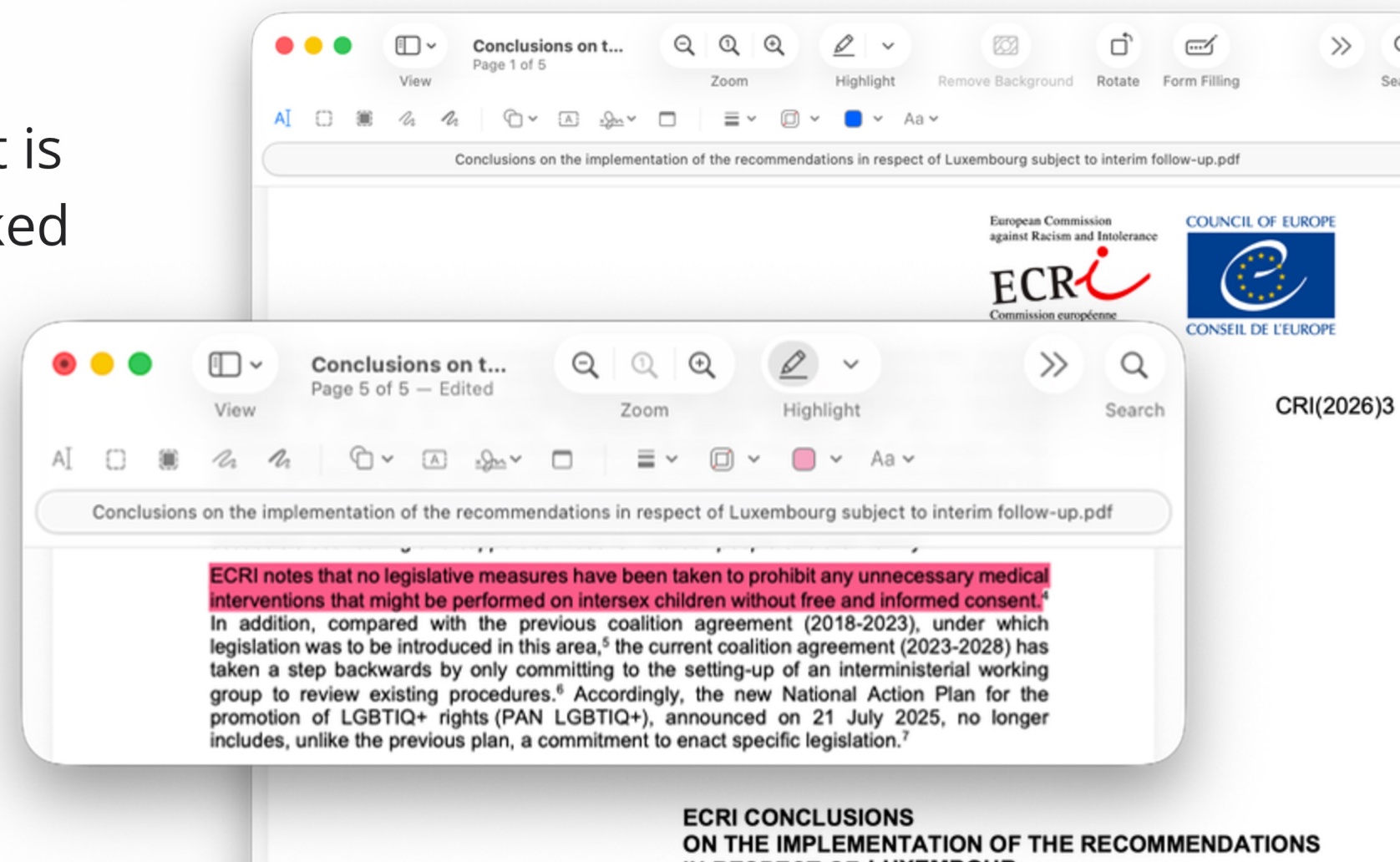
Incomplete Healthcare Adaptation

“...no legislative measures have been taken to prohibit any unnecessary medical interventions that might be performed on intersex children without free and informed consent.”

— *ECRI Monitoring Report (2026, para. 9)*

Luxembourg's healthcare governance remain unreformed. It is fundamentally misaligned with rights-based EU norms, marked by delayed implementation of protocols and pathologising classifications of trans* identities.

Council of Europe, European Commission against Racism and Intolerance (ECRI). (2026). *Conclusions on the implementation of the recommendations in respect of Luxembourg subject to interim follow-up*. Strasbourg: Council of Europe. <https://rm.coe.int/ecri-conclusions-on-the-implementation-of-the-recommendations-in-respe/48802ad4cd>

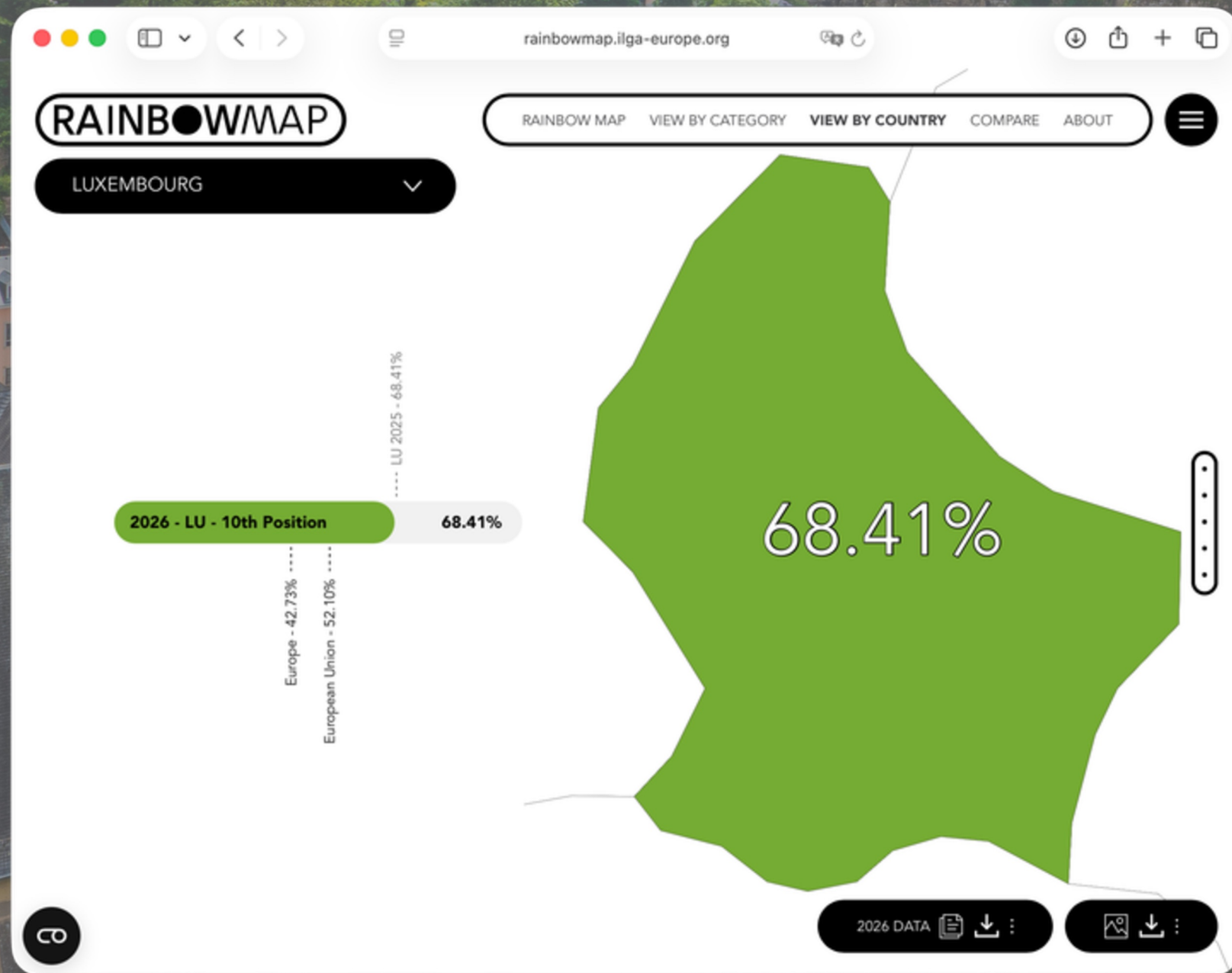


CRI(2026)3

ECRI CONCLUSIONS
ON THE IMPLEMENTATION OF THE RECOMMENDATIONS
IN RESPECT OF LUXEMBOURG

“Luxembourg still benefits from comparatively strong legal foundations in the European context. However, other countries continue to move forward while **Luxembourg** has postponed essential reforms for years. If Luxembourg truly wants to live up to its claim of being an open and inclusive country, it now **needs political courage and concrete progress instead of further delays.**”

— Rosa Lëtzebuerg Press Statement on Rainbow Map 2026 (para. 8)



2026 Categories Global Scores Luxembourg

EQUALITY & NON-DISCRIMINATION	56.52%
FAMILY	75.71%
HATE CRIME & HATE SPEECH	66.67%
LEGAL GENDER RECOGNITION	82.86%
INTERSEX BODILY INTEGRITY	0.00%
CIVIL SOCIETY SPACE	100.00%
ASYLUM	66.67%

(Download date: 2026-05-14)

Drivers of Resistance

Limited EU enforcement

The Commission relies mainly on **non-binding recommendations**, weakening pressure on Member States, including on banning conversion practices.

Domestic institutional resistance

Domestic structures **dilute and delay EU equality norms**, particularly on co-parent recognition and queer reproductive rights.

Pathologising healthcare frameworks

Trans* healthcare **remains partly medicalised** through psychiatric assessment requirements for gender-affirming care.

Weak intersex protections

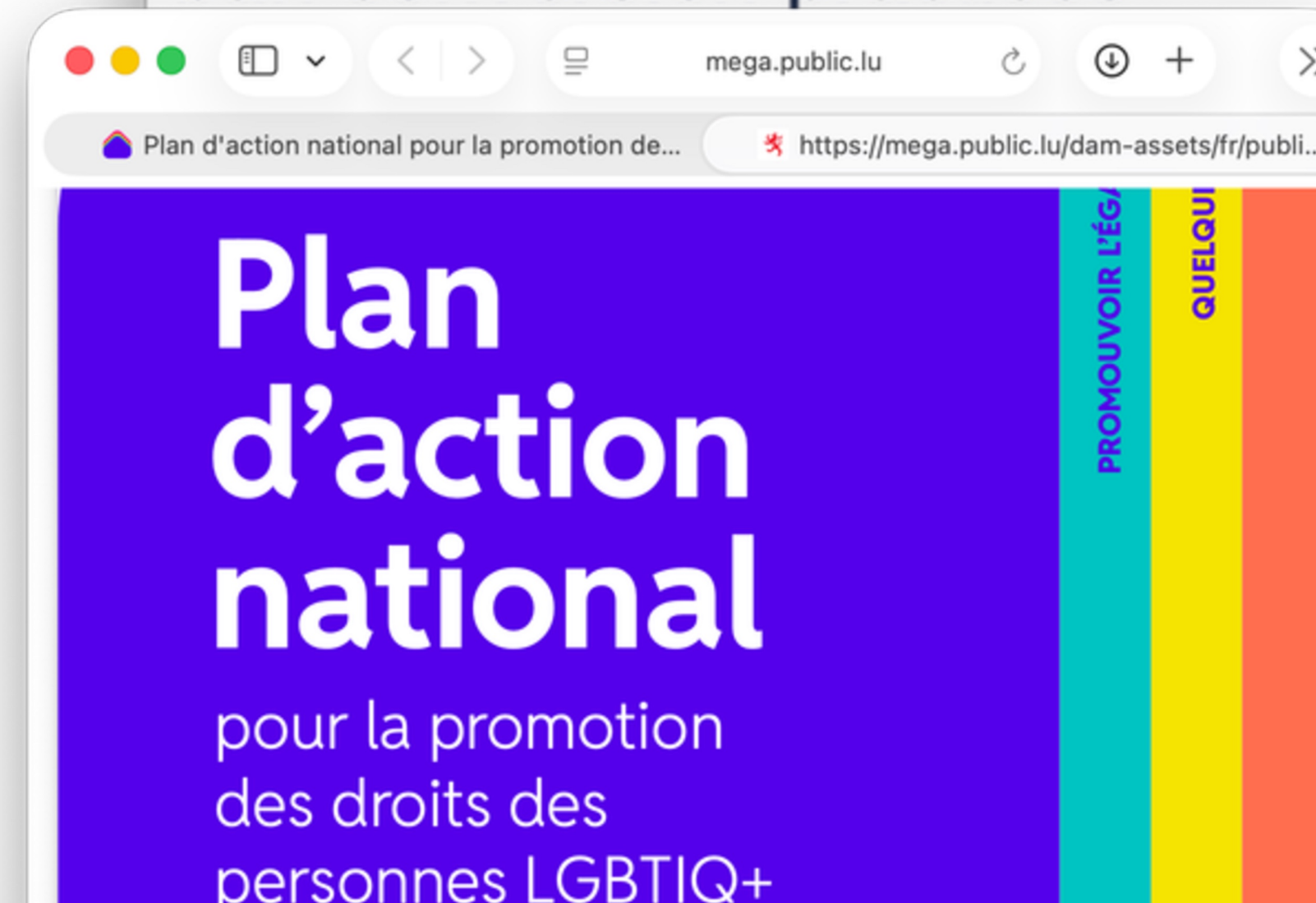
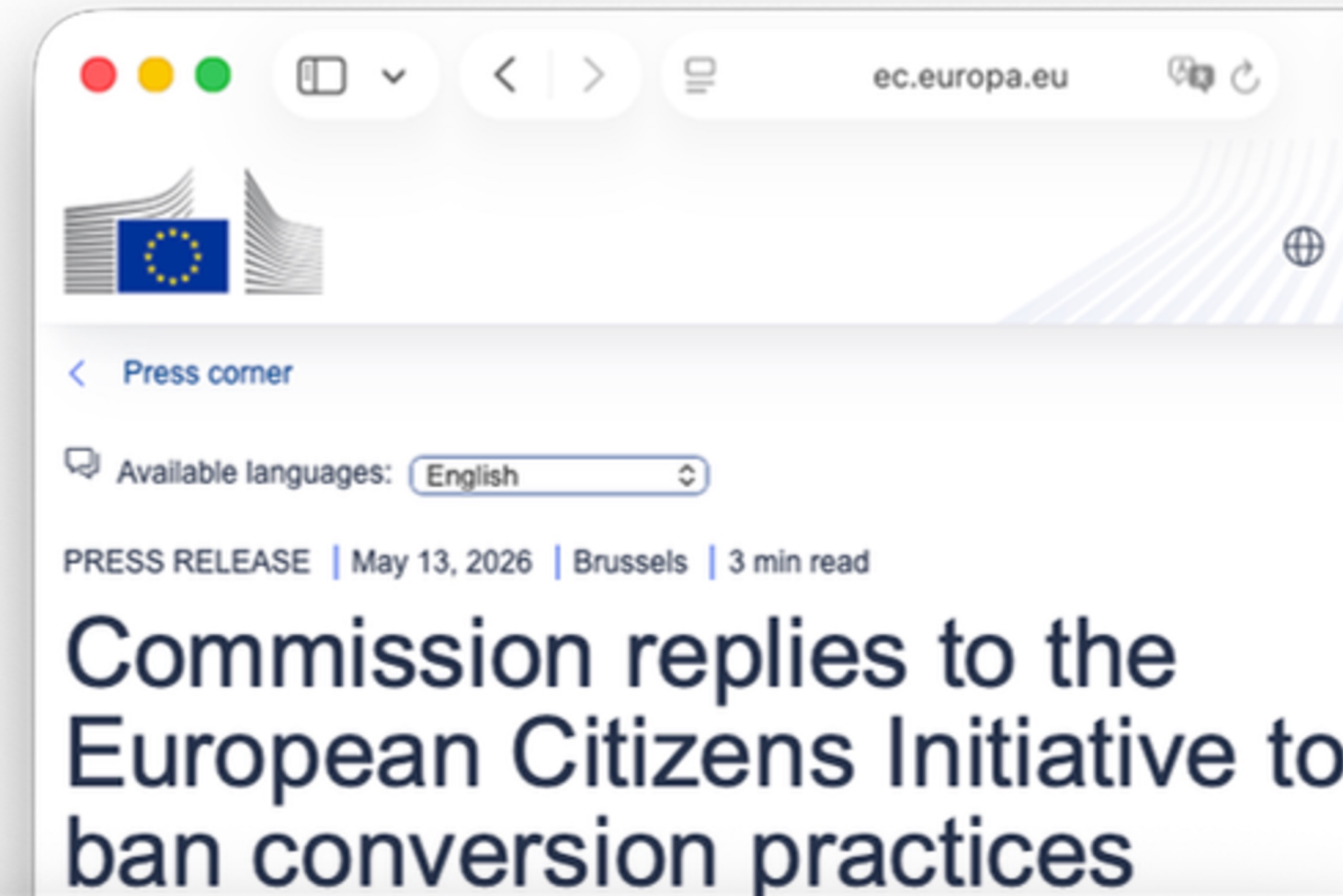
Protections against medically unnecessary interventions on intersex children remain **limited**.

Political incrementalism

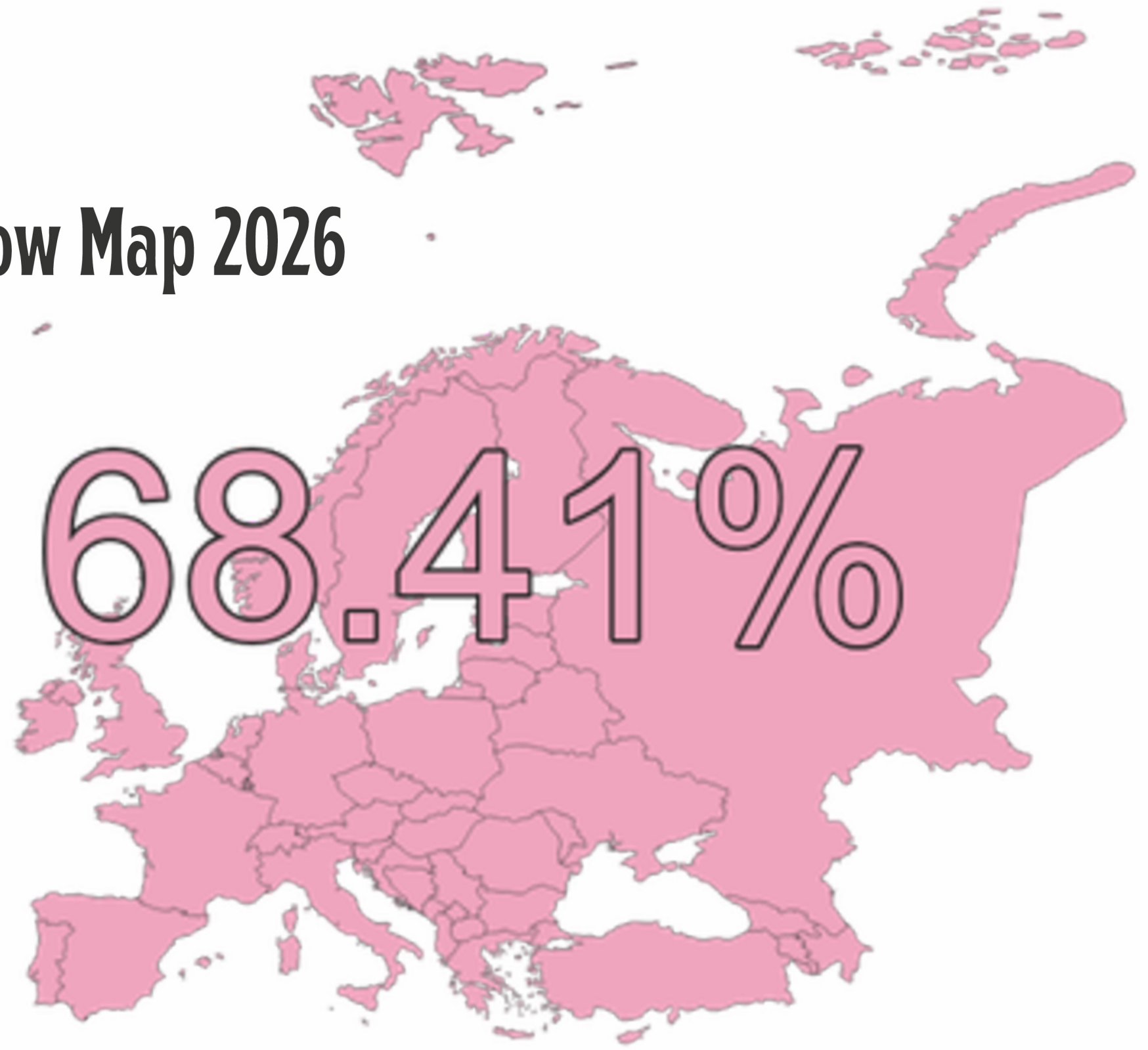
LGBTQI+ **reforms remain cautious, selective, and slow** despite evolving EU rights-based norms.

European Commission. (2026). Commission replies to the European Citizens Initiative to ban conversion practices. Press release. https://ec.europa.eu/commission/presscorner/detail/en/ip_26_1070

Le Ministère de l'Égalité des genres et de la Diversité. (2025). Plan d'action national pour la promotion des droits des personnes LGBTQI+. *Journal officiel du Grand-Duché de Luxembourg*. (2018). *Loi du 10 août 2018 relative à la modification de la mention du sexe et du ou des prénoms à l'état civil et portant modification du Code civil. Luxembourg*. <https://legilux.public.lu/eli/etat/leg/loi/2018/08/10/a797/jo>

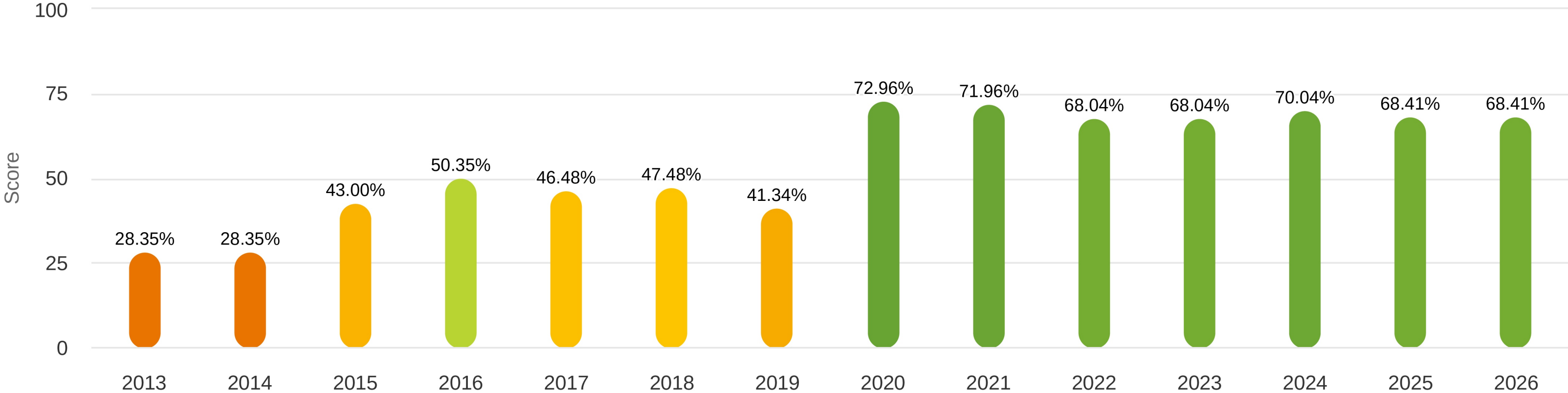


Luxembourg places 10th in the Rainbow Map 2026
produced by ILGA Europe

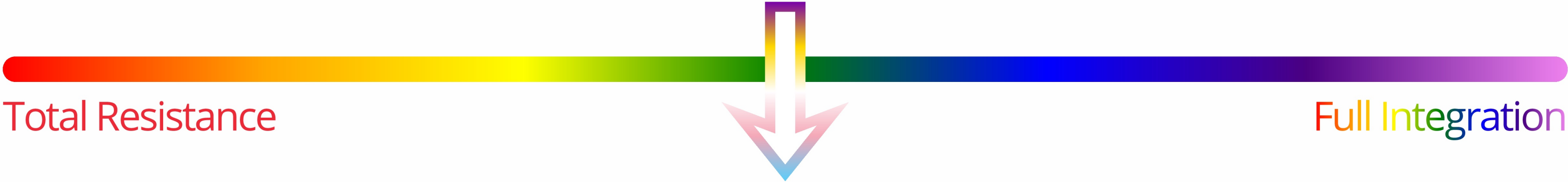


ILGA Europe. (2026). Rainbow Map 2026: Luxembourg.
<https://rainbowmap.ilga-europe.org/countries/luxembourg/>

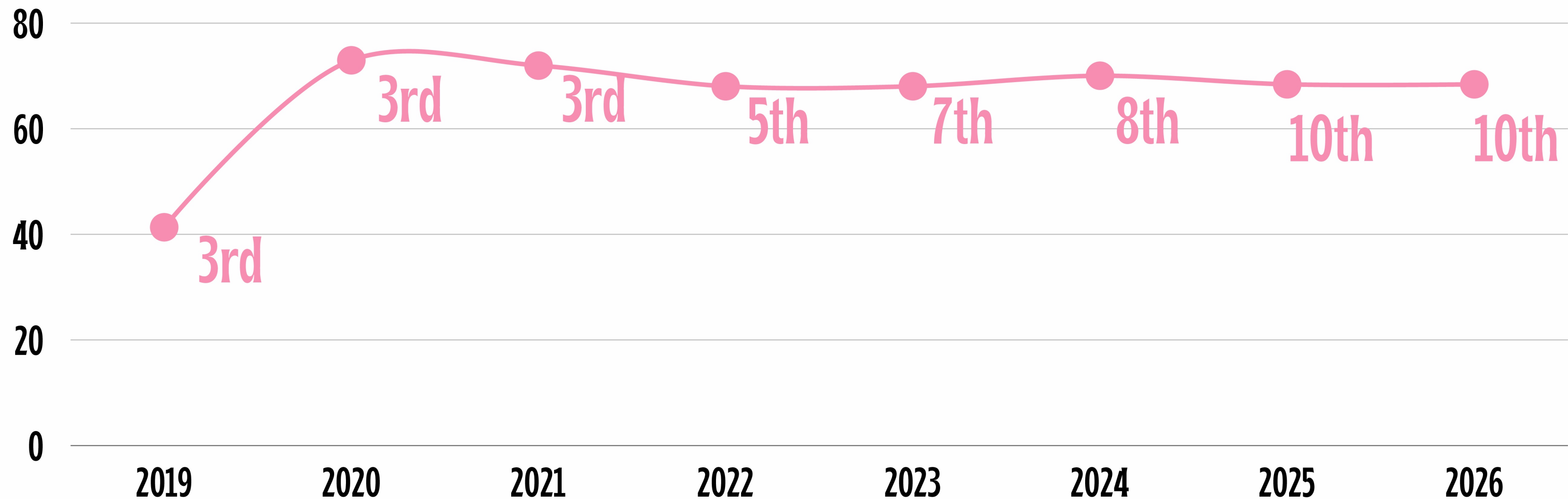
Luxembourg - Country Score Evolution



(Download date: 2026-05-14)



ILGA Europe. (2026). Rainbow Map 2026: Luxembourg.
<https://rainbowmap.ilga-europe.org/countries/luxembourg/>



Luxembourg is stagnating at the European level.

“Between 2019 and 2026, Luxembourg fell from 3rd to 10th place in the ILGA Europe Rainbow Map. Other countries are making progress, while LGBTQI+ rights in Luxembourg are stagnating.”

— Rosa Lëtzebuerg Press Statement on IDAHOBIT 2026

Argument

*Luxembourg is not failing European integration. Rather, it **demonstrates a pattern of selective Europeanisation**, in which EU norms are incorporated unevenly across legal, political, and healthcare domains.*

This adaptation remains:

- **Uneven.** showing relatively high legal compliance, but weaker medical and governance adaptation;
- **Mediated.** filtered through domestic political, institutional, and healthcare actors;
- **Incomplete.** where formal legal recognition is not fully matched by institutional and practical implementation.

European Commission. (2026). Commission replies to the European Citizens Initiative to ban conversion practices. Press release. https://ec.europa.eu/commission/presscorner/detail/en/ip_26_1070

Le Ministère de l'Égalité des genres et de la Diversité. (2025). Plan d'action national pour la promotion des droits des personnes LGBTQ+. *Journal officiel du Grand-Duché de Luxembourg*. (2018). Loi du 10 août 2018 relative à la modification de la mention du sexe et du ou des prénoms à l'état civil et portant modification du Code civil. Luxembourg. <https://legilux.public.lu/eli/etat/leg/loi/2018/08/10/a797/jo>

Rosa Lëtzebuerg. (2024). Policy demands on LGBTQ and intersex rights in Luxembourg. Luxembourg. https://www.rosa-letzebuerg.lu/en_GB/nos-revendications

Rosa Lëtzebuerg. (2026). Rainbow Index 2026: Luxembourg remains in 10th place. https://www.rosa-letzebuerg.lu/en_GB/blog/press-release-14/rainbow-index-2026-luxembourg-remains-in-10th-place-27

Policy imperatives

1. *Introduce* legislative protections for intersex bodily integrity beyond soft-law and recommendation-based approaches.
2. *Align* healthcare governance with depathologisation and bodily autonomy principles.
3. *Bridge* the implementation gap between legal reform and institutional practice.
4. *Strengthen* interministerial coordination and accountability mechanisms.
5. *Develop* a roadmap for future equality reforms, including non-binary legal recognition.

European Commission. (2026). Commission replies to the European Citizens Initiative to ban conversion practices. Press release. https://ec.europa.eu/commission/presscorner/detail/en/ip_26_1070

Le Ministère de l'Égalité des genres et de la Diversité. (2025). Plan d'action national pour la promotion des droits des personnes LGBTIQ+. *Journal officiel du Grand-Duché de Luxembourg*. (2018). Loi du 10 août 2018 relative à la modification de la mention du sexe et du ou des prénoms à l'état civil et portant modification du Code civil. Luxembourg. <https://legilux.public.lu/eli/etat/leg/loi/2018/08/10/a797/jo>

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Transgender Europe. (2026). Trans Rights Map 2026: Fast Facts. <https://transrightsmap.tgeu.org/fast-facts>

Research roadmap

1. *Deepen* the analysis of healthcare governance as a site of selective Europeanisation.
2. *Identify* and assess the role of domestic actors shaping implementation outcomes.
3. *Conduct* semi-structured interviews with key policymakers and stakeholders.
4. *Expand* the use of monitoring and evaluation evidence.
5. *Strengthen* the comparative dimension of the analysis.

European Commission. (2026). Commission replies to the European Citizens Initiative to ban conversion practices. Press release. https://ec.europa.eu/commission/presscorner/detail/en/ip_26_1070

Le Ministère de l'Égalité des genres et de la Diversité. (2025). Plan d'action national pour la promotion des droits des personnes LGBTIQ+. *Journal officiel du Grand-Duché de Luxembourg*. (2018). Loi du 10 août 2018 relative à la modification de la mention du sexe et du ou des prénoms à l'état civil et portant modification du Code civil. Luxembourg. <https://legilux.public.lu/eli/etat/leg/loi/2018/08/10/a797/jo>

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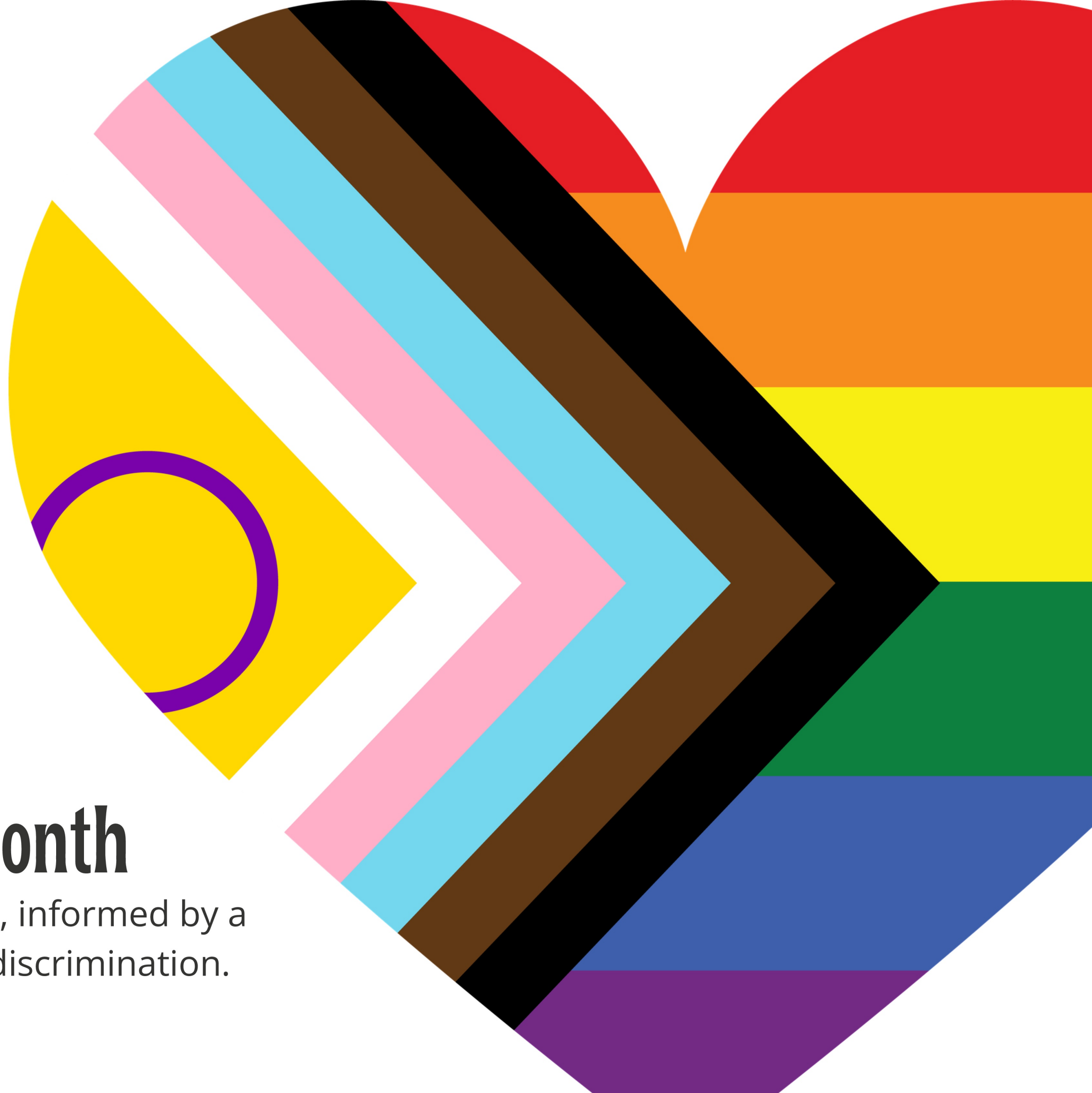
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Transgender Europe. (2026). Trans Rights Map 2026: Fast Facts. <https://transrightsmap.tgeu.org/fast-facts>

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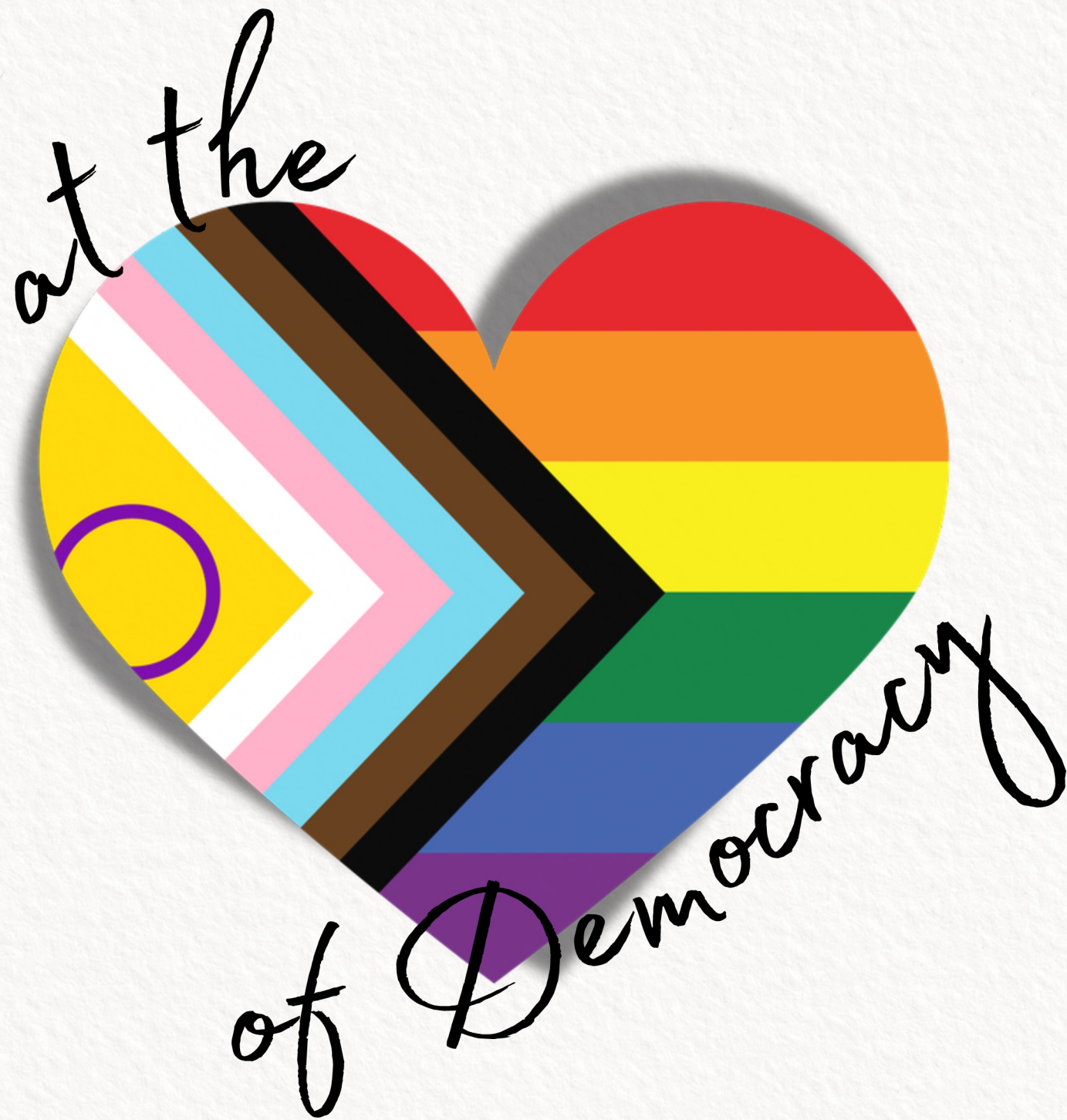
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- European Parliament. (2000). Charter of Fundamental Rights of the European Union. Official Journal of the European Communities. https://www.europarl.europa.eu/charter/pdf/text_en.pdf
- European Parliament. (2021). Sexual and reproductive health and rights in the EU, in the frame of women's health. Brussels. https://www.europarl.europa.eu/doceo/document/TA-9-2021-0314_EN.htm
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- Olsen, J. P. (2002). The Many Faces of Europeanization. *JCMS: Journal of Common Market Studies*, 40(5), 921–952. <https://doi.org/10.1111/1468-5965.00403>
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Villmols merci !



This is dedicated to Pride Month

Grounded in empirical evidence and theories, informed by a commitment to dignity, autonomy, and non-discrimination.



Happy International Day Against Homophobia, Biphobia, Interphobia, and Transphobia (IDAHOBIT)

What is IDAHOBIT?

IDAHOBIT is a worldwide celebration of sexual and gender diversity that fosters a global moment for collective action, awareness, solidarity, and visibility, bringing together individuals, organisations, and governments under a shared theme to highlight the issues faced by LGBTQIA+ people around the world.

Source: <https://may17.org/idahobit/>

are dignity, equality, and inclusion for all.

17 May 2026

