

Trans Rights Europe Map & Index, May 2013

In a nutshell

The Trans Rights Europe Map reflects European countries' laws and administrative practices which protect or violate the human rights of trans people. The Trans Rights Europe Index provides detailed country information in 21 categories.

Findings at a glance

Legal Gender Recognition

- Legal Gender Recognition (Change of Name/ Gender marker in key documents) is NOT possible in 16 countries
- 34 countries have provisions for Legal Gender Recognition, but Out of those:
 - **24 countries require sterilization by law**
 - all require a mental health diagnosis/ psychological opinion
 - 19 countries require divorce
- 15 countries do not allow a trans person to marry upon legal gender recognition.

All legal provisions for a trans person's gender identity recognition require a mental health diagnosis. Only five countries (Austria, Germany, Portugal, Hungary and UK) allow for these procedures without further violating the right to physical integrity. Though Hungary and UK force a married trans person to divorce as pre-requisite.

Protection from Hatred and transphobic Violence

- 9 countries protect trans people against hate crime

Asylum

- 5 countries recognize 'fear of prosecution on grounds of gender identity' as asylum ground

Equality and Non-Discrimination

- 15 countries provide protection against discrimination in **employment**
- The mandate of 21 **equality bodies** extends to cover trans people
- 10 countries have trans-inclusive **equality action plans**

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The Trans Rights Map & Index are available at: www.tgeu.org/trans_rights_europe_map

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Data contained in these documents is based on the ILGA-Europe Rainbow Europe Map reflecting the legal and policy situation for lesbian, gay, bisexual, trans and intersex (LGBTI) people in Europe: www.ilga-europe.org/rainboweurope This document has been produced with support of the Open Society Institute (OSI) and the Dutch Ministry for Education, Culture and Science. The information contained in this document does not necessarily reflect the position or opinion of these institutions.

Key Facts

Equality and Non-Discrimination

Trans people are disproportionately affected by unemployment and suffer from negative attitudes and discrimination in shops, in public and in private. EU law protects transgender people against discrimination in the areas of Employment and Goods & Services. However, very few Member States have implemented explicit legal protection.

Protection from Violence

There is no safe country for trans people. In the last five years 71 murders of trans people have been documented in Europe. Nearly every trans person who is visible as transgender experiences harassment, abuse and violence in public. Still, only 9 countries protect trans people against violence.

Legal Gender Recognition:

Only 34 countries in Europe have legal provisions to recognize a trans person's gender identity. Trans people's existence is *de facto* made illegal in 16 countries as they provide for no recognition.

24 countries in Europe require by law that trans people undergo sterilization before their gender identity is recognized.

"Transgender people appear to be the only group in Europe subject to legally prescribed, state-enforced sterilisation."

(Council of Europe Commissioner for Human Rights Thomas Hammarberg 2009)

Other requirements may include diagnosis of mental disorder, medical treatment and invasive surgery, assessment of time lived in new gender identity, being single or divorced. Such requirements violate a person's dignity, physical integrity, right to form a family and to be free from degrading and inhuman treatment.

Key Terms

Transgender or trans people have a gender identity which is different to the gender assigned at birth. This includes people who intend to undergo, are undergoing, or have undergone gender reassignment as well as those who prefer or choose to present themselves differently to the expectations of the gender assigned to them at birth.

Gender identity is understood to refer to each person's deeply felt internal and individual experience of gender, which may or may not correspond with the sex assigned at birth, including the personal sense of the body (which may involve, if freely chosen, modification of bodily appearance or function by medical, surgical or other means) and other expressions of gender, including dress, speech and mannerisms. (*Yogyakarta Principles*)

Legal Gender Recognition is the official recognition of a person's gender identity including gender marker and name(s) in public registries and key documents. The European Court of Human Rights has repeatedly ruled on gender identity recognition and its conditions, strengthening the human rights of trans people.

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Transgender Europe - TGEU is a European Human Rights Organization with membership in 36 countries working for equality and inclusion of all trans people, registered under Austrian law.

www.tgeu.org