Trans Rights Europe Map & Index 2013: At a Glance

campaign, non-discrimination

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.

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 sterilisation by law**
    - all countries require a mental health diagnosis/psychological opinion
    - 19 countries require divorce.

All legal provisions for a trans person's gender identity recognition require a mental health diagnosis. Only five countries (Austria, Germany, Portugal, Hungary, and the 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 hate and transphobic violence

- 9 countries protect trans people against hate crimes.

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**.

Family

- 15 countries do not allow a trans person to marry upon legal gender recognition.

Interactive Trans Rights Index & Map

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. This document was 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 disproportionally 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 recognise 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 sterilisation before their gender identity is recognised.

"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.

Download Trans Rights Map & Index at a glance

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