



# KNOW Your Rights!

## TGEU's »Know your Rights!« Guide

For Trans People in the EU

**New!**  
In simpler  
English

All people who live, work or apply for asylum in the European Union (EU), including trans people, have rights that all countries in the EU have to protect.

Do you know your rights?

[www.tgeu.org/EU-law](http://www.tgeu.org/EU-law)



# KNOW Your Rights!\*

## Imprint

This new second version is written in simpler language so that more people can read it.

**Author** | Noah Keuzenkamp

**Editor** | Simon Croft

**Date** | October 2016

**With many thanks to** | Jay Stewart, Simon Croft,  
Dodo Karsay, Mina Tolu, Alecs Recher and Joel Le Deroff

**Design & Layout** | [www.bernoh.de](http://www.bernoh.de)

**Copyleft** | Transgender Europe

TGEU

Transgender Europe

Kieffholzstraße 2

12435 Berlin

Germany

[www.tgeu.org](http://www.tgeu.org)

Written in collaboration with



# TGEU's »Know your Rights!« Guide

## For Trans People in the EU

### Content

Do you know your rights?	4
Trans people are not 'just' trans!	6
Know your Rights: At Work and when Looking for Work	8
Know your Rights: Buying Things and Using Services	14
Know your Rights: Being the Victim of a Crime	18
Know your Rights: As a Trans Asylum Seeker or Refugee	24
What can you do if your rights have not been respected?	34
More information	37
List of Words	39

# Do you know your rights?

All people in the ► [European Union \(EU\)](#) (see »List of Words« on page 39) have rights, including trans people. All countries in the EU have to protect these rights.

The countries that are in the EU are: Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the UK.

## The rights discussed in this guide

In this guide, we will tell you about some rights that trans people have in all countries in the EU. We will tell you about:

- **Your rights at work**
- **Your rights when you buy things**
- **Your rights if you are a victim of crime**
- **Your rights if you are an asylum seeker or refugee.**

We chose these four areas because the EU has very clearly said that trans people have rights in these areas, and that discriminating against trans people in these areas is illegal.

This guide is written in simpler language than the EU laws that describe your rights. That means that the guide may not always include all the details that you may need to know about your rights. Because of that, our advice is to get help and more information if you think your rights have not been respected. To learn more, have a look at »What can you do if your rights have not been respected?« (p. 34) and »More information« (p. 37).

## Watch out

In many countries, some trans people sadly have more rights than others. Usually trans people who identify as women or men are better protected than those with other identities, such as nonbinary people. Sometimes trans people who have changed their legal documents have more rights than those who have not. You may need to talk to an organisation in your country to find out more.

## Other rights not discussed in this guide

The rights described in this guide are not all the rights you have. The EU and the country that you live in have other laws that protect you and give you rights. For example, you have the right to vote, the right to go to school and the right to have a religion.

All countries in the EU have also agreed to follow the European Convention on Human Rights (ECHR), which is a legal text that describes many other important rights. Most European countries that are not in the EU have also agreed to follow the ECHR. This means that all of these countries have to protect the rights described in the ECHR.

This guide does not tell you about these other rights. If you want to learn more about them, follow the links at the end of the guide.

KNOW  
Your  
Rights!\*

## Trans people are not 'just' trans!

This guide is for trans people. We know that every trans person is not 'just' a trans person and that every trans person is unique, with many different identities and experiences. Some trans people also face disadvantage or ►[discrimination](#) because of other parts of their identity or experience – sometimes even at the same time.

It can be particularly difficult if you are discriminated against because, for example, you are trans and have a disability, or because you are trans and a person of colour, or because you are trans and a woman, or maybe all of those.

Some trans people are also discriminated against because they are intersex, because of their religion, because of their age, because they are lesbian, gay, bisexual, or queer, because of their race or ethnicity, because of their nationality, or because of other identities or experiences.

Sometimes, this discrimination can come from trans organisations and communities themselves.

This guide tells you about some other organisations who can support you if you have been discriminated against for reasons other than being trans. This information is in: »What can you do if your rights have not been respected?« (page 34) and »More information« (page 37).

The rights people have to live free from discrimination in the EU are different depending on why they were discriminated against and in which country they live.

The table on the right gives you an overview of the rights that have to be protected in all EU countries. The rights in your own country may be better. It is best if you talk to an organisation in your country to find out more.

Kind of discrimination	Illegal at work	Illegal when buying goods and services	Illegal against victims of crime	Illegal in education
Trans identity	Yes	Yes	Yes	No
Gender	Yes	Yes	Yes	No
Race and ethnicity	Yes	Yes	Yes	Yes
Disability	Yes	No	Yes	No
Sexual orientation	Yes	No	Yes	No
Age	Yes	No	Yes	No
Religion	Yes	No	Yes	No

In this guide, we give some examples of things that are illegal because they do not respect your rights as a trans person. In the examples, it is clear that the person is discriminated against because they are trans. But if you face disadvantage or discrimination of more than one kind – for example because you are a trans person with a disability – it can be difficult to know why you were discriminated against. Was it because the person doesn't like trans people, or because they have stereotypes against disabled people, or both?

Even if you do not know for sure why you were discriminated against, it is still discrimination. And you can still do something against it. We tell you what you can do in »What can you do if your rights have not been respected?« (page 34).

*Know Your Rights!*

# Know your rights:



## At Work and when Looking for Work

As a trans person, you have the right to be treated fairly and equally at work or when you are looking for work. These are some of the rights you have:

### To be treated fairly and equally when you apply for jobs

You have the right to apply for a job and to have your application looked at in a fair and equal way and without ► **discrimination**. You have these rights:

- **To apply for any job that you want**

**Example:**

It is illegal if you ask for a job application form at a shop and they tell you that people like you should not apply.

- **To have someone look at your application in a fair and equal way**

**Example:**

It is illegal if you hand your application form to someone, but when they realise that you are trans, they give it back to you without looking at it further.

- **To get a job interview if your application is as good as that of others being interviewed**

It is discrimination if you are not given an interview only because you are trans.



**Example:**

It is illegal if you apply for a job and are told that you will not be given an interview because trans people would not be accepted.

**■ A fair and equal job interview without discrimination**

It is discrimination if you are treated worse during the interview than other people applying who are not trans.

**Examples:**

- It is illegal if the interviewer cuts the interview short after realising that you are trans.
- It is illegal if the interviewer keeps using the wrong pronoun or name for you even when you correct them.

**■ A fair and equal job interview without any harassment**

It is **harassment** when someone says or does something that makes you feel upset, scared, hurt, embarrassed or bad in another way. It can be verbal (something they say) or physical / non-verbal (something they do).

**Examples:**

- Verbal: It is illegal if the interviewer tells you that you do not look like a »real woman« or a »real man«.
- Physical: It is illegal if the interviewer pushes you.
- Non-verbal: It is illegal if the interviewer ignores you, points and stares at you, or does not want to shake your hand because you are trans.

**■ A fair and equal job interview without any sexual harassment**

It is **sexual harassment** when someone does or says something sexual that makes you feel upset, scared, hurt, embarrassed or bad in another way. It can be verbal (something they say) or physical / non-verbal (something they do).



### Examples:

- Verbal: It is illegal if the interviewer asks you questions about your body or asks you out on a date.
- Physical: It is illegal if the interviewer touches your body even though you do not want this.
- Non-verbal: It is illegal if the interviewer makes a sexual hand movement or gesture.

## To be treated fairly and equally at work

You have the right to be treated in a fair and equal way at work by your co-workers and by your manager (your boss). This means you have the right:

### ■ To be treated as well as others

It is discrimination if you are treated worse than others who are not trans.

#### Example:

It is illegal if your boss criticizes you a lot more than your co-workers who are not trans, even though you are doing an equally good job.

### ■ To work without being harassed

For a description of »harassment« see page 9.

#### Examples:

- It is illegal if your manager makes jokes about trans people that make you feel upset.
- It is illegal if your co-workers hide your personal things at work.

### ■ To work without being sexually harassed

For a description of »sexual harassment« see page 9.

#### Example:

It is illegal if a co-worker asks you how you have sex as a trans person.

## To keep your job and be promoted

You have a right to keep your job. You have a right to fair and equal opportunities for promotion. It is illegal if you are fired or not promoted because you are trans.

### Example:

It is illegal if your co-workers who are not trans are promoted after two years on the job but you are not.

## To transition at work

You are allowed to transition while you work and to have gender reassignment surgery. You have the right not to be fired because of your transition or gender reassignment surgery.

### Examples:

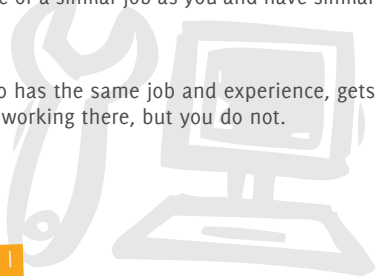
- It is illegal if your boss tells you that if you transition you cannot keep working at the company.
- It is illegal if you are fired or given a worse job after coming back from gender reassignment surgery.
- It is illegal if you are not given sick leave to have gender reassignment surgery in the same way that other people get sick leave for their medical treatments.

## To be paid the same as others doing the same job

You have the right to be paid the same as your co-workers who are not trans and who are doing the same or a similar job as you and have similar work experience.

### Example:

It is illegal if your co-worker, who has the same job and experience, gets a higher salary after one year of working there, but you do not.



## To have the same work conditions

You have the right to have the same work conditions as your co-workers who are not trans. Work conditions are, for example:

- How many holidays you can take
- How many hours you have to work
- If you have to work at night or on the weekends
- How many breaks you can take during the day
- The work facilities you can use: bathrooms, changing rooms, break rooms

### Examples:

- It is illegal if your co-workers are always allowed to go home but you are often told you have to work in the evening.
- It is illegal if you are not allowed to use the bathroom that you feel comfortable with – for example you are a trans woman, but are told to use the men’s bathroom.
- It is illegal if you are told to wear a uniform that you are not comfortable with – for example you are a trans man, but are told to wear a female uniform.

## To join a union

You have the right to join a union or a professional organisation. An example of a professional organisation is a national organisation for all teachers.

### Examples:

- It is illegal if your manager (boss) tells you that you will be fired if you join a union.
- It is illegal if a union tells you that they do not want trans people as members.

## To get training and education

You have the right to get the same training and education as your co-workers.

### Example:

It is illegal if every year your co-workers get one week of training but you do not.

## To get social security benefits

You have the right to get the same »social security benefits« as your co-workers. Social security benefits are:

- Sickness benefits (money you get paid when you are sick and cannot work)
- Disability benefits (money you get paid when you cannot work because of disability)
- Unemployment benefits (money you get paid when you do not have a job)
- Work accidents and diseases benefits (money you get paid when you had an accident at work or you got sick because of work)
- Family allowances (money you get to support your family)
- Widow(er)'s allowances (money your spouse or partner gets if you die)

### Examples:

- It is illegal if you are not given sick benefits while you have gender reassignment surgery in the same way that other people get sickness benefits for their medical treatments.
- It is illegal if your employer only gives widow(er)'s allowances to married people if trans people are not able to get married where you live, meaning that trans people cannot get these allowances.



If you think your rights have not been respected, go to page 34 to read what you can do.

# Know your rights:



## Buying Things and Using Services

As a trans person, you have the right to be treated fairly and equally when you buy or use »►goods« and »►services«.

»Goods« are things you buy that then belong to you, for example clothes, food, a mobile phone or a house.

A »service« is when you pay someone to do something for you or you pay to be allowed to use something. An example of a »service« is taking the bus (you pay for the bus ticket so you can use the bus), renting an apartment (you pay rent so that you can use the apartment), or going to yoga (you pay a fee to get someone to teach you yoga).

Some examples of goods and services are:

- Things sold in shops and restaurants, for example clothes or food
- Housing, for example renting an apartment or buying a house
- Transportation, for example buying a bus ticket or a flight ticket
- Health, for example buying health insurance or paying for a psychologist
- Insurance, for example buying travel insurance
- Banking, for example opening a bank account or getting a credit card
- Public services for which you pay the government directly, for example a new passport
- Public services for which you pay the government indirectly through taxes, for example healthcare in some countries

Most of the time you pay for goods or services yourself, for example by cash or by card. But you are also protected if someone else pays for you. An example is if you pay for health insurance (through taxes or fees) and then your health insurance pays for your doctor.

When you buy or use goods and services, you have these rights:

## Buy without discrimination

You have the right to be treated without ► **discrimination** when you buy something. Discrimination can be:

- **Being treated worse than others who are not trans. This also includes not being allowed to buy something**

### Examples:

- It is illegal if you are trying to rent an apartment and you are told that you should not apply because people like you don't fit in with the other people renting.
- It is illegal if your health insurance does not send information about pregnancy or pap smears (a test for cancer) to trans men, even though it sends it to cis women (women who are not trans).
- It is illegal if you are told that you cannot open a bank account because your ID does not match your gender presentation.

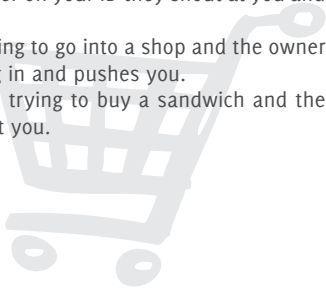
- **Being harassed**

It is ► **harassment** when someone says or does something that makes you feel upset, scared, hurt, embarrassed or bad in another way.

It can be verbal (something they say) or physical / non-verbal (something they do).

### Examples:

- Verbal: It is illegal if you are trying to buy a train ticket and when the sales person sees your legal gender on your ID they shout at you and make critical comments.
- Physical: It is illegal if you are trying to go into a shop and the owner physically stops you from coming in and pushes you.
- Non-verbal: It is illegal if you are trying to buy a sandwich and the sales person laughs and points at you.



### ■ Being sexually harassed

It is ►sexual harassment when someone does or says something sexual that makes you feel upset, scared, hurt, embarrassed or bad in another way. It can be verbal (something they say) or physical/non-verbal (something they do).

#### Examples:

- Verbal: It is illegal if you are trying to buy a drink and the person selling it to you makes sexual jokes or asks a sexual question.
- Physical: It is illegal if you are in a shop and the sales person touches you in sexual way.
- Non-verbal: It is illegal if you are trying to go into a shop and the owner whistles at you or makes a sexual hand movement.

### ■ Being discriminated against by other customers

It is also discrimination when other people buying something (other customers) discriminate against you, rather than the person selling you something.

#### Example:

It is illegal if you are buying food and other people in the shop make fun of you, while the people working there ignore it and do not help you.

## Use free from discrimination

You have the right to use or enjoy the things you have paid for without discrimination. Discrimination here means the same as above: to not be treated worse, harassed or sexually harassed.

#### Examples:

- It is illegal if you are eating food at a restaurant and the waiter makes sexual jokes and comments about you being trans that make you feel uncomfortable.
- It is illegal if your gym or sports club does not allow you to use the changing rooms and showers that you feel comfortable with – for example you are a trans woman but are told to use the men's changing rooms.



- It is illegal if you are on an online dating site and get harassed by other people and the dating site does not do anything to stop the harassment.

## Be informed and assisted

You have the right to get the same information or help as others when you try to buy something.

### Example:

It is illegal if you are trying to buy a new phone at the phone store but the staff only help the other customers and ignore you.

## Pay the same

You have the right to pay no more for the same thing than someone who is not trans.

### Example:

It is illegal if your health insurance costs more only because you are trans.

## Get the same

You have the right to get the same thing as other people when you pay the same amount.

### Example:

It is illegal if your health insurance does not pay for your treatment even though it would pay for the same or a similar treatment for people who are not trans.



If you think your rights have not been respected, go to page 34 to read what you can do.



# Know your rights:



## Being the Victim of a Crime

As a trans person, you have the right to be treated with respect and fairness if you have been the victim of a crime or hate crime. You have that right when you try to get help, when you talk to the police, or when you go to court.

A ► **victim** is someone who has been attacked in a crime or a hate crime, or who was the target of the crime.

A ► **crime** is something that is against the criminal law in the country that you are in. For example, being violent to someone or stealing their money is a crime.

A ► **hate crime** is a specific kind of crime. A hate crime is a crime that is carried out because a person holds stereotypes, prejudice or hatred about the identity of their victim. For example, if someone attacks a trans person in a wheelchair because they hate trans and disabled people, that is a hate crime.

There is more information about these words in the »List of Words« at the end of the guide.

As a victim, you have some rights whether or not you report the crime to the police. There are other rights that you only have when you report the crime to police, because they are about how the police or other authorities treat you. Both are described in this guide.

All trans people have the rights below, whether they are a citizen or a resident of the country they are in, or not. For example, if your passport is from a country outside the EU, but you were in the EU while the crime happened, you have these rights.

## Rights you have whether or not you report the crime to the police

It is always your decision if you want to tell the police about a crime that happened to you or not.

Some people want to tell the police, for example because the police can protect them from the person who attacked them. Perhaps in their country, the police have been trained to treat trans people respectfully.

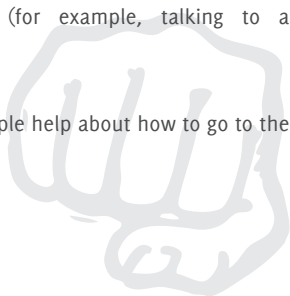
However, some people do not want to tell the police, for example because they are afraid of the police, because it was a police officer who attacked them, or because the police in their country are transphobic. In some countries, there is a lot of police violence against trans people, especially trans sex workers, trans refugees and asylum seekers, and trans people of colour. It should always be your own decision if you want to talk to the police or not.

Whether or not you report the crime to the police, you always have the right to:

### Get help and support

You have the right to get the help that you need to keep yourself safe after the crime. This is especially important if you were the victim of a hate crime or violent crime. This kind of help is called »victim support«. Victim support can be given by government organisations or by civil society organisations (NGOs) and includes:

- Psychological help and counselling (for example, talking to a psychologist)
- Staying in a shelter (safe housing)
- ► **Legal aid** (money to pay for a lawyer)
- Practical and financial advice (for example help about how to go to the police or to court)



## Be treated without discrimination

You have the right to be treated in a respectful, fair and equal way and without ► [discrimination](#), ► [harassment](#) or ► [sexual harassment](#) by victim support services, the police or other authorities.

### Example:

- It is illegal if you get victim support from a psychologist who tells you that being trans is wrong and unnatural.
- It is illegal if a shelter does not allow you to stay there because you are trans.
- It is illegal if the police make sexual jokes when you talk to them.

## Rights you have if you report the crime to the police

If you choose to tell the police about the crime, you also have some more rights. You have the right to:

### Get information

You have the right to get easy-to-understand information from the police, victim support services or a phone hotline about how and where you can tell the police about the crime that happened. You also have a right to know what will happen after you go to the police and what kind of victim support you can get.

### Examples:

- It is illegal if you try to tell the police about a crime that happened but they do not listen to you or ignore you.
- It is illegal if the police do not allow you to get victim support.

## Have a translator

You have the right to get all information in a language that you speak well. If necessary, you have the right to get a free translator who translates for you at the police and in court.

### Example:

It is illegal if the police do not give you a translator even though you do not understand many of the words they use in the language they speak.

## Get updates

You have the right to get updates (to be told what is happening) after you go to the police. For example, the police should tell you if and when there will be a court case.

## Say what happened

You have the right to tell the police and the court yourself, in your own words, what happened during the crime.

### Example:

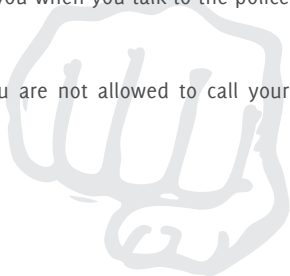
It is illegal if the police tell you that there is no need to interview you, because the person who attacked you already told them what happened and clearly it is not a crime.

## Have a lawyer

You have the right to have a lawyer with you when you talk to the police and when you talk in the court

### Example:

It is illegal if the police tell you that you are not allowed to call your lawyer.



## Appeal

You have the right to »appeal« (ask for the decision to be looked at again), if the police or the court make a decision that you do not agree with. If you appeal, the police or the court have to look at their decision again. If you appeal, it can mean that a different decision is taken.

## Help with money

You have the right to ► **legal aid**. This is when you get money to pay for a lawyer if you need it.

You have the right to »reimbursement of expenses«. This is when you get money back that you spent to travel to court and to the police. This also includes money you have lost because you were not able to work.

You have the right to »compensation«. Compensation is how much money you get because you were the victim of a crime. This is decided by the court.

## Get protection

You have the right to get protection from the person who carried out the crime (the »offender«). This could mean that you stay in safe housing (for example a shelter) or that the offender is put in prison. You also have the right not to see or talk to the offender.

### Example:

It is illegal if you are told that you cannot stay in a shelter because the shelter does not accept trans people – for example if you are a trans woman and you are not allowed to be in the women’s shelter.

## Dignity and respect

You have the right to your dignity when you talk to the police or the police ask you questions during an interview. To have »dignity« means that the police have to show you respect and protect your rights. For example, the police are not allowed to hurt you, laugh at you, use the wrong pronoun for you, or ask personal questions that have nothing to do with the crime. You also have the right to decide if you want to talk to a male or female police officer.

### Examples:

- It is illegal if the police ask about your transition or your body if that has nothing to do with the crime.
- It is illegal if the police are physically or sexually violent towards you.

## Privacy

You have the right to privacy. »Privacy« means that personal information about you has to be safe and not shared. For example, journalists and newspapers are not allowed to give people your personal information, such as your name, where you live and anything related to you being trans.

### Example:

- It is illegal if a newspaper writes that you had surgeries, gives details about your transition or mentions your birth name.



**If you think your rights have not been respected, go to page 34 to read what you can do.**



# Know your rights:

## As a Trans Asylum Seeker or Refugee



If you are a trans asylum seeker or a refugee in a country in the EU, you have several rights based on EU law.

An ► **asylum seeker** is a person who left their home country because they were not safe there and who has applied to be recognised as a refugee in another country.

A ► **refugee** is a person who left their home country because they were very unsafe there and who has been given refugee status in another country. A refugee is an asylum seeker whose application for protection was successful.

Unfortunately, many countries in the EU do not respect the rights that you have and do things that are illegal. A local organisation can explain better what the legal situation is and what the reality is in the country that you are living in.

If you live in the UK, Denmark and Ireland, then the situation may be even more different. This is because they did not agree to follow the EU law that protects asylum seekers and refugees.

There are more organisations that can help you listed in the »More Information« section at the end of this guide.

### Your rights as an Asylum Seeker

All asylum seekers in the EU have rights. These are rights for the time you spend waiting until the country tells you if you can get refugee status, or not.



Three areas in which you have rights are:

- 1) Rights about meeting your basic needs in the host country
- 2) Rights about applying for refugee status and talking to authorities
- 3) Rights about being treated fairly as a trans asylum seeker

## 1) Rights about meeting your basic needs in the host country

### Standard of living

You have the right to an »adequate standard of living«. This means that you should get all the help you need to have a good enough or acceptable life in the country. Your basic needs have to be met.

### Health

You have the right to get basic health care, which pays for you to see the doctor or go to hospital. You have the right to get the medicine you need if you are sick. You also have the right to get psychological help.

It is unclear if this basic health care includes trans-specific healthcare, like hormones. It is best to talk to an organisation in your country about this.

### Housing, food and clothes

You have the right to a safe place to live, food and clothing. If you do not get this, you have the right to enough money to pay for it yourself.

When a decision is made about where you should live, this decision should take into account that you are trans. The country you live in has to take actions to keep you safe and to protect you from violence and ► [harassment](#). In some countries this could mean that you can live in housing for trans, lesbian, gay and bisexual asylum seekers or in an apartment.

## Money

You have the right to a »daily expense allowance«. This is money to pay for some everyday costs.

## Go to school

You have the right to go to school if you are a child or young person. If you have children, they have the right to go to school and get an education.

## Work

You have the right to look for a job if you have not got a decision about your application for refugee status after 9 months of waiting.

## Be with your family

You have the right to »family unity«. Family unity means to live together with your family at the same place.

»Family« here means your children and your married partner. Family can also include your unmarried partner, depending on which country you are in. It is best to talk to an organisation in your country about this.

## Not be in prison

You have the right »not to be detained« only because you are an asylum seeker. This means that it is illegal if you are locked up somewhere (for example in a detention centre) and you cannot leave, only because you are an asylum seeker.

## 2) Rights about applying for refugee status and talking to authorities

### Translator

You have the right to have a translator with you to translate for you when you talk to authorities.

### Free legal information

You have the right to get free information about your rights including how to apply for asylum. You should be told that you can apply for refugee status because you were unsafe in your home country because of being trans.

### Help from organisations for refugees

You have the right to talk to the UN's organisations for refugees (UNHCR) and any other friendly organisations who can help you, such as NGOs working with asylum seekers or trans NGOs.

This is also your right if you are held in a detention centre.

### Lawyer

You have the right to look for and use legal help, for example from a lawyer.

This is also your right if you are held in a detention centre.

### Stay in the country while applying for refugee status

You have the right to stay in the country while your application is being looked at or while you are appealing a decision.



## Appeal

You have the right to »appeal« if you disagree with a decision about your application, for example if you are not given refugee status. To »appeal« means the authority or court has to look at their decision again. If you appeal, it can mean that a different decision is taken.

## Free lawyer for appeal

You have the right to have free legal help from a lawyer during your appeal. It can be difficult to appeal a decision, and sometimes it has to happen very fast, which is why it is important to have a lawyer to help you.

## 3) Rights about being treated fairly as a trans asylum seeker

### Have your application looked at

You have the right for your application to get »due consideration« if you were not safe as trans person in your home country. This means that someone looks at your application carefully and keeps in mind your circumstances and your trans identity.

In many countries, people who look at your application do not know that you can apply for refugee status because you were in danger as a trans person. If that is the case, then it is important to get help to make sure that your application is looked at correctly.

Sometimes authorities might tell you that they do not need to look at your application because you come from a so-called »safe country«. If you apply for asylum because you are trans, your application has to be looked at even if you come from a so-called »safe country«.

### Examples:

- It is illegal if you are told that it does not matter that you are a trans person.
- It is illegal if you are told that trans people cannot get refugee status.
- It is illegal if your application is treated as a sexual orientation case (being unsafe because of being gay, lesbian or bisexual) rather than a gender identity case (being unsafe because of being trans), even though you are not gay, lesbian or bisexual.

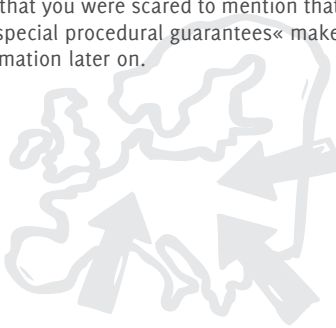
### Help and time to make an application

You have the right to get enough time and help to make your application as a trans asylum seeker. This is called »special procedural guarantees« in the law, and they are there because often it is hard for trans asylum seekers to explain their situation. This is why you have the right to prepare your application.

»Special procedural guarantees« also exist for other groups of asylum seekers who need more support, not just trans people. You may have to explain to authorities that being trans leads to many difficulties while applying for asylum and that that's why you have the right to these special procedural guarantees.

### Example:

It is illegal if you have to hand in your application immediately at the border and are later told that you cannot add information about you being trans to your application. It could be that you were scared to mention that you are trans at the border, so the »special procedural guarantees« make sure that you can still give this information later on.



## Get refugee status if you were unsafe

You have the right to get refugee status if you were very unsafe as a trans person in your home country. Getting »refugee status« means that you are seen as a refugee and can stay in the country that gave you refugee status. You have to show in your application that you were »persecuted«, which means that you were not safe, were attacked or were discriminated against in a serious way, many times, because you are trans. How the law defines whether or not you were persecuted and unsafe is a bit complicated, so it is always best to discuss your application with a lawyer or a supportive NGO.

You also have the right to get refugee status if going back now would not be safe.

### Examples:

- It is illegal if you are told that you should go back to your home country and »hide« the fact that you are trans.
- It is illegal if the fact that you started taking hormones in Europe, which would put you in danger in your home country, is ignored or seen as unimportant.

## Privacy

You have the right to privacy. »Privacy« means that personal information about you has to be safe and not shared. For example, the information that you are trans cannot be given to others.

You have the right to have a private interview, without your family. You also have the right to get your own, separate decision for your refugee application, even if you applied together with your family. This is to protect your privacy, in case your family does not know that you are trans.

### Example:

It is illegal if the interviewer, translator or other authorities tell other asylum seekers that you are trans.

## Body safety and medical consent

You have the right to »medical consent«. This means that you can say ‘no’ to any doctor who wants to look at your body or do medical tests on your body. It is not legal if a doctor wants to do a »test« on your body to find out if you are trans or not.

### Example:

It is illegal if you are told that you have to agree to a »medical test« to find out whether you are really trans or not. (In the first place, there is no such test!)

## A good interviewer

You have the right to a good or »competent« interviewer. This means that the interviewer must have a good understanding of trans people and trans issues. The interviewer is the person who reads your application and asks you questions.

### Example:

It is illegal if the interviewer confuses being gay with being trans and does not know what the difference is.

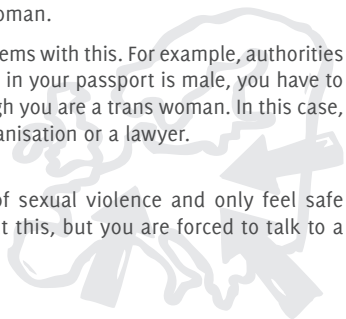
## A woman or a man as interviewer

You have the right to have a »gender sensitive« interview. This means that you have the right to ask for a woman or man to ask you questions and to interview you. For example, if you do not feel safe telling your story to a man, you can ask for a woman.

In some countries, there may be problems with this. For example, authorities may tell you that because the gender in your passport is male, you have to talk to a male interviewer, even though you are a trans woman. In this case, it is best to get help from a local organisation or a lawyer.

### Example:

It is illegal if you were the victim of sexual violence and only feel safe talking to a female interviewer about this, but you are forced to talk to a male interviewer.



## Your rights as a Refugee

If you are given refugee status, you also get some rights that asylum seekers do not have. All refugees in the EU have these rights:

### Stay in the country

You have the right to a »residence permit«. This is a document that shows that you are allowed to stay in the country.

### Have a passport

You have the right to be given a document that allows you to travel to different countries (a »travel document«). An example of that is a passport or an ID card.

### Be with your family

You have the right to »family unity«. This means that you can live at the same place as your family. If you are a refugee, your family members should also be given refugee status.

### Work

You have the right to look for work and to work. You have the right to freely choose which work you want to do – for example if you want to apply to work as a teacher, or as a sales person in a shop, or open your own restaurant.

### Go to school

You have the right to go to school or apply to university. You have the right to get an education.



## Housing

You have the right to have access to housing, which means for example an apartment or house where you can live.

## Health

You have the right to get health care, which pays for you to see the doctor or go to hospital. You have the right to get the medicine you need if you are sick. You also have the right to get psychological help.

If the public health care system in the country you live in pays for the hormones, surgeries and other transition-related care of trans people who are not refugees, then you also have the right to this.

## Social welfare

You have the right to »social welfare«. »Social welfare« means, for example getting money if you are sick or you have a disability (»sickness benefits« and »disability benefits«). It also means getting money when you do not have a job (»unemployment benefits«). It can also mean getting more money if you have children.

**!** **\* If you think your rights have not been respected, go to page 34 to read what you can do.**





# What can you do... ...if your rights have not been respected?

If you think your rights have not been respected, if you have been discriminated against or treated unfairly, or if you have been the victim of a crime or hate crime, here is what you can do:

## Be safe and take care of yourself

Being discriminated against, harassed, hurt or attacked can be very painful and scary. It is normal to feel upset, angry, sad and unsafe for some time afterwards. Take good care of yourself and stay in a safe space, if you can. For many people it helps to talk to a friend, partner, psychologist or someone else they trust and who is on their side.

If you can, try to avoid talking to people who tell you that what happened was your fault or that you should have done something different. This is called »victim blaming«.

## Write down information

Write down and save all information about what happened. For example, write down details of what a person said to you, get the phone number and name of people who saw what happened and save documents like emails and letters.

## Tell someone

You can tell trans and other trans-friendly NGOs what happened. Some of these organisations collect information on discrimination or hate crimes. There is a list of different organisations here: [www.tgeu.org/about/#members](http://www.tgeu.org/about/#members).

In most countries there are also other organisations who can help, such as the national equality and anti-discrimination body or the Ombudsoffice. If what happened was a crime or hate crime, you can also tell the police.

## Ask for help

A number of organisations that may be able to help are also listed in »More Information«

You can contact a local organisation to get help and more information about what you can do. You can ask trans, LGBTI or other trans-friendly NGOs, your national equality body or anti-discrimination body. These organisations can also help if you need psychological help or if you want to go to the police or court. Some organisations are listed here: [www.tgeu.org/about/#members](http://www.tgeu.org/about/#members).

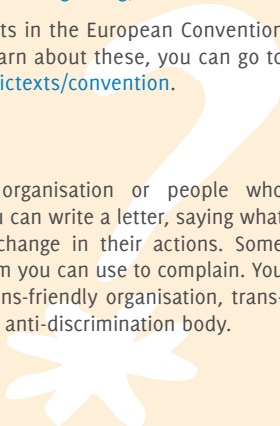
## Learn more

This guide is written in easier language than the laws. This may mean that not everything that you need to know is in this guide. You can learn more about your rights by reading TGEU's Activist's Guide to EU Law and other information about your rights in the EU at [www.tgeu.org/eu-law](http://www.tgeu.org/eu-law).

In this guide, we did not describe the rights in the European Convention on Human Rights (ECHR). If you want to learn about these, you can go to [www.echr.coe.int/pages/home.aspx?p=basictexts/convention](http://www.echr.coe.int/pages/home.aspx?p=basictexts/convention).

## Complain

Sometimes you can complain to the organisation or people who discriminated against you. For example, you can write a letter, saying what happened and ask for an apology or a change in their actions. Some organisations also have an address or a form you can use to complain. You can get help to do this from a trans or trans-friendly organisation, trans-friendly lawyers, or the national equality or anti-discrimination body.



## Get legal help and legal aid

If you want to go to court, you can get legal help and information from a trans or trans-friendly organisation, trans-friendly lawyers, or the national equality or anti-discrimination body. They can tell you what to do next. If your case is strong enough, they can help you to take it to court.

You may also have the right to get money to pay for a lawyer, which is called ▶ **legal aid**.

## Go to court

You can go to court to claim your rights and, if the court decides that your rights were not respected, get money as a compensation. In most countries, you have to go to court quite soon (for example, no later than 3 months after something happened).

## Complain

Submit a complaint to the organisation or people who discriminated against you. You can get support and advice on how to do so from a supportive civil society organisation, trusted lawyers, your national equality or anti-discrimination body or TGEU.

## Get legal advice

If you are considering taking legal action in court, seek legal advice and support from a local trans or supportive civil society organisation, trusted lawyers, your national equality or anti-discrimination body or TGEU.

## Take legal action

You can take legal action to claim your rights in court and to receive financial compensation. Be aware that in most countries legal action has to be taken within a certain time frame (e.g. no later than 3 months after the incident).

## More Information

For more detailed information, and to read the EU laws, go to [www.tgeu.org/EU-law](http://www.tgeu.org/EU-law)

To find local trans and LGBTI organisations that can help go to [www.tgeu.org/about/#members](http://www.tgeu.org/about/#members)

To find help if you are an asylum seeker or refugee, look at TGEU's »Welcome to Stay« guide at [www.tgeu.org/asylum](http://www.tgeu.org/asylum). The guide has a list of local trans organisations that help trans asylum seekers and refugees.

An international organisation that helps trans asylum seekers and refugees is ORAM: [www.oraminternational.org](http://www.oraminternational.org). You can email them at [help@oraminternational.org](mailto:help@oraminternational.org).

There are also other European organisations that have information on their website that may be helpful if you were discriminated against for reasons other than being trans. They may also be able to connect you to a local organisation. These are listed below.

We know that most of these organisations are friendly and welcoming towards trans people, but we cannot be certain. They may not always understand trans discrimination. Some may not be supportive of sex workers. If you have a negative experience with one of them, please let us know.

- **Disability:** The European Disability Forum [www.edf-feph.org](http://www.edf-feph.org)
- **Mental health and disability:** Mental Health Europe [www.mhe-sme.org](http://www.mhe-sme.org)
- **Race, ethnicity, religion and culture:** The European Network against Racism [www.enar-eu.org](http://www.enar-eu.org)
- **Asylum seekers and refugees:** European Council on Refugees and Exiles [www.ecre.org](http://www.ecre.org)
- **LGBTI (lesbian, gay, bisexual, trans and intersex):**

Know  
Your  
Rights!

ILGA-Europe [www.ilga-europe.org](http://www.ilga-europe.org)

- **Intersex:** OII Europe [www.oiiEurope.org](http://www.oiiEurope.org)
- **Gender:** European Women's Lobby [www.womenlobby.org](http://www.womenlobby.org)
- **Victims:** Victim Support Europe [www.victimsupport.eu](http://www.victimsupport.eu)
- **Sex workers:** International Committee on the Rights of Sex Workers in Europe (ICRSE) [www.sexworkeurope.org](http://www.sexworkeurope.org)
- **Children and young people:** Eurochild [www.eurochild.org](http://www.eurochild.org)
- **Migrant women:** European Network of Migrant Women [www.migrantwomennetwork.org](http://www.migrantwomennetwork.org)
- **Undocumented migrants (without ID documents):**  
PICUM [www.picum.org](http://www.picum.org)

If you were discriminated against because of another identity or experience, which is not in the list above, you can also email [tgeu@tgeu.org](mailto:tgeu@tgeu.org). We will help you find an organisation that can support you.

To get help and information about how to go to a European court, email TGEU at [tgeu@tgeu.org](mailto:tgeu@tgeu.org)

If you want a translation of this guide in your language, please write to [noah@tgeu.org](mailto:noah@tgeu.org)

# List of Words

## Asylum Seeker

An asylum seeker is a person who left their home country because they were not safe there and who has applied in another country to be recognised as a refugee.

## Crime

A crime is doing something that is against the law in the country that you are in. For example, in all countries in the EU it is a crime to physically attack and hurt someone else, to be sexually violent, or to damage things that belong to another person. A list of all crimes can be found in the country's criminal laws.

Some things are illegal but they are not crimes. For example, not interviewing a trans person for a job because they are trans is discrimination and illegal, but it is not a crime. This kind of discrimination would be described in anti-discrimination law, and not in criminal law.

See also »hate crime« below.

## Discrimination

Discrimination is when someone treats you worse than they treat someone who is not trans. Another way of saying this is that it is discrimination when someone treats you in an unfair and unequal way. In EU law, harassment and sexual harassment are also seen as forms of discrimination.

## European Union (EU)

The European Union (EU) is a group of 28 countries that work together closely and share many laws. The rights described in this guide are all from shared EU laws.

The countries in the EU are: Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the United Kingdom (UK) (the UK voted in 2016 to leave the EU).

## Goods

»Goods« are things you buy that then belong to you, for example clothes, food, a mobile phone or a house.

For more examples see the chapter on »Buying Things and Using Services«.

## Harassment

Harassment is when someone says or does something that makes you feel upset, scared, hurt, embarrassed or bad in another way. It can be verbal (for example, saying something mean or hurtful), physical (for example, pushing you) or non-verbal (for example, ignoring you or not shaking your hand).

## Hate Crime

A hate crime is a crime that is carried out because a person holds stereotypes, prejudice or hatred about the identity of their victim. For example, if someone attacks a trans person in a wheelchair because they hate trans and disabled people, that is a hate crime.

For something that happened to be legally seen as a hate crime, two things have to be true. First, what happened has to be defined as crime in the country where it happened. Second, the country has to have a hate crime law. Not all countries in the EU have hate crime laws that include hate crimes against trans people.



Hate crime laws can include many different forms of hatred, for example towards gender identity (trans people), sexual orientation (gay, lesbian and bisexual people), sex characteristics (being intersex), disability, race, ethnicity, religion, or age.

See also »crime« above.

## Legal aid

Legal aid means getting money to help you pay for a lawyer and go to court when your rights have not been respected. How much money you get depends on how much money you earn and in which country you live. Different countries have different rules about legal aid.

## Refugee

A refugee is a person who left their home country because they were very unsafe there and who has been given refugee status in another country after they applied to be recognised as a refugee.

## Services

A »service« is when you pay someone to do something for you or you pay to be allowed to use something. An example of a »service« is taking the bus (you pay for the bus ticket so you can use the bus), renting an apartment (you pay rent so that you can use the apartment), or going to yoga (you pay a fee to get someone to teach you yoga).

For more examples see the chapter on »Buying Things and Using Services«

## Sexual Harassment

Sexual harassment is when someone does or says something sexual that makes you feel upset, scared, hurt, embarrassed or bad in another way. It can be physical (for example, touching you), verbal (for example, making a sexual joke) or non-verbal (for example, a sexual hand movement).

## Victim

A victim is someone who has been attacked in a crime or a hate crime, or who was the target of the crime. For example, if someone is violently attacked or their money is stolen, they are the victim of a crime. Sometimes the word is also used when someone is discriminated against, to say that they are a victim of discrimination.

Some people do not like to be called a victim. Some people use the word »survivor« instead.



# KNOW Your Rights!

## TGEU's »Know your Rights!« Guide

For Trans People in the EU



TGEU  
Transgender Europe  
Kiefholzstraße 2  
12435 Berlin  
Germany  
[www.tgeu.org](http://www.tgeu.org)

TGEU wrote this guide with money we got from the Open Society Foundations, the Dutch Government and the Rights, Equality and Citizenship Programme of the European Union. TGEU is responsible for what we wrote in this guide. What we wrote is maybe not the opinion or view of the European Commission, the Open Society Foundations or the Dutch Government.

TGEU wrote this guide with a lot of care, but it does not have all the information you may need. Before going to court, we think that you should talk to a lawyer and get legal help. If you want to write to us, you can email [noah@tgeu.org](mailto:noah@tgeu.org).

