

tgeu,

# Human Rights and Gender Identity

**Best Practice Catalogue  
(Safety, Security and Non-discrimination)**

**Third Revised Version**



# Human Rights and Gender Identity: Best Practice Catalogue (Safety, Security and Non-discrimination)

## **AUTHOR**

TGEU

We would like to acknowledge Douglas da Silva  
for extensive contributions and authorship support.

## **REVIEWER**

Deekshitha Ganesan  
Richard Köhler

## **EDITOR**

Nisha Damji

## **LAYOUT DESIGN**

Dragiša Mioč

## **DATE OF PUBLICATION**

December 2025

## **SUGGESTED CITATION**

TGEU (2025) Human Rights and Gender Identity: Best Practice Catalogue  
(Safety, Security and Non-discrimination). TGEU.

This e-publication has been produced with financial support from the Rights, Equality and Citizenship Programme of the European Union. The contents of this publication are the sole responsibility of TGEU, and can in no way be taken to reflect the views of the European Commission.



**Funded by  
the European Union**

Views and opinions expressed are however those of TGEU only and do not necessarily reflect those of the European Union or the European Education and Culture Executive Agency (EACEA). Neither the European Union nor the granting authority can be held responsible for them.



## **Attribution-NonCommercial-ShareAlike 4.0 International (CC BY-NC-SA 4.0)**

This licence allows reusers to distribute, remix, adapt, translate, and build upon the material in any medium or format for noncommercial purposes only, and only so long as attribution is given to the creator. If you remix, adapt, or build upon the material, you must licence the modified material under identical terms.

TGEU (Trans Europe and Central Asia) is  
a trans-led NGO working for the rights and  
wellbeing of trans people since 2005.  
TGEU is an umbrella organisation that represents  
over 200 member organisations in more than  
50 countries in Europe and Central Asia.

For more publications and important news on  
trans rights and wellbeing follow us:



**tgeu.org**

# Table of Contents

## 05 Note on Terminology

## 06 Introduction

## 07 Safety and Security

07 Chapter summary

08 Hate crime and hate speech

15 Rights of trans people in prison and detention

19 Trans asylum-seekers and refugees

22 Data collection

## 25 Non-Discrimination

25 Chapter summary

26 Equality and non-discrimination

32 Gender Identity and Gender Expression in the mandate of equality bodies

36 Equal access to employment

41 Equal access to education

44 Equal access to housing

48 Equal access to goods and services

# Note on Terminology

TGEU — Trans Europe and Central Asia uses the term 'trans' as an umbrella term that includes people who have a gender identity that is different from their gender assigned at birth and people who express their gender identity in a way that is different from expectations based on their gender assigned at birth. This can include, among many others, transsexual and transgender people, non-binary people, transvestites, cross dressers, agender, multigender, genderqueer people, and gender diverse people who relate to or identify as any of the above. In this Catalogue, the term 'trans and gender diverse' is also used when referring to chapters on migration and asylum, recognising a broader range of identities.

TGEU also uses the term 'LGBTI people' as an all-encompassing umbrella term for people of diverse sexual orientations, gender identities, and sex characteristics, so far as they are not heterosexual, cisgender, or endosex.

Throughout the Catalogue, other terms were retained when referring to 'best practices', if they were used in original sources, to respect the scope of the initiatives and their cultural context.

# Introduction

The first edition of Human Rights and Gender Identity: Best Practice Catalogue was published jointly by ILGA-Europe and TGEU as a civil society follow-up to the work of the Council of Europe Commissioner for Human Rights, Thomas Hammarberg, and his 2009 Issue Paper, entitled Human Rights and Gender Identity.

The Best Practice Catalogue aimed to provide best practice examples to illustrate the Issue Paper's twelve recommendations to the Council of Europe Member States, to respect the human rights of trans people. It was developed as a response to frequently asked questions from policy makers seeking advice on the implementation of those recommendations.

The second edition, published by TGEU in 2016, went beyond Hammerger's recommendations to encompass new developments in the field.

The current third edition is an e-publication and contains the most recent set of best practices known to TGEU in the areas of safety and security, and non-discrimination, particularly the work of equality bodies and equal access to employment, education, housing, and goods and services, spanning the last five years. Our Catalogue does not encompass all existing initiatives, nor best practice examples from before the year 2020—except where still ongoing or deemed relevant by the author.

We hope that amidst the increased attacks against trans people in Europe and globally, the newest edition of the Human Rights and Gender Identity: Best Practice Catalogue (Safety, Security and Non-discrimination) can inspire decision makers to stand firm in their commitments to equality for trans people, and model a world free from discrimination on the grounds of gender identity and gender expression.

If you wish to contribute good practices to the next edition of the Catalogue, please contact [tgeu@tgeu.org](mailto:tgeu@tgeu.org).

# ***Safety and Security***

## **Chapter summary**

This chapter presents a comprehensive catalogue of policies and good practices addressing gender-based violence against trans people in the Council of Europe region. Some United Nations initiatives are included too. The chapter meticulously details best practice examples of policy and legal measures as well as community responses, with special emphasis on addressing current challenges with ensuring the safety and security of trans people in areas such as prison and detention, asylum, and data collection. Hate crime and hate speech are also addressed in this chapter.

In examining the landscape of positive developments in each of those areas, the chapter underscores the crucial role of international, regional, and national bodies in combating gender-based violence against trans people.

The chapter is organised by theme ('hate crime and hate speech', 'rights of trans people in prisons and detention', 'trans asylum seekers and refugees', and 'data collection') and scope of best practice ('United Nations initiatives', 'European legislation, policies, and initiatives', 'national legislation, policies, and initiatives', and 'community responses'). Each thematic section ends with TGEU's recommendations for different stakeholders, whether regional or national.

The Safety and Security chapter is a foundational resource for policymakers, activists, and organisations. By offering insights into the challenges, recommendations, and best practices at various levels, it contributes to the creation of a safer society for trans people everywhere.

## Hate crime and hate speech

Hate crimes are defined as offences committed based on the victim's actual or perceived association with a specific group, typically categorised by attributes such as race, religion, sexual orientation, gender identity, nationality, ethnicity, disability, and other similar characteristics.<sup>1</sup>

Hate crimes against trans people involve criminal acts motivated by bias, prejudice, or hostility because of their gender identity or expression, whether real or presumed. They do not refer to a specific offence, but can take the form of physical assault, verbal abuse, harassment, property damage, and even murder, specifically targeting the individual for being or appearing trans, or because of their association with trans people. These acts reflect intolerance based on gender identity or expression and are generally rooted in preconceived negative opinions, stereotypical assumptions, or hatred.

The European Union Agency for Fundamental Rights (FRA) reports that a significant number of individuals still face harassment and violence due to their gender identity or expression. As reported in the FRA's 2024 survey on LGBTI equality, approximately 70% of trans people experienced harassment in the year preceding the survey, and 29% of trans women and 23% of trans men reported physical or sexual attacks in the previous five years for being LGBTI.<sup>2</sup> This reflects a wider trend in the increase of such crimes across the region. In England and Wales, for instance, police-recorded hate crimes rose by 26% in 2021, and hate crimes against trans people specifically surged by 56%. There was a further increase of 11% in recorded transphobic hate crimes in the year ending March 2023. In general across the region, these incidents occurred in diverse settings such as workplaces, public spaces, transportation, shopping areas, and online platforms.

At the time of writing, 24 countries in the Council of Europe region have enacted laws criminalising hate crime that include 'gender identity' as an aggravating factor, while 19 countries have legislation in place to counter hate speech on 'gender identity'. Additionally, six countries have other positive measures in place that aim at combating hate speech and crime against trans people.<sup>3</sup>

Below is a selection of best practice examples from the last five years.

---

1 Council of Europe. Hate Crimes and Other Hate-Motivated Incidents Based on Sexual Orientation, Gender Identity, Gender Expression and Sex Characteristics Second Thematic Implementation Review - Report on Recommendation CM/Rec(2010)5 of the Committee of Ministers to Member States on Measures to Combat Discrimination on Grounds of Sexual Orientation or Gender Identity. 2023.

2 European Union Agency for Fundamental Rights. LGBTIQ at a crossroads: progress and challenges. 2024. <https://fra.europa.eu/en/publication/2024/lgbtiq-crossroads-progress-and-challenges>.

3 TGEU. Trans Rights Map. 2025



## United Nations initiatives

### The UN Independent Expert on Sexual Orientation and Gender Identity

The UN Independent Expert on Sexual Orientation and Gender Identity (UN IE SOGI) mandate was [created in 2016](#) with the task of combating violence and discrimination based on sexual orientation and gender identity. This includes raising awareness, identifying the root causes of such violence and discrimination, and addressing the multiple, intersecting, and aggravated forms of violence and discrimination faced by people due to their sexual orientation and gender identity. The UN IE SOGI mandate was extended in [2019](#), [2022](#), and [2025](#).

### The UN Secretariat strategy on the protection from violence and discrimination of LGBTIQ+ persons

In 2024, the UN Secretariat adopted a [strategy on the protection from violence and discrimination of LGBTIQ+ persons](#). The strategy reaffirms internal commitments to providing a safe, enabling, welcoming, and supportive environment that values all United Nations personnel, irrespective of gender identity, gender expression, sexual orientation or sex characteristics, to advance equal opportunities, non-discrimination, zero tolerance for prohibited conduct, respect for dignity and rights and effective participation. It also reaffirms external commitments, in line with respective UN mandates, international law, norms and standards and other globally agreed commitments including the 2030 Agenda. These commitments aim to prevent, mitigate and address exclusion, violence, stigma and discrimination, and to advance the protection and realisation of the human rights of LGBTIQ+ persons.

### The UN Secretary-General António Guterres' communication

On 5 May 2025, the UN Secretary-General António Guterres shared a [message](#) to commemorate the International Day against Homophobia, Biphobia and Transphobia, addressing gender-based violence against LGBTIQ+ people:

**"It is a tragic truth that violence and discrimination continue to be a part of everyday life for millions of LGBTIQ+ (lesbian, gay, bisexual, transgender, intersex and queer) people around the world. They face an onslaught of hate speech, attacks and restrictions on their rights. Meanwhile, funding cuts for critical health services and civil society organizations threaten further devastating impacts.**

**"[LGBTIQ+ people's] example should inspire us all to come together and realize the vision of a world where every member of our human family can live a life of freedom, equality and dignity. Working as one, we must push to repeal discriminatory laws, combat violence and harmful practices, and end the scapegoating of marginalized communities."**

## European legislation, policies, and initiatives

### Council of Europe

#### Convention on Preventing and Combating Violence against Women and Domestic Violence

Known as the Istanbul Convention, the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence was adopted in Istanbul by the Committee of Ministers and opened for signatures in May 2011. It is the first international treaty that expressly refers to the ground of 'gender identity' in

Article 4(3), noting that protection of the rights of victims of violence shall be secured without discrimination.

Further, the [Explanatory Report of the Convention](#) states:

**“Certain groups of individuals may also experience discrimination on the basis of their gender identity, which in simple terms means that the gender they identify with is not in conformity with the sex assigned to them at birth. This includes categories of individuals such as transgender or transsexual persons, cross-dressers, transvestites and other groups of persons that do not correspond to what society has established as belonging to ‘male’ or ‘female’ categories.”**

In June 2023, the European Union [formally ratified the Istanbul Convention](#). At the time of writing, the treaty has been ratified by 39 States in the Council of Europe region. It is signed by all EU Member States and has been ratified by 22 of them, including Austria, Belgium, Croatia, Cyprus, Denmark, Estonia, Finland, France, Germany, Greece, Ireland, Italy, Latvia, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovenia, Spain, and Sweden.

### **CM/Rec(2024)4 - Recommendation of the Committee of Ministers to member States on combating hate crime**

Adopted by the Committee of Ministers in May 2024, the Recommendation CM/Rec(2024)4 is a non-binding Council of Europe recommendation focusing on combating hate crime. The recommendation recognises that people can be targeted by hate crime on various and intersectional grounds and defines hate crime in relation to actual or perceived characteristics, including sex, gender, sexual orientation, gender identity and expression, and sex characteristics. It also states that hate crime can be linked to

several intersecting characteristics, leading to a greater impact on victims.

Among other important demands, the recommendation calls on Member States to provide training for all relevant criminal justice professionals, including prosecutors and judges, and in consultation with civil society organisations. It also notes that Member States should provide victims of hate crime with targeted and specialised support services, that the police should develop individual needs and risk assessments, and that diversity, gender equality and inclusion should be integrated into education policy.

### **Second thematic implementation review report on Recommendation CM/Rec(2010)5**

In 2023, the CDADI Working Group on Sexual Orientation, Gender Identity, Gender Expression and Sex Characteristics [published the second thematic review](#) that focuses on hate crime and other hate-motivated incidents based on sexual orientation, gender identity, gender expression and sex characteristics, complementing the comprehensive review of the implementation of CM/Rec(2010)5. This second thematic review gathered in-depth information and facilitated an informed dialogue on hate crime, provided an overview of relevant international standards in general and the case law of the European Court of Human Rights. It also highlighted key trends with regard to national legislation and institutional responses to combat hate crime, presented available statistics on such crimes and incidents, and provided insight into implementation challenges posed by hate crime legislation by the police and the judiciary, among other areas.

### **PACE Resolution 2417 (2022)**

The [Resolution 2417 \(2022\)](#) adopted by the Parliamentary Assembly of the Council of Europe

(PACE) in 2022 recommended the inclusion of proportionate and dissuasive sanctions, the protection of victims' rights, and provisions for victim compensation. In this resolution, the Parliamentary Assembly urged Member States to amend criminal legislation to explicitly encompass offences committed against another based on their sex, sexual orientation, gender identity, gender expression, and sex characteristics. Furthermore, the Assembly called on States to:

**“[M]ake motivations based on sex, sexual orientation, gender identity, gender expression and sex characteristics an aggravating circumstance for all ordinary offences.”**

Additionally, the Resolution 2417 (2022) urged Member States to abstain from enacting laws or endorsing constitutional amendments that go against the rights of LGBTI individuals and advocated for the immediate repeal of such legislation in Member States that currently have it in place. Of particular concern are laws often termed as 'anti-LGBTI-propaganda laws' which hinder access to comprehensive and unbiased information about various aspects of sexual orientation, gender identity, gender expression, and sex characteristics, especially for minors.

## European Union

### EU Victims' Rights Directive

In October 2012, the European Parliament and the European Council adopted the Victims' Rights Directive, setting minimum standards for the rights and protection of crime victims. The directive explicitly mentions 'gender identity' and 'gender expression' as protected grounds against discrimination, emphasising respectful treatment without bias.

**“Crime is a wrong against society as well as a violation of the individual rights of victims. As such, victims of crime should be recognised and treated in a respectful, sensitive and professional manner without discrimination of any kind based on any ground such as race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age, gender, gender expression, gender identity, sexual orientation, residence status or health.”**

It also explicitly refers to trans people in the context of gender-based violence.

In 2022, the European Commission evaluated the Victim's Rights Directive. It highlighted its positive impacts but noted shortcomings in information access, support services, and individualised protection. Following a public consultation on policy options for updating the directive, a proposal was made to this effect. This process is ongoing and the revisions are currently being considered by the European Parliament and the Council.

### EU Strategy on victim's rights (2020-2025)

The European Commission introduced its first EU Strategy on victims' rights (2020-2025) on June 24, 2020. The strategy aims to ensure comprehensive rights for crime victims, through effective communication, improved support for vulnerable victims, access to compensation, enhanced cooperation, and strengthening the international dimension of victims' rights. The overarching goal of the strategy is to support and protect victims of crimes throughout the EU.

The strategy urges Member States to pay particular attention to victims of gender-based violence, and affirms that:

**“The EU will do all it can to prevent and combat gender-based violence and to support and protect victims of such crimes.”**

Additionally:

**“[T]he EU will do all it can to prevent and combat hate crime, in all its forms, including racial, anti-Semitic, homophobic, or transphobic hate crime.”**

## European initiatives

### European LGBT Police Association

The European LGBT Police Association (EGPA) serves as the umbrella organisation for European LGBTI police associations, fostering knowledge-sharing among member organisations. The EGPA acts as a European representative for LGBTI issues and promotes the establishment of LGBTI police associations across Europe. The EGPA specifically takes into consideration the needs of trans people in their activities and has also released a factsheet, titled [Trans Identity at Work](#), providing guidance for the acknowledgement and respect for the gender identity of police officers.

The association aims to enlighten and inform on the topic of LGBT by combating bias against lesbian, gay, bisexual, and trans people within and outside police organisations. This objective is achieved through participation in public events, issuing statements on various aspects related to LGBTI people, collaborating with European and international associations, contributing to the fight against hate crime, and campaigning for adherence to the international human rights standards.

Police associations such as EGPA have a key role to play in restoring the trust of trans people in police forces, and consequently encouraging them to report hate crimes.

### SOGIESC Unit of the Council of Europe

In 2025, the SOGIESC Unit of the Council of Europe, in collaboration with Gaylespol, the association of LGBTI+ police officers in Spain, and the European LGBT Police Association (EGPA), launched the updated training manual [Policing Hate Crime against LGBTI Persons: Training for a Professional Police Response](#). The manual aimed to provide assistance, information and the appropriate tools for conducting training for law enforcement on identifying and investigating hate crimes against LGBTI people.

## National legislation, policies, and initiatives

### Belgium

#### Rainbow Cops Belgium and Genres Pluriels

In 2023, Rainbow Cops Belgium and Genres Pluriels conducted a [training session](#) for law enforcement personnel, increasing understanding of gender identity, gender expression, and sexual orientation, with a specific focus on trans identities and intersex issues. The collaborative training aimed to address the needs of LGBTQIA+ people, covering social, historical, and legal aspects. Key themes included good practices for LGBTQIA+ inclusion, an introduction to trans identities and intersex topics, and technical and legal aspects of interactions with LGBTQIA+ people.

#### The Institute for the Equality of Women and Men

Mandated to combat all forms of discrimination and inequality based on gender, this equality body ran a national survey in 2020, titled [#YouToo?](#), which measured sexism in Belgium and encompassed areas of life such as hate crime, street harassment, violence within couples and families, online harassment, and reporting experiences of violence to the police, among others. The survey was the first measurement of gender identity in the entire population and

included comprehensive questions about sex characteristics, gender identity, and gender expression. The research findings were shared with various stakeholders and the public, and used for policy preparation and in answering complaints.

## Ireland

In December 2024, Ireland passed the [Criminal Justice \(Hate Offences\) Act 2024](#). The legislation creates new, aggravated forms of certain existing offences – hate crimes – where they are aggravated by hatred. In doing so, it provides for increased prison sentences for certain crimes, where proven to be motivated by hatred, or where hatred is demonstrated on the grounds of a range of protected characteristics.

Among others, they include 'gender', 'sex characteristics', and 'sexual orientation'. In the Act, the definition of 'gender' is inclusive, and written as:

**"the gender of a person or the gender which a person expresses as the person's preferred gender or with which the person identifies and includes transgender and a gender other than those of male and female."**

The development of this law followed a public consultation with people who had lived experiences of hate speech and hate crime.

## Germany

Germany's 'Unite Against Hate' ministerial initiative tackles anti-LGBTI violence. Its working group [Combating Homophobic and Transphobic Violence](#) developed a report with 22 action recommendations for public security authorities. Recommendations include integrating LGBTI topics into police education, setting content standards, providing teacher training on hate crimes and LGBTI, and featuring guidelines for handling such crimes on police intranets and internal materials. A follow-up report in

two to three years was said to assess their implementation.

## Scotland

### Hate Crime and Public Order Act

Scotland protected trans people from bias violence and hate crime through the [Offences \(Aggravation by Prejudice\) Act 2009](#). This law extended safeguards for victims of prejudice crimes based on characteristics like 'sexual orientation' and 'transgender identity', with courts considering malice-driven offences during sentencing.

The Act's inclusive definition of 'transgender identity', covering various trans identities, resulted from collaboration with groups like the Scottish Transgender Alliance during drafting:

**"[...] transvestism (often referred to as 'cross-dressing'); transexualism; intersexuality; and where a person has changed gender in terms of the Gender Recognition Act 2004. However, the definition also extends expressly to cover other persons under the generality of broad reference to non-standard gender identity. For example, those who are androgynous, of a non-binary gender or who otherwise exhibit a characteristic, behaviour or appearance which does not conform with conventional understandings of gender identity."**

In April 2024, the Offences (Aggravation by Prejudice) (Scotland) Act 2009 was repealed.

The [Hate Crime and Public Order Act](#) (also implemented in April 2024) broadened protection from the previous law to include age-related prejudice. In a positive development, it also revised the definition of 'transgender identity' in the previous law by removing the outdated term 'intersexuality', recognising the distinctions between intersex and trans identities. To retain protection for this group, the new Act introduced

'variations in sex characteristics' as a distinct characteristic.

### **Hate Crime Strategy**

To support the implementation of the 2021 Hate Crime and Public Order Act, Scotland developed a new [Hate Crime Strategy](#) in March 2023. According to Scottish authorities, the strategy is built on several key principles: active participation in decisions affecting individual rights, accountability through ongoing

monitoring and remedies, prioritisation of those facing major barriers to their rights, elimination of all forms of discrimination, empowerment through understanding and support for claiming rights, and strict adherence to domestic and international laws.

With this strategy, the Scottish government expected that these principles would collectively shape a comprehensive approach to safeguarding and promoting human rights

## **Community responses**

### **LetsGoByTalking**

[LetsGoByTalking](#) brings together a partnership with expertise in hate crimes, LGBT-phobia and restorative justice to enhance the rights of the victims of anti-LGBT hate crimes. Using an ethnographic approach, LetsGoByTalking gathers and analyses the experiences and needs from the ground to implement actions that promote LGBT victims' rights through innovative paths of restorative justice.

### **Trans Social Action Fund**

In France, Acceptess-T established the Trans Social Action Fund (Fonds d'Action Sociale Trans - FAST) to address social challenges faced by trans people, especially during gender transition. Acknowledging insufficient responses from the French state, particularly for young trans people, the fund aims to provide emergency assistance during periods of social autonomy loss. Its goal is to mitigate the impact of transphobia on trans lives, with a focus on youth, those dealing with illness or disability, sex workers, and victims of violence and discrimination. The project involves monitoring de-socialisation due to transphobia, issuing annual reports to raise awareness among decision-makers, potential coverage of legal expenses for rights violations, facilitating access to mainstream assistance, and contributing to repatriation or funerals for deceased trans people in France lacking resources.

## **TGEU recommendations**

- > National governments should incorporate 'gender identity' and 'gender expression' as grounds for bias in hate crime and hate speech legislation.
- > Efforts should be directed toward countering anti-rights movements and anti-trans rhetoric, which contribute to heightened violence against trans people.
- > Professionals and authority figures, including police officers, educators, healthcare workers, and personnel at borders and airports, should receive sensitisation training to ensure trans people are treated with respect and are provided necessary protection.

For more recommendations on combating hate crime and hate speech, see: [TGEU \(2021\) Policy Brief - Europe and Central Asia must do more to protect the lives of trans people.](#)



## **Rights of trans people in prison and detention**

The various forms of stigmatisation that trans people experience in society are magnified in places of detention. Predominantly male prison systems characterised by a marked binary division between genders, expose trans people—especially trans women—to a greater risk of discrimination and abuse in those settings.

Across the Council of Europe region, there is no uniform approach to the placement and treatment of trans prisoners. In some states, the placement criteria is self-identification and declaration, while in others, it is legal gender recognition. In a few, it is the harmful requirement of having undergone trans-specific surgery. In some states, the sentencing judge decides on a person's initial placement in accordance with their legal gender recognition, but there remains a margin for prison administration to decide upon placement depending on various criteria, including that of lived gender identity. However, more often than not, the placement of trans people is based on sex assigned at birth or legally recognised gender, without considering their gender identity. This results in trans women being held in male units, exposing them to inter-prisoner violence and harassment and intimidation from staff.

Another barrier that undermines trans people's safety and dignity in places of detention is being prevented from wearing gendered clothing that is in line with their gender identity.

Pertaining to healthcare access, prevention programmes, access to information and specialised treatment is often inadequate to meet the specific needs of trans people. This can include mental and sexual healthcare, including around HIV provision. HIV, TB, sexual health, and hepatitis interventions are often unavailable in prisons. Meanwhile, trans people in prison are 13 times more likely to contract HIV in prison than other populations. Trans people also experience difficulties of discontinuity in treatment in trans-specific healthcare, irregular delivery of medication, and a lack of follow-up, which are some of the key barriers to realising their right to health in detention.

Below is a selection of best practice examples from the last five years.

## United Nations initiatives

### UNDP Mapping of Good Practices for the Management of Transgender Prisoners

In 2020, the United Nations Development Programme (UNDP) released a comprehensive literature review, titled 'Mapping of Good Practices for the Management of Transgender Prisoners,' compiling insights from Argentina, Australia, Brazil, Canada, England and Wales, Ireland, Italy, Malta, Netherlands, New Zealand, Scotland, and the United States. This literature review addresses the considerable challenges faced by trans people within prison systems globally, shedding light on the implementation of policies and practices aimed at improving their management.

The literature review encompasses key dimensions such as legal gender recognition, data reporting, identification, housing, body searches, access to facilities, confidentiality, health services, hormones, gender-affirming surgery, HIV services, psychosocial support, conjugal visits, information access, complaints mechanisms, transgender committees, and staff training. The literature review underscores the importance of balancing safety and security with the fundamental human rights and dignity of trans people in prison, promoting a transformative approach for effective prison management.

## European legislation, policies, and initiatives

### Prison Standard: Transgender Persons in Prison

In 2024, the European Committee for the Prevention of Torture and Inhuman or Degrading

Treatment or Punishment (CPT) published a set of prison standards addressing trans women in prison as part of their annual general report. This new guide recognises the particular vulnerabilities experienced by trans women in prison and addresses various aspects like placement and prison location decisions, risk of ill-treatment by staff and inter-prisoner violence, body searches, transfers, and access to healthcare. The standards reiterate the importance of legal gender recognition laws and procedures that are grounded in self-determination as well as guidelines providing for gender-affirming healthcare procedures. The CPT shared the report with hopes the principles set out in it would contribute to the discussion on how to best secure the protection of human rights of trans people in prison.

## National legislation, policies, and initiatives

### Belgium

Belgium's Directorate General of Penitentiary Institutions recommends placing trans people based on their gender identity.<sup>4</sup> The guidance also allows for reporting identity mismatches, thereby empowering individuals to request alignment with their gender preference during imprisonment. The decision on placement according to gender identity also factors in personal safety, the well-being of other prisoners and staff, and knowledge about ongoing medical transitions.

### Germany

In Berlin, a law was enacted in September 2021, allowing trans and intersex prisoners to be housed based on their self-identified gender, irrespective of legal gender recognition status.<sup>5</sup> This groundbreaking policy marks Berlin as

4 Federal Public Service Justice Government of Belgium. Recommandations / directives concernant la prise en charge des personnes transgenres détenues ('Recommendations/guidelines regarding the care of transgender prisoners'. 2023.

5 Berliner Strafvollzugsgesetz ('Berlin Penitentiary Act'). 2023.



the first and only federal state in Germany with such inclusive measures, superseding the law established in 2016.

## Malta

Malta's correctional services adhere to a [Trans, Gender Variant & Intersex Inmates Policy](#). This comprehensive policy encompasses aspects such as accommodation based on legal gender, respect for gender identity, and access to gender-specific items. It emphasises the importance of recognising the legal gender of trans people and outlines procedures for facilitating a more supportive and understanding prison environment.

## Norway

In Norway, admission to prison generally [follows legal gender](#), but the system allows for exceptions in cases where an individual's gender identity does not align with their legal gender. The process involves a comprehensive assessment to ensure that placement decisions consider the wellbeing and safety of the trans person held in prison.

## Portugal

Portugal [updated its prison policy](#) in 2022, allowing trans prisoners to be housed according to their self-determined gender identity. This policy shift signifies a significant step towards recognising and respecting the rights of trans people within the prison system in Portugal.

## Scotland

Scotland's approach to accommodating trans prisoners centres on the concept of 'social gender'. This [unique policy](#) involves individualised risk assessments, allowing trans people to be placed based on their self-identified gender, without the obligation to disclose their Gender Recognition Certificates (GRC). The decision considers factors such as the person's

preferences, the surrounding community, and the availability of appropriate facilities. Following the 2025 *For Women Scotland Ltd v The Scottish Ministers* case from the UK Supreme Court, which redefined the definition of a 'woman' for the purposes of UK'S anti-discrimination legislation, to that of 'biological woman', For Women Scotland has been lobbying for the removal of this policy. The Scottish government [confirmed it would challenge](#) their legal bid to remove the policy.

## Sweden

[Sweden's law](#) prohibits the automatic placement of prisoners based on their sex. Instead, prisoners may provide consent to cohabit with individuals of the 'opposite' sex under appropriate conditions. This approach emphasises the importance of respecting the autonomy and choices of people held in prison.

## Spain

Catalonia [revised its prison policy](#) in late 2019, allowing trans prisoners to apply for transfers based on their self-identified gender. The policy involves a careful assessment process, considering factors such as a history of sexual violence or potential fraudulent claims.

## Community responses

### Observatory of the Realities of Trans People in Prison

In Belgium, the [Observatoire des réalités des personnes transgenres en prison](#) (Observatory of the realities of trans people in prison) is a programme initiated in 2021 by I.Care and Genres Pluriels. Operating in French-speaking regions, the programme focuses on trans people in prison. Its goals include collecting data for long-term support improvement, providing assistance to trans people in prison, and raising awareness among professionals. Long-term objectives

involve ensuring respect for gender identity, fundamental rights, and dignity during imprisonment. Programme activities include data collection, prison visits, colloquiums, and the development of awareness and training tools for penitentiary sector professionals.



**Figure 1:** Observatory of the realities of trans people in prison logo (2021)

### **Self Help Toolkit**

In England and Wales, the [Prisoners' Advice Service \(PAS\)](#) offers free legal advice and support to adult prisoners, covering legal, human, and healthcare rights, prison conditions, and immigration issues. PAS provides assistance through an Advice Line, Letters Clinics, Outreach Clinics, and resources like Self Help Toolkits and Information Sheets available in prison libraries. They also publish a quarterly Prisoners' Legal Rights Bulletin, sharing updates on key legal cases with prisoners and legal professionals, and offer free subscriptions to serving prisoners.

In 2020, PAS published a [toolkit specifically designed for trans prisoners](#), offering practical information on prison rules, procedures, discrimination and human rights law. The toolkit aims to empower trans people to claim their rights, including the right to self-determination of gender identity and the right to be treated respectfully according to their gender identity. While not constituting legal advice, the toolkit covers various aspects of prison life relevant to trans people and is based on input from a survey conducted by the Bent Bars Project in collaboration with PAS. It explains key aspects of prison policy in England and Wales, trans prisoners' rights, prison responsibilities, trans case boards, access to gender-affirming healthcare and clothing, making complaints, and accessing legal advice. The guidance is specific to England and Wales. There are different policies applicable in Scotland, while Northern Ireland addresses trans prisoners on a case-by-case basis. In December 2023, PAS published the [second edition of the toolkit](#).

### **TGEU recommendations**

- > Policymakers should adopt and implement policies that protect trans people from discrimination and violence in enclosed settings, such as prison and immigration detention centres, with regards to issues such as placement, body searches, access to gendered items, general and trans-specific healthcare, and legal gender recognition processes.
- > Governments should train professionals (victim support providers, police officers, judicial officers, NGO staff, healthcare workers, teachers, etc.) on preventing and responding to discrimination and violence against trans people and providing sensitive and appropriate support.

See Penal Reform International and TGEU guidelines on placement of trans and non-binary people: [Penal Reform International \(2024\). Placement of trans and non-binary people: a guide for prisons. London: Penal Reform International.](#)

## Trans asylum-seekers and refugees

Across Europe, trans and gender diverse applicants for international protection face high levels of violence and institutional neglect before, during, and after their journeys. Fleeing criminalisation, family rejection, forced marriage, 'corrective rape', state persecution, or conflict-related sexual violence, many trans asylum seekers arrive in the EU in search of safety and dignity. For trans people, migration and displacement intersect with their gender identity in life-threatening ways. Right-wing populists use xenophobic tactics to incite hostility toward both migrants and trans communities, making trans asylum seekers and refugees particularly vulnerable in the EU. Here they encounter suspicion, systemic barriers, and policies that fail to recognise the complexity of their lived experiences.

The EU has made strong commitments to uphold the fundamental rights of all people in the Union, including non-citizens, as enshrined in the Treaty on European Union and the Charter of Fundamental Rights of the European Union (CFR). EU Member States are bound by the European Convention on Human Rights, which protects individuals' rights to life, liberty, and security (Article 2), prohibits torture and inhuman or degrading treatment (Article 3), and guarantees the right to an effective remedy (Article 13). Practices like systemic ill-treatment of migrants or the lack of access to legal remedies impede the realisation of these rights set out in the Convention.

However, reality often falls short of legal standards. Trans and gender diverse asylum seekers face multiple, compounded forms of marginalisation, including violence, harassment, and administrative barriers within the EU's asylum systems. The lack of access to trans-competent services, unsafe reception conditions, discriminatory credibility assessments, and exposure to violence within asylum settings further restrict their rights. For many trans and gender diverse applicants, the asylum system becomes another site of harm — a system that fails to uphold the CFR's legal obligations to protect human dignity and the right to seek asylum.

Intersectional discrimination, including on the basis of race, class, disability, and other axes of inequality, remains unaddressed in asylum procedures. Further, trans and gender diverse asylum seekers are often disbelieved, misgendered by authorities, housed in facilities that do not align with their gender identity, and are denied access to legal gender recognition – essential for their safety and autonomy.

All relevant stakeholders should take proactive steps to ensure that trans and gender diverse asylum seekers with special reception and procedural needs are identified early and meaningfully supported. This includes providing safe and affirming housing, access to trans-competent healthcare (including mental health and trans-specific healthcare), legal assistance, and trained interviewers who understand the complexities and interconnectedness of persecution on the basis of sexual orientation, gender identity, gender expression, and sex characteristics.

Below is a selection of best practice examples from the last five years in this area.

## United Nations initiatives

### UNHCR Integration Handbook

For comprehensive guidance on the treatment of asylum seekers fleeing persecution based on sexual orientation, gender identity, gender expression, or sex characteristics, refer to the United Nations High Commissioner for Refugees (UNHCR). The [UNHCR recommends](#) that States integrate LGBT and intersex-sensitive measures into their asylum determination procedures. This includes providing sensitivity training for decision-makers and establishing guidelines for objective and culturally unbiased assessment procedures, ensuring fair and impartial review of claims. The UNHCR also has a specific [integration handbook](#) for LGBTI refugees.

## European legislation, policies, and initiatives

### The recast Asylum Procedures Directive

The [Procedures Directive](#) mandates professional training on LGBTI issues for asylum interviewers, ensuring competence in assessing applicants' personal and general circumstances, encompassing cultural origin, gender, sexual orientation, gender identity, or vulnerability.

### EU's Common European Asylum System (CEAS) reform

After years of negotiations, the reform of the European asylum policy was formally adopted by the European Parliament in April 2024. Among other things, it [introduces an accelerated procedure](#) in order to speed up the asylum application process, especially in terms of rejecting applications deemed to be unjustified. The adopted legislation was criticised by human rights organisations. TGEU identified some of the more problematic aspects in the pact that

will negatively impact trans asylum seekers, including the:

- > Fast-track screening process which may not sufficiently take into account the unique experiences, challenges, and risks faced by trans people who are fleeing persecution in their home countries;
- > The list of safe countries of origin which assumes that countries on the list are safe for everyone including trans individuals, which may not be the case;
- > Accelerated border procedures which will not give trans asylum seekers sufficient time, consideration, and the specialised attention needed to properly assess their claims.

### Regulation (EU) 2024/1347

It came into force in June 2024, replacing the [recast Qualification Directive](#) (Directive 2011/95/EU). Previously, the Directive 2011/95/EU explicitly mentioned 'gender identity' in this binding EU legislation. The new Regulation (EU) 2024/1347 sets uniform standards for the recognition of persons in need of protection and for the rights granted to beneficiaries of international protection. It recognises gender-related aspects, including 'gender identity' and 'gender expression' as grounds why people experience persecution and therefore may need to seek asylum. The new regulation will be applicable to all Member States of the European Union from July 1, 2026.

## Community responses

### Trans Refugee Empowerment and Rights Advocacy

From 2021 to 2023, TGEU collaborated with Emantes, a Greek organisation dedicated to supporting trans asylum seekers and refugees in Greece. The joint project, entitled 'Trans Refugee Empowerment and Rights Advocacy' sought to raise awareness of trans asylum seekers' unique vulnerabilities and advocate for policy changes that address the unique challenges they face. The initiative focused on enhancing access to legal protection, healthcare, and social services for trans people seeking asylum in Greece. Previously, TGEU also held three virtual consultations to increase the capacities of organisations working with trans and gender non-conforming asylum seekers and refugees in Greece. The three virtual consultations each had a theme focusing on communications and campaigning, advocacy, and fundraising.

### Trans Refugee Network

In late 2020, TGEU established the [Trans Refugee Network](#) (TRN) to address the needs of trans refugees and asylum seekers. Comprising members from various organisations across Europe, including Queer Base (Austria), TransAktion (Denmark), ILGA-Europe (Europe and Central Asia), Loisto Setlementti (Finland), Commission Asile et Exil (France), Emantes - Lgbtqia+ Solidarity (Greece), Migra-Antinoo (Italy), Malta LGBTIQ Rights Movement (Malta), COC Groningen/Drenthe (Netherlands), LEGEBITRA (Slovenia), and Rainbow Migration (United Kingdom), the TRN focuses on capacity building, policy advocacy, experience sharing, and evidence-based research. Members actively contribute to shaping the network's objectives and action plan for the year.

## TGEU recommendations

The CEAS reform could undermine these fundamental rights by imposing barriers and limiting access to asylum and it is the responsibility of EU Member States to prevent such restrictions. Therefore:

- The European Commission must implement robust monitoring mechanisms and initiate infringement procedures when necessary.
- The EU Member States should create safe pathways for asylum seekers, including the establishment of humanitarian corridors, to ensure they can access international protection.
- The EU Member States should avoid using the detention of asylum seekers as a deterrent. Instead, they should establish systems to process applications for international protection in a fair, robust, and efficient manner, in compliance with their international obligations.
- The European Commission should work closely with the European Union Agency for Asylum (EUAA) to make full use of the Agency's monitoring mandate under the adopted pact. By drawing on the EUAA's independent assessments of national asylum systems, the Commission can ensure systematic oversight of EU Member States' compliance with EU law, including the treatment of asylum seekers and access to legal remedies. Findings from this monitoring should feed into regular public reports and inform the Commission's follow up actions, including targeted recommendations and, where appropriate, infringement procedures.

## **Data collection**

Across Europe, trans people have traditionally not been visible in national surveys or administrative data sources. Although the availability of data on sexual orientation in Europe is generally low, it is still considerably greater than the availability of data on gender identity or gender expression. As such, there is a general lack of statistical evidence about trans people's experiences. This makes it challenging to assess the nature of violence and discrimination that they are exposed to in their day-to-day lives. This can also deem them invisible in contextualising violence against women and gender-based violence, shelter data, helpline activity, but also other areas, such as those related to redress of rights violations, victim support, and monitoring efforts in relation to equal treatment. In order to drive positive change and create evidence-based policies that address the root causes of discrimination that trans people experience, legislators, policymakers, civil society organisations, and governments alike – all need data pertaining to gender identity, gender expression, and sex characteristics. This includes quantitative survey data, administrative data, qualitative data, and mixed methods data. Combined, they can paint a better picture, offering a nuanced understanding of the dynamics and manifestations of anti-trans violence, while offering descriptive and explanatory insights. Collecting data on these grounds is essential, but it should also ensure that it does not risk revealing information that can be used to identify individuals or endanger them in other ways. Participatory data collection and informed consent should be key components of data collection practices.

Consultation with trans communities and trans-led civil society is another crucial step that needs to be taken in developing ethical and inclusive data collection practices. This would help bring to light experiences that are currently invisibilised through the absence of data, and build trust among trans communities in data collection efforts by states and public institutions, a key measure especially in contexts where data can be used as a tool of surveillance.

Below is a selection of best practice examples from the last five years in this area.

## European legislation, policies, and initiatives

### European Union

#### EU LGBTIQ Equality Strategy 2020-2025

In the EU LGBTIQ Equality Strategy 2020-2025, the European Commission stressed the importance of reliable and comparable equality data for assessing the situation of LGBTI people.<sup>6</sup> The document recommends collaboration between the EU Fundamental Rights Agency and the European Institute for Gender Equality to support Member States in data collection exercises, emphasising both single and multiple grounds, with a focus on intersectional data collection.

#### European Commission guidance note on the collection and use of data for LGBTIQ equality

The European Commission released a [guidance note on collecting and using data for LGBTI equality](#). This guidance explicitly advocates for the inclusion of trans and intersex people in research concerning LGBTI communities. The rationale behind this recommendation is that existing research predominantly concentrates on sexual orientation, often overlooking critical elements such as gender identity, gender expression, and sex characteristics. The document underscores the importance of ensuring a comprehensive representation of all segments within the LGBTI community in the collected data. Additionally, it emphasises recognising the diverse affiliations individuals may hold within the LGBTI categories.

#### EU Fundamental Rights Agency

Established in 2007 under Council Regulation (EC) No 168/2007, the EU Fundamental Rights Agency (FRA) functions as the EU's center

for fundamental rights expertise, providing independent, evidence-based advice to EU institutions to help them implement fundamental rights in their work. In 2023, FRA conducted the third iteration of the EU LGBTIQ Survey (the first wave of the survey took place in 2012 and the second wave in 2019). It includes experiences of trans women, trans men, and non-binary people across the 27 EU Member States, and the candidate countries Albania, North Macedonia and Serbia.

### European initiatives

#### Organisation for Security and Co-operation in Europe

The Organisation for Security and Co-operation in Europe (OSCE) releases yearly statistics of hate crime occurrences in its Member States, including data of anti-trans hate crimes.

According to the [2023 OSCE Hate Crime Data](#), 27 countries are listed as having data on crimes motivated by bias based on sexual orientation, gender identity, and sex characteristics, while incidents were reported in 38 states.

<sup>6</sup> European Commission. Union of Equality: LGBTIQ Equality Strategy 2020-2025. 2020.

### **TGEU recommendations**

- > States and institutions should collect high-quality disaggregated data on trans and non-binary people. Where surveys do include gender identity, marginalised groups such as trans and non-binary disabled people, people of colour, and migrants, should be involved at all stages, from design to analysis.
- > States should collect trans-inclusive data on gender disparities, intersectional gender-based discrimination and violence, and initiate specific data collection among trans people regarding access to education, employment, health, housing, and justice, in cooperation with local trans groups and organisations.

For more recommendations on data collection, see: [ILGA-Europe, TGEU \(2023\) Intersections: Diving into the FRA LGBTI II Survey Data - Trans and non-binary briefing](#) and [TGEU \(2022\) The EU LGBTIQ Equality Strategy 2020-2025 and its key action items for trans people](#) [TGEU Progress Report 2022](#)



# ***Non-Discrimination***

## **Chapter summary**

The chapter on Non-Discrimination (previously chapter on Equal Access to Employment, Education, and Goods and Services) presents a comprehensive catalogue of policies and good practices addressing non-discrimination frameworks in the Council of Europe region. Some United Nations initiatives are included too. The chapter meticulously details 'best practice' examples of policy and legal measures as well as community responses, with special emphasis on addressing current challenges with ensuring equal access to employment, education, housing, and goods and services. The chapter is contextualised by including relevant equality and non-discrimination frameworks in Europe and in national contexts, and by cataloguing best practice examples of equality bodies that have mandates on gender identity and gender expression, because of their important role in ensuring non-discrimination in practice in national contexts.

In examining the landscape of positive developments in each of those areas, the chapter underscores the crucial role of international, regional, and national bodies in protecting trans people from discrimination.

The chapter is organised by theme ('Equality and non-discrimination', 'Gender Identity and Gender Expression in the mandate of equality bodies', 'Equal access to employment', 'Equal access to education', 'Equal access to housing', and 'Equal access to goods and services') and scope of best practice ('United Nations initiatives', 'European legislation, policies, and initiatives', 'National legislation, policies, and initiatives', and 'Community responses'). Each thematic section ends with TGEU's recommendations for different stakeholders, whether regional or national.

The updated Non-discrimination chapter is a foundational resource for policymakers, activists, and organisations. By offering insights into the challenges, recommendations, and best practices at various levels, it contributes to fostering equality and combating discrimination.

## **Equality and non-discrimination**

In Europe, 'gender identity' and 'gender expression' are increasingly recognised as grounds of discrimination on which specific protection is required. An increasing number of provisions within European and national legislation refer to 'gender identity' and 'gender expression' and apply expressly to trans people, though some regressive frameworks have been introduced too, narrowing protections already available. Further, in the last five years, some national governments have adopted legislation that takes into consideration specific situations unique to trans people, including through national equality plans. Examples in relation to specific areas like equality bodies, employment, education, housing, and goods and services were included under their dedicated subheadings.

Below is a selection of best practice examples from the last five years.

## European legislation, policies, and initiatives

### Council of Europe

#### European Court of Human Rights case law

In 2021, the European Court of Human Rights (ECtHR) ruled in *A.M. and others v. Russia* that gender identity is protected under Article 14 – the non-discrimination principle – of the European Convention on Human Rights. This decision holds significance for all Council of Europe Member States. Additionally, it is relevant for the Court of Justice of the EU (CJEU) which considers ECtHR judgments as setting minimum standards where EU and European Convention rights are similar, such as the right to private and family life or in the area of non-discrimination.

### European Union

#### Treaty of the Functioning of the EU and EU Charter of Fundamental Rights

The current absence of specific reference to 'gender identity' and 'gender expression' in EU treaties reflects the historical context, when trans people were less visible. However, contemporary developments in CJEU case law, EU secondary legislation, and national law increasingly recognise gender identity and gender expression as grounds warranting protection. While the [Treaty of the Functioning of the EU](#) explicitly identifies only 'sex' and 'sexual orientation' as protected grounds for discrimination in Article 19, a broader approach to non-discrimination is evident in other primary law provisions. Article 2 of the Treaty on European Union emphasises the general principle of respect for human dignity, equality, and human rights, including minority rights.

Furthermore, Article 21 of the [EU Charter of Fundamental Rights](#) prohibits discrimination based on any ground, offering a more inclusive stance. On 5 June 2025, CJEU General Advocate

Ćapeta [confirmed](#) that the ground of 'sex' in the Charter should be interpreted as covering 'gender identity'. Thus, whenever an EU Member State implements EU law it must do so without discriminating on grounds of a person's gender identity. This obligation applies independently from existing or lacking domestic protections.

#### Gender Recast Directive (Directive 2006/54/EC)

[Directive 2006/54/EC](#) primarily addresses gender equality in employment and occupation, though it also indirectly contributes to combating discrimination that may impact housing. Ensuring equal treatment in employment can influence an individual's access to goods, services, and overall living conditions. The directive also applies to discrimination arising from the gender reassignment of a person (Recital 3 of the Directive).

#### Gender Goods and Services Directive (Directive 2004/113/EC)

[Directive 2004/113/EC](#) aims at implementing the principle of equal treatment between men and women in the access to and supply of goods and services. In January 2025, the Court of Justice of the European Union [clarified](#) that "[i]n view of its purpose and the nature of the rights which it seeks to safeguard, the scope of that directive is also such as to apply to discrimination arising from a change in a person's gender identity". It has thus updated its own jurisprudence from 1992, according to which a person was protected against discrimination relating to 'gender reassignment'.

#### EU LGBTIQ Equality Strategy 2020-2025

In 2020, the European Commission [released](#) the EU LGBTIQ Equality Strategy 2020-2025, which is the first comprehensive strategy for advancing

the rights of LGBTI people in the EU. It sets out actions and commitments for the European Commission to achieve this. The following mentions are relevant to protecting trans people from discrimination and promoting their inclusion in the labour market and education.

Under the Strategy, the European Commission has undertaken to:

- > propose EU legislation strengthening the role of equality bodies, following up to the report on the implementation of the Employment Equality Directive;
- > promote the use of the European Social Fund Plus (ESF+) to improve the socio-economic position of the most marginalised LGBTIQ people;
- > conduct research on trans people's barriers to full equality in employment and social protection and develop guidance for Member States and businesses on enhancing trans people's participation in the labour market;
- > support measures intended to improve the socio-economic position of all women, including trans women under the gender equality strategy;
- > improve safe and inclusive education for LGBTIQ children and youth;
- > create an expert group to develop proposals on strategies for creating supportive learning environments for groups at risk of underachievement;
- > ensure indiscriminate access to rights, protection and services for LGBTIQ children under the comprehensive Strategy for the rights of the child;
- > enhance LGBTIQ equality mainstreaming in education initiatives and funding programmes such as Erasmus+;
- > support Member States in ensuring legal protection against discrimination on the grounds of gender identity and expression.

The Commission proposed a renewed 2026-2030 LGBTIQ Equality Strategy, building on the previous strategy and focusing on hate-motivated harassment and violence and on banning conversion practices, among other things. A public consultation was complemented by a dedicated consultation of networks that represent LGBTI communities.

## EU Gender Equality Strategy 2020-2025

In 2020, the European Commission launched its [Gender Equality Strategy for 2020-2025](#). It complements the LGBTIQ Equality Strategy and includes guiding principles such as gender mainstreaming and intersectionality. In a significant step towards including trans, non-binary and intersex people, it introduced the language 'women and men in all their diversity'

**"[...] to express that, where women or men are mentioned, these are a heterogeneous categories including in relation to their sex, gender identity, gender expression or sex characteristics. It affirms the commitment to leave no one behind and achieve a gender equal Europe for everyone, regardless of their sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation."**

The European Commission's 2023 [report on gender equality in the EU](#) marks the third report within the framework of the Gender Equality Strategy 2020-2025. The report assesses the current status of gender equality in both the EU and its Member States. It emphasises the EU's progress in the five key areas outlined in the strategy, showcasing noteworthy examples from Member States and EU-funded projects that exemplify achievements in these domains.

The Commission proposed a [renewed](#) 2026-2030 Gender Equality Strategy, focusing on eight key principles set out in the Roadmap for Women's Rights.

## European Commission report on legal gender recognition

The 2020 report [Legal Gender Recognition in the EU: The Journeys of Trans People Towards Full Equality](#) by the European Commission investigates the experiences of trans people in education, employment, and life. It focuses on the impact of legal gender recognition procedures, discrimination, and inclusive policies, aiming to understand their correlation with the wellbeing of trans people in the EU. The research explores career choices, job access, and workplace discrimination, providing an overview of trans experiences in the region.

## National legislation, policies, and initiatives

### Anti-discrimination legislation

Within the Council of Europe region, Member States exhibit varying degrees of protection for trans people in their national legislation. As per TGEU's [Trans Rights Index and Map 2025](#), 33 out of 47 countries provide protection from discrimination based on gender identity or related to being transgender in employment, while 29 extend this protection to education and 28 to access to goods and services. Among the 27 EU Member States, 20 have legislation safeguarding against discrimination in employment related to gender identity or being transgender, with 17 providing such protection in education and access to goods and services.

### Spain

In 2023, Spain has enacted comprehensive legislation to promote real and effective equality for trans people. Key measures include a quadrennial State Strategy for Social Inclusion of Trans Persons, positive actions in labour, education, health, and housing, and the

encouragement of trans participation in policy decisions. The legislation covers workplace initiatives, health provisions emphasising inclusive healthcare, informed consent, training, research, and monitoring, as well as education protocols ensuring treatment based on the registered identity of minors, and anti-transphobic bullying prevention. The legislation explicitly prohibits discrimination based on sexual orientation, sexual identity, gender expression, or sexual characteristics.

### Equality action plans

In addition to passing laws to protect trans people, national and state-level governments adopt 'action plans' for LGBTI equality, with targeted actions to promote the meaningful protection and inclusion of trans people. It demonstrates a commitment from the government to trans equality.

According to TGEU's [Trans Rights Map 2025](#), only ten countries in the Council of Europe region, seven of which are in the EU, currently have trans-inclusive national equality action plans: Bosnia and Herzegovina, Denmark, France, Iceland, Ireland, Luxembourg, Malta, the Netherlands, Norway, and Sweden. Disappointingly, many countries who previously had active action plans have allowed them to lapse and have not renewed them.

In 2022, the European Commission released its [Guidelines for Strategies and Action Plans to Enhance LGBTIQ Equality](#). While not legally binding, these guidelines offer substantial guidance over the formulation and content of equality action plans within EU Member States. Many action plans can also be found in the [database](#) of the Council of Europe's SOGIESC unit.

Below is a selection of best practice examples of national and state-level equality action plans.

## Bosnia and Herzegovina

Bosnia and Herzegovina has implemented its inaugural [LGBTI Action Plan for 2021-2024](#). This landmark plan targeted three key objectives: creating effective mechanisms to safeguard LGBTI individuals from discrimination, ensuring equality in public and private domains, and combatting prejudices and stereotypes. The action plan was in harmony with European Court of Human Rights decisions, Council of Europe recommendations, and the EU LGBTIQ Equality Strategy 2020-2025, fostering improvements in human rights and freedoms for the LGBTI community in the country.

## Greece

Prompted by the adoption of the EU LGBTIQ Equality Strategy and the call to Member States to develop their own strategies, in 2021 Greece adopted its first ever [National Strategy for the Equality of LGBTIQ+ people](#). It was developed by a committee made up of Members of Parliament, civil society representatives and academics who were convened to look at discrimination experienced by LGBTI people in Greece.

## Malta

The Maltese government introduced a comprehensive [LGBTIQ+ Equality Strategy and Action Plan \(2023-2027\)](#). The plan addresses discrimination and promotes equality in sectors like employment, education, healthcare, sports, and research. It outlines measures to enhance awareness of equal treatment in employment rights, encourage reporting of workplace harassment and discrimination, and establish support services for victims. Furthermore, the plan seeks to extend legal gender recognition to non-binary people, promoting inclusivity in both public and private sectors.

## Sweden

Sweden's [Action plan for equal rights and opportunities for LGBTIQ people](#) covers the period 2020-2023 and builds on the strategy for equal rights and opportunities regardless of sexual orientation, gender identity or gender expression, in place since 2014. The new action plan includes specific measures to tackle discrimination against intersex people.

## Switzerland

Although Switzerland has no national LGBTI equality strategy, the city of Zurich published its [Equality Action Plan](#) for the period 2019 to 2022. The plan includes a campaign to tackle gender-based violence and anti-LGBTI violence. Further, the third Equality Action Plan of the City of Bern 2019-2022 includes measures to promote equality for lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ) people.

## Wales

For many years, Wales has additionally developed its own action plans separate to that of the United Kingdom. The current plan, [LGBTQ+ Action Plan for Wales](#) was published as a draft in July 2021 and strived to go beyond the commitments of the UK government and ensure greater protection for trans people in Wales. It included a commitment to ban conversion practices and "influence the UK Government to strengthen the protections afforded to trans and nonbinary people under the law, including refugees and those seeking asylum." The government consulted widely with the LGBTI community, including with civil society, in the preparation of the action plan. In response to a consultation on the draft Action Plan, the [updated Plan](#) was published in February 2023.

### **TGEU recommendations**

- > Governments should implement international human rights standards without discrimination, explicitly prohibiting discrimination on the grounds of gender identity and gender expression, as well as multiple discrimination, either within the framework of the domestic transposition of the Gender Recast Directive or the consolidation of national anti-discrimination legislation.
- > Such laws should cover conditions for access to employment, self-employment and occupation, including promotion and dismissals, membership of and involvement in an organisation of workers or employers or other professional organisations, and working conditions including pay.

## **Gender Identity and Gender Expression in the mandate of equality bodies**

At times of targeted misinformation and disinformation campaigns and increased threats to the rights of trans people, it is more important than ever that equality bodies are mandated to uplift and safeguard the voices of trans people as early as possible. Ensuring that equality bodies are mandated to cover 'gender identity' and 'gender expression' and embrace a wide interpretation of 'sex' is a key method to safeguard the rights of trans people.

Equality bodies should work with national governments to implement non-discrimination laws that explicitly cover gender identity and gender expression, make rights-respecting recommendations to policy makers and legislators, raise awareness and communicate about trans equality and trans rights, engage employers, service providers, and civil society organisations to help them put in place plans and practices for combating transphobia, conduct research and issue reports about experiences of trans people, and provide unbiased, trauma-informed legal assistance to trans people seeking remedies and recognition for cases of discrimination, among other actions.

Despite the potential of equality bodies to ensure non-discrimination, the share of LGBTI respondents who said that they reported a discrimination incident to an equality body or any other organisation in Europe remains low, at 10%, according to the FRA EU LGBTIQ Survey III. Meanwhile, 60% of trans respondents were aware of at least one national equality body. The gap between awareness and actual reported cases of discrimination signals that more work needs to be done to build trust of trans people in the work of equality bodies, as well as broader justice mechanisms.

Below is a selection of best practice examples from the last five years in this area.



## European legislation, policies, and initiatives

### European Union

#### Equality Bodies Directive

The Equality Bodies Directive, comprising Council Directive (EU) 2024/1499 and Council Directive (EU) 2024/1500 set minimum standards for equality bodies across the EU, aiming to strengthen their role in combating discrimination and promoting equal treatment. Directive (EU) 2024/1500, in Article 6, sets out that Member States shall ensure that equality bodies are able to provide assistance to victims who have experienced discrimination, irrespective of their gender, gender identity, gender expression or sex characteristics. Meanwhile, Council Directive (EU) 2024/1499 notes in the Preamble that the scope of the principle of equal treatment for men and women cannot be confined to the prohibition of discrimination based on the fact that a person is of one or other sex, and also applies to discrimination arising from gender reassignment, protecting trans people. The Equality Bodies Directive entered into force on 18 June 2024, with the deadline for transposition of 19 June 2026. All 27 EU Member States are legally bound by these Directives.

### European initiatives

#### Equinet

The European Network of Equality Bodies (Equinet) acts as a platform at European level and supports its members' work by sharing good practices and providing training. The network includes a trans focus in its non-discrimination and gender equality work, demonstrated by the 2020 discussion paper [Equality Bodies Working on the Rights and Discriminations Faced by Trans and Intersex Persons](#).

The document highlights how equality bodies are actively working to enhance protection against discrimination for both trans and intersex people in Europe, and offers insights into legal protections, working definitions, areas of discrimination, challenges faced, and activities undertaken by equality bodies. The paper concludes with recommendations for equality bodies to enhance staff training, collaborate with civil society, advise policymakers, deepen work on discrimination issues, establish networks, and advocate for comprehensive equality legislation.

Between 2022 and 2023, Equinet organised good practice exchanges on data collection, focused on [hard-to-reach groups](#) and on [intersectionality and multiple discrimination](#). These initiatives aimed at bolstering the capacities of Equality Bodies in developing effective methods for data collection and analysis, and highlighted the crucial role of national equality bodies in addressing increased vulnerability to discrimination and challenges such as underreporting. Discussions covered defining key populations, identifying challenging groups, and recurring challenges in equality data. Participants exchanged insights on background research, preparation methods, and survey inclusion strategies. These events provided space for representatives of national equality bodies to share effective strategies on important aspects of fieldwork preparation, data collection challenges, and strategies to reach respondents and minimise bias while simultaneously balancing safety, privacy and data protection concerns.

In 2024, Equinet's Working Group on Gender Equality published a report, titled [Advancing LGBTIQ+ Equality in Europe: The role of Equality Bodies](#). It includes a dedicated section on legal gender recognition and the role of equality bodies in addressing barriers to it. A list of good practices is also highlighted there, containing equality bodies and their valuable contributions to the realisation of trans rights on the national level.

## National legislation, policies, and initiatives

### National legislation for equality bodies

#### Sweden

In 2008, Sweden underwent a significant overhaul of its equality legislation, consolidating multiple anti-discrimination laws and ombudsman functions into two comprehensive equality acts. The Act concerning the Equality Ombudsman, a national legislation for equality bodies, was one of them, which merged four single-strand equality bodies into a unified institution. This umbrella body, the Equality Ombudsman (DO), is empowered to address discrimination across all seven equality grounds in Sweden, including 'gender', 'transgender identity and expression', and 'sexual orientation'. The act grants the Ombudsman a broad mandate to combat discrimination and integrate equality principles into all aspects of life.

### Good practices of national equality bodies

#### Netherlands Institute for Human Rights

Established in 2012, the Netherlands Institute for Human Rights achieved A-status from the International Coordinating Committee for national human rights institutions (now known as the Global Alliance of National Human Rights Institutions), signifying full adherence to the Paris Principles. Focused on human rights, with an emphasis on equal treatment in the Netherlands and the Caribbean Netherlands islands, the Institute intervenes in court, offers recommendations in discrimination claims, conducts investigations, organises training sessions, advises on policy, monitors equality, and reports on discrimination. It covers various

fields, including employment, education, housing, social protection, healthcare, and goods and services. Addressing critical issues like violence against women, hate crime, and hate speech, its mandate extends to gender, gender identity, sexual orientation, race, ethnic origin, age, disability, health status, religion, belief, family status, and other grounds.

#### Swedish Equality Ombudsman

In Sweden, employers and education providers must follow the active measures outlined in the Discrimination Act to prevent discrimination (which includes discrimination based on gender identity) and promote equality in employment and education. This involves a continuous four-step process: investigation, analysis, implementation of measures, and ongoing monitoring. The Equality Ombudsman oversees compliance, with the authority to provide information, conduct reviews, and, if necessary, issue binding orders with financial penalties through the Board against Discrimination.

However, challenges to employers and education providers include a lack of effective sanctions and duty bearers' limited knowledge of their obligations. The Ombudsman addresses these issues through continuous engagement, utilising supervision experiences to inform duty bearers and conducting dialogues to improve understanding and implementation of active measures. The goal is to enhance compliance and overcome shortcomings in promoting equal rights and opportunities in Sweden.

### **TGEU recommendations**

- > Governments should include the human rights concerns of trans people in the scope of activities of equality bodies and/or national human rights institutions.
- > When establishing or expanding the reach of national equality bodies, national administrations are encouraged to look to Sweden's Act concerning the Equality Ombudsman and the Netherlands' A-status in adherence to the Paris Principles as exemplary models.
- > National governments and civil society should ensure trans people know their rights to protection and non-discrimination.

## Equal access to employment

Addressing discrimination based on gender identity in both public and private sector employment is a critical issue, as highlighted by the EU Fundamental Rights Agency's EU LGBTIQ Survey III. Shockingly, 35% of trans women and 30% of trans men respondents reported experiencing workplace discrimination in the past 12 months. These challenges, coupled with difficulties in accessing education, often result in unstable employment for many trans people, with some forced into precarious conditions or sex work for survival. The situation is particularly harsh for trans people of colour, disabled trans people, and undocumented migrants. Recognising these issues, some Member States are implementing policies to support trans inclusion in the labour market, backed by efforts from corporations and trans-led community groups, though there has been a decline in those in the last couple of years.

While not an exhaustive list, below is a selection of best practice examples from the last five years in this regard.

## United Nations initiatives

### UN Standards of Conduct for Business

As part of their UN Free & Equal campaign, The UN Human Rights (OHCHR) developed five [standards of conduct for businesses](#) to support in tackling discrimination and violence against LGBTI workers and customers. They recognise the important role that businesses have in fostering diversity and promoting a culture of respect and equality.

The five standards for businesses are:

- > Respect human rights of LGBTI workers, customers, and community members;
- > Eliminate discrimination against LGBTI employees in the workplace;
- > Support LGBTI staff at work;
- > Prevent other human rights violations against LGBTI suppliers, distributors, or customers;
- > Stand up for human rights of LGBTI people in the communities where they do business.

In 2022, they also developed the [UN LGBTIQ+ Standards Gap Analysis Tool](#), which allows businesses to assess their current practices and identify gaps and opportunities to make a plan of action to improve. Further that year, a policy document was published, titled [Minding the Corporate Gap: How Human Rights Defenders and Companies Can Work Together to Tackle Discrimination against Lesbian, Gay, Bisexual, Transgender and Intersex Persons](#).

## European legislation, policies, and initiatives Council of Europe

### Diversity in the Workplace, a Sexual Orientation, Gender Identity or Expression and Sex Characteristics

## Approach

In 2021, the Council of Europe published a report and set of guidelines [Diversity in the Workplace, a Sexual Orientation, Gender Identity or Expression and Sex Characteristics Approach](#). The report explains why pro-active inclusion efforts are needed and gives recommendations for achieving this to a range of stakeholders: national, regional and local authorities, companies, LGBTI+ networks, trade unions, international organisations and financial institutions.

## European initiatives

### European Trade Union Confederation

The European Trade Union Confederation (ETUC), an umbrella organisation representing 90 trade union organisations in 39 European countries and 10 European Trade Union Federations, adopted a [position](#) in June 2021 strongly supporting the European Commission's EU LGBTIQ Equality Strategy 2020-2025 and reaffirming its commitment to fighting discrimination in the workplace, including where it is due to a person's gender identity, gender expression, or sex characteristics. The statement outlines the steps that must be taken to improve the working conditions of LGBTI people, including tackling transphobia, providing strong public services that are inclusive for LGBTI people, and promoting awareness raising and education about the diversity of gender and sexual identity; starting at school age.

## National legislation, policies, and initiatives

### Spain

[Law 4/2023](#), enacted on February 28, 2022, aims to ensure and promote real and actual equality

for lesbian, gay, bisexual, trans, and intersex persons, as well as their families. The key labour-related provisions of this law include 'sexual orientation and identity', 'gender expression', and 'sexual characteristics' as grounds for discrimination of employees. It outlines various infringements related to equal treatment and non-discrimination based on sexual orientation and identity, categorised as minor, serious, and very serious, with fines reaching up to EUR

150,000. The law mandates companies with over 50 employees to establish, within 12 months, a planned set of measures and resources for achieving real and actual equality for LGBTI people, along with a procedure for addressing harassment or violence directed at them. The negotiation and agreement of these measures with workers' statutory representatives are required, with specific details to be defined by implementing regulations.



**Figure 2:** Diversity in the Workplace, a Sexual Orientation, Gender Identity or Expression and Sex Characteristics Approach (2021)

## Community responses

### Super Women

The Transgender Equality Network Ireland (TENI), with support from the Social Innovation Fund Ireland, ran its Super Women project in 2020 dedicated to empowering transfeminine people and trans women in the workplace, a group who traditionally experience disproportionate discrimination in the labour market. The program includes personal and professional development, mentoring and direct connection with employers through a series of online sessions. TENI also supported Ibec, a group representing Irish business, to develop and launch a guidance note on gender identity and expression in the workplace in 2022.

### Unicorns@Work

MozaiQ in Romania first launched the Unicorns@Work project in 2019, with the goal of increasing trans people's employability in the labour market. Now in its seventh year, the project works with trans people, strengthening skills such as foreign languages, CV writing, and public speaking, and also works with employers by running awareness-raising and sensitisation training to develop trans-inclusive recruitment policies and tackle transphobia at work. The project has also published a toolkit for employers, a set of guidelines for trans people to support their access to the labour market, and together with Transcore, published a report, Trans on the labour market in Romania. Unicorns@Work also runs a yearly trans-friendly job fair that has successfully found trans people work in Bucharest.

### **The Trans Charter for the Music Industry**

Announced in March 2025, The Trans Charter for the Music Industry (United Kingdom) intends to drive systemic change across the music industry. The charter lays out a set of core commitments for signatories. Its actionable pillars include “establishing trans-affirming policies and best practices”, “amplifying trans and non-binary voices”, “providing comprehensive educational resources and training”, “creating networks of support and collaboration”, among others.

### **UNISON**

UNISON, the largest public service union in the United Kingdom, has a LGBTI section that has actively reached out to and recruited LGBTI members at pride events and other LGBTI gatherings. The union actively campaigns for LGBTI equality and provides support to its LGBTI members. In collaboration with the Scottish Transgender Alliance (Scottish Trans), UNISON published factsheets and guidelines addressed to trans people, trade union representatives, and human resource managers to help them better support trans people at work. Among them were:

- > The [Transgender workers’ rights factsheet](#), updated in 2025, which provides information about the legal rights of trans people, and good practice for employers and branches of the trade union;
- > [UNISON model trans equality policy](#), updated in 2025;
- > Why pronouns are important factsheet;
- > Gender equality non-binary inclusion factsheet;
- > Workplace monitoring for sexual orientation and gender identity;
- > How to be a good ally to trans people at work leaflet.

## **Workplace policies and initiatives**

In recent years, there has been a growing emphasis on diversity and inclusion in businesses. While it is commendable and crucial to have initiatives focusing on trans people in the business sector, it is essential to avoid misinterpreting these efforts as granting businesses unrestricted leeway concerning their broader social responsibilities.

### **Fujitsu**

Global IT services provider Fujitsu has taken steps in recent years to make its workplaces more trans-friendly. It published a [Trans\\* Inclusion Guide](#) in 2016, an educational [Guide to Trans Allyship](#) in 2020, and in 2021 reviewed its policies to ensure the language was gender neutral and trans inclusive, and has taken other steps to support trans employees, including by

developing an [FAQ guide](#) for trans and gender diverse job applicants.

### **myGwork**

In 2025, myGwork, the global networking hub for LGBTQ+ professionals and students, organised WorkPride, a five-day series of events for professionals, graduates, inclusive employers, and anyone who believes in workplace equality. Each year, WorkPride welcomes thousands of virtual attendees from around the globe to network, share best practices, and learn strategies to help create workspaces that are inclusive of all sexual orientations, gender identities, and gender expressions. This year, sessions included Becoming an Active Trans Ally (Workshop) and Non-Binary Inclusion: Gender Diversity at Work.

### **Salesforce**

Cloud-based customer relationship management software Salesforce recognises that one of the biggest obstacles trans people face is access to healthcare. After consulting their trans employees and the company's resource group focused on sexual orientation and gender identity, it developed [Gender Inclusive Benefits](#)

in 2021, which are available to trans employees worldwide. The benefits are reimbursement for trans-specific healthcare, paid leave to recover from medical procedures, wardrobe reimbursement, legal fee reimbursement to support with legal gender recognition procedures, counselling, and internal career guidance specifically for LGBTI+ employees. In 2023, Salesforce announced new fields for gender identity and pronoun data in its products.

### **Workplace Pride**

[Workplace Pride](#), based in the Netherlands, strives for greater acceptance of lesbian, gay, bisexual and trans people in the workplace and in society through activities such as awareness raising, research, training, and network building. It has more than 80 members, including large corporations, government ministries, and universities, who benefit from the tailored support and training to strengthen LGBTI inclusion that Workplace Pride offers. Workplace Pride also runs a [global benchmark survey](#) each year to evaluate and compare workplaces on LGBTI inclusion, which includes consultation with participants on how to improve LGBTI policies, and a toolkit with examples of good policies.

## **TGEU recommendations**

- > National governments should establish and implement strategies to prevent discrimination on grounds of gender identity and gender expression in employment and occupation, both in the public and the private sector as well as by third sector service providers.
- > Employers should adopt affirmative action policies to target and employ trans people, especially trans women, disabled, and racialised trans people. Where this is not possible, employers should use anonymised processes to minimise discrimination in early stages of the recruitment.

For more recommendations on including trans people in the labour market, see: [ILGA-Europe & TGEU \(2023\) Intersections: The LGBTI II Survey – Trans and Non-binary Analysis](#).



## **Equal access to education**

According to the FRA EU LGBTIQ Survey III, 34% of trans respondents reported experiencing discrimination when accessing education. Trans students face compounded forms of harassment and discrimination during their studies. Beyond unsolicited comments, stares, and bullying, trans students experience difficulties with fellow students, teachers and administrative staff who do not always address them with correct pronouns or names. They also face difficulties in having their names and gendered references changed in educational records (e.g., in student identity cards and university diplomas) and in being able to wear a school uniform that is in line with their gender. This is often compounded by high rates of family rejection, increasing the risk of homelessness. As a result, many trans young people underperform at school or drop out altogether. These experiences have considerable negative effects on mental and physical health.

Below is a selection of best practice examples from the last five years in these areas.

## National legislation, policies and initiatives

### Legislation

#### Iceland

In 2022, Iceland's Act on Equal Treatment Regardless of Race and Ethnic Origin was amended to now also include discrimination based on 'gender identity', 'sex characteristics', and 'gender expression', among several other grounds. The Act covers equal treatment in access to education and vocational training.

#### Spain

In February 2023, Spain adopted [Law 4/2023](#), "For the real and effective equality of trans people and for the guarantee of the rights of the LGBTBI community", which aims to ensure equal rights for LGBTBI people, including in education.

The law covers discrimination in educational settings on grounds of 'sexual orientation', 'gender identity' and 'sex characteristics'. It also prescribes that school curricula must include age-appropriate content on non-discrimination and positive representations of sexual and gender diversity.

### Policies

#### Malta

Revised in 2022 and first published in 2019, Malta's [Policy on Inclusive Education in Schools: Route to Quality Inclusion](#) includes Trans, Gender Variant and Intersex Students in School Policy. It notes that "[a]ddressing gender identity, gender expression and sex characteristics issues in schools is a continuous endeavour that involves a proactive approach to new forms of inclusivity", and includes tangible measures to support trans students.

## Community responses

### Schools and universities

#### Alias Career

In several Italian universities, trans students undergoing or planning a gender affirmation process can [request an alternative](#), temporary bureaucratic profile while waiting for the rectification of their personal data. This includes a new student ID card and email address featuring their chosen name instead of their legal name. The temporary profile replaces personal data in the administrative records information system with the chosen name, accessible only to authorised administrative staff managing academic records. While the new ID card holds no legal validity, being exclusive to the university environment, it serves as a practical means of recognition within the academic institution.

#### Gender-neutral toilets

In Czechia, the International School of Prague (ISP) has taken a pioneering step by [introducing gender-neutral toilets](#) within its facilities. Catering to a diverse school community spanning early childhood to secondary education, ISP allows students the option to use either gender-specific or gender-neutral toilets based on their individual needs. This initiative marks a progressive move toward inclusivity within the school environment.

### **Secondary school experience survey**

In Belgium, Çavaria conducted a survey on the school experiences of LGBTI students in secondary education during the 2021-2022 school year in the Flanders region. The [results revealed](#) alarming trends, indicating that the situation for these students has not improved compared to five years ago. A significant percentage of respondents reported feeling unsafe at school due to their sexual orientation, leading some to avoid school or specific areas within it.

The survey underscored the limited intervention of teachers in the face of LGBTI-phobic comments. Çavaria emphasises the pressing need for the mandatory inclusion of LGBTI themes in secondary education, alongside comprehensive teacher training, to establish safer and more supportive school environments. The advocacy extends to supporting student-led initiatives, such as Gender and Sexuality Alliances, to enhance LGBTI visibility in schools.

### **Interventions aimed at fighting homophobia and transphobia**

In France, the organisation SOS homophobie [conducts sessions with the aim of combating anti-LGBTI harassment](#) through a universalistic approach grounded in respect for human rights. The primary objectives include empowering students to intervene against harassment, increasing their willingness to assist victims, and educating them about the risks associated with outing victims. These sessions utilise two main methods: creating a better understanding of LGBTI identities by dispelling misconceptions and fostering empathy and raising awareness of the consequences of anti-LGBTI harassment through real-life cases.

The structure includes discussions on discrimination to emphasise its commonality with other forms of prejudice. Additionally, these sessions provide an opportunity to inform victims about the support that SOS homophobie can offer, with volunteers distributing an information booklet containing helpline contacts.

### **TGEU recommendations**

- Policymakers should act on the dire situation of trans youth, especially trans minors. Schools, social and family services, healthcare providers, and the police need to be sensitised as a matter of urgency. These institutions need to implement effective policies to create a safe, welcoming, and empowering environment for trans children and youth.

For more recommendations on non-discrimination in education, view [IGLYO LGBTQI Inclusive Education Map and Index](#).

## Equal access to housing

Homelessness disproportionately impacts trans people due to violence, poor mental health, bullying, and housing discrimination. A significant source of homelessness among trans youth is family abuse and rejection. Intimate partner violence can additionally force trans people out of their homes. Limited state measures to address trans homelessness result in shelters lacking knowledge on how to support and accommodate trans people, leaving homeless trans people more likely to stay on the streets. While some LGBTI organisations address homelessness, they often lack resources, highlighting the need for state support. Trans sex workers, who may also be migrants, frequently experience homelessness and encounter harassment and violence in shelters. Additionally, trans asylum seekers, refugees, and older trans people are at an increased risk of homelessness. According to FRA's EU LGBTIQ Survey III, 32% of trans women, 21% of trans men, and 23% of non-binary people felt discriminated against due to their identity when trying to rent or buy housing. In the EU LGBTIQ Survey II, among those who experienced homelessness, almost 80% of trans and non-binary people sought refuge with friends or relatives. However, a higher percentage resorted to emergency shelters (24.7%) or sleeping outdoors (14.8%) compared to the overall figures for LGBTI respondents (19.2% and 8.4%, respectively)<sup>7</sup>.

Below is a selection of best practice examples from the last five years in the area of housing.

---

<sup>7</sup> Cianán B Russell, Francesca Sanders, and Freya Watkins. Intersections: Diving into the FRA LGBTI II Survey Data - Trans and Non-binary Briefing. 2023.

## European legislation, policies, and initiatives

### Council of Europe

#### European Social Charter

The European Social Charter addresses a comprehensive set of social rights covering employment, workplace safety, health, social protection, welfare, housing, and education. Emphasising the protection of vulnerable groups, it is the only legally binding European instrument explicitly guaranteeing the right to housing in Article 31. For Member States that have signed the relevant protocol but failed to address trans homelessness adequately, there is a mechanism to file a complaint with the Social Charter Committee for a violation of this right.

#### Istanbul Convention

As per [Council of Europe's Convention on Preventing and Combating Violence Against Women and Domestic Violence](#) (The Istanbul Convention), victims are entitled to various essential services, including housing, but also legal advice/aid, psychological counselling, financial assistance, education, healthcare, social services, and support in securing employment. The treaty expressly refers to the ground of 'gender identity' in Article 4(3), while the Explanatory Report of the Convention states:

**"Certain groups of individuals may also experience discrimination on the basis of their gender identity, which in simple terms means that the gender they identify with is not in conformity with the sex assigned to them at birth. This includes categories of individuals such as transgender or transsexual persons, cross-dressers,**

**transvestites and other groups of persons that do not correspond to what society has established as belonging to 'male' or 'female' categories."**

### European Union

#### EU LGBTIQ Equality Strategy 2020-2025

The [EU LGBTIQ Equality Strategy 2020-2025](#) acknowledges the higher rates of homelessness among trans people and the specific risks tied to informal work. Full implementation of the Victims' Rights Directive is highlighted as a positive step to make victim support services, including emergency shelters, accessible to trans people facing homelessness.

#### European Platform on Combating Homelessness

The [European Platform on Combating Homelessness](#) established in June 2021 fosters dialogue, mutual learning, evidence improvement, and cooperation among stakeholders addressing homelessness. It utilises EU funding, including the European Social Fund+ (ESF+), the European Regional Development Fund (ERDF) supporting affordable housing projects, and the Fund for European Aid to the Most Deprived (FEAD) which aids homeless people with basic necessities and social inclusion support.

## Community responses

### **The RainboWelcome Program**

The EU-wide [RainboWelcome Programme](#) connects LGBTI+-friendly shelters and organisations across the EU with refugees seeking asylum based on their sexual orientation or gender identity. Participating organisations include Acathi in Barcelona and Le Refuge in France and Brussels.

### **Streha**

[Streha](#) in Albania is a community service in Albania providing housing and psycho-social support, among other services, for LGBTI+ youth experiencing homelessness and victims of domestic abuse.

### **Acceptess-T**

A trans-led organisation in France, [Acceptess-T](#) provides healthcare, HIV support, social assistance, and aid for trans migrants and refugees. They operate a trans drop-in centre in Paris, offering undocumented and uninsured trans people access to essential services, including hormones, HIV therapy, testing, medical check-ups, and emergency healthcare. These services often involve discussions about experiences of rape, violence, poverty, and homelessness.

### **Ljubljana Pride**

[Ljubljana Pride](#) in Slovenia connects LGBTIQ youth at risk of or experiencing homelessness with safe host families.

### **Acathi**

An LGBTIQ organisation in Spain, [Acathi](#), runs various programmes, including shelters and emergency housing, and offers employment support for trans women.

### **Trans Migrant BPOC Alliance 2021 Conference**

Trans United Europe (TUE), a network led by sex workers, comprises trans organisations and activists advocating for Black and people of colour, migrant, and refugee trans people. TUE offers health services, emergency housing support, and access to legal advice. In May and June 2021, TUE [organised two conferences](#) for trans people with migration and sex work backgrounds, emphasising topics such as housing, safe living, and employment access.

### **Young, Queer & Away from Home**

Launched in 2024 and co-led by Missing Children Europe, IGLYO — The International LGBTQI Youth & Student Organisation, and the University of Portsmouth, the [Young, Queer & Away from Home](#) is a two-year project studying the views and lived experiences of LGBTIQ+ young people

who had to live away from their home before turning 18 in the EU or the UK (for example, they were kicked out, ran away, were homeless, or had to stay in a shelter or with friends or other relatives). Between May 2024 and March 2026, the project undertook to collect data, develop a report for professionals who can play a role in prevention and support, map out existing shelters, develop and deliver online training for professionals, and run an information and awareness-raising campaign, among other activities.

### **TGEU recommendations**

- > The EU should ensure that provision of public funding, including from the ESF+, ERDF and FEAD for housing and other poverty support services is tied to the condition of being trans-inclusive and that targeted funding is set aside specifically to support trans people, especially trans youth, trans women, and trans people of colour.
- > National governments should intervene to end speculation in the housing sector and ensure housing policy benefits not only wealthy investors but also those vulnerable to homelessness and exclusion from housing, including trans people, undocumented migrants, and sex workers.
- > The EU, national governments, and municipalities should fund trans organisations that are supporting trans people to find housing and employment, focusing especially on the most marginalised groups within trans communities.

For more recommendations on housing, see: [TGEU \(2021\) Coming Home: homelessness among trans people in the EU](#).

## **Equal access to goods and services**

In the realm of goods and services, allegations of discrimination relate to areas such as insurance, access to leisure activities, and health services. Concerns within the scope of state functions involve issues related to the change of name and gender marker. While equality bodies should actively develop best practices to effectively address and respond to the inequalities and discrimination faced by trans people in these areas, showcasing their competence in these domains, other stakeholders have a role to play.

Below is a selection of best practice examples from the last five years in this area.



## National legislation, policies, and initiatives

### Belgium

In 2023, the city of Bruges in Belgium launched its initial gender-neutral public toilet, aligning with a broader plan that eliminates gender-specific signage during renovations, fostering inclusivity, and addressing practical concerns such as queue reduction and equal amenities for baby changing.

In December 2021, Ghent opened its first gender-inclusive public toilet, recognising that trans and gender diverse people tend to avoid public restrooms because they felt uncomfortable or unsafe. The new gender-inclusive toilets, which will soon start to replace existing ones that are being restored, will not have any female or male symbols.

### Sweden

According to the Swedish Federation for Lesbian, Gay, Bisexual, Transgender, Queer and Intersex Rights (RFSL), the official report on the empowerment and improvement of life opportunities for trans people in Sweden recommends several measures for greater inclusivity. It proposed making all public bathrooms gender-neutral and tasked the Equality Ombudsman and The Swedish National Board of Housing, Building and Planning (Boverket) with creating a guide for trans-inclusive changing rooms and bathrooms. Additionally, the report suggested reviewing the current language at the Swedish Work Environment Authority (Arbetsmiljöverket) concerning changing rooms to better align with the life opportunities of trans people.

### France

In Paris, Acceptess-T's SporTrans Citoyennete project promotes inclusive physical and sports activities, with a focus on combating discrimination. The initiative, featuring regular swimming sessions, empowers trans and gender diverse people by fostering community, addressing institutional transphobia, and enhancing visibility. The Paris Transgender Sports Group engages in football and volleyball, achieving unprecedented visibility in sports, while its swimming initiative contributes to social inclusion and highlights the importance of body visibility in sports.

### Germany

In Germany, several cities are taking significant steps to create safe and inclusive swimming spaces for trans, non-binary, and intersex people. In Berlin, a collaborative effort reserves a pool once a month specifically for trans and intersex attendees. Cologne, Hannover and Nuremberg have also initiated dedicated swimming access for trans, non-binary, and inter individuals at public pools, reflecting positive strides towards inclusivity and recognising diverse gender identities in recreational spaces.

## Community responses

### Transgender Infopunt

In Belgium, the [Transgender Infopunt](#) (TIP) operates within the Centre for Sexology and Gender (CSG) at Ghent University Hospital, focusing on trans care while maintaining a neutral stance. TIP emphasises providing information and facilitating communication without accessing medical records or interfering with ongoing treatments. Positioned as a safe and accessible space, TIP values confidentiality and anonymity, working to overcome the perceived medical setting and encourage understanding rather than pushing individuals toward medical paths. The permanence offers diverse support for gender-related inquiries and serves as a recognised hotline for discrimination. Engaging in research, projects, and family coordination, TIP also provides consultancy services for organisations and agencies seeking information, education, or research assistance.

### Infotrans

[InfoTrans](#), developed in Italy through collaboration between the National Institute of Health and the National Office against Racial Discrimination, serves as an institutional portal providing comprehensive information on trans-specific healthcare, legal rights, and protections in an accessible format.

### Community-led pop-up clinic

In the Netherlands, a unique collaboration between a sex workers labour union and a multicultural trans rights group has led to the establishment of a [community-led pop-up clinic](#). This initiative offers free consultations, referrals to medical specialists, prescriptions for hormones and HIV medication, and judicial assistance for legal name changes. This community-driven clinic addresses the challenges of increasing waiting times and difficulties in securing trans-specific healthcare appointments, particularly benefiting those with limited or no healthcare coverage.

## TGEU recommendations

- National governments and civil society should ensure trans people know their rights to protection and non-discrimination.
- National governments should include 'gender identity' and 'gender expression' as protected grounds in anti-discrimination legislation for all areas of life, including access to employment, healthcare, education, housing, goods, and services.

For more recommendations on non-discrimination on education, see: [TGEU \(2021\) Trans discrimination report - A TGEU analysis of the FRA LGBTI survey 2019](#).

# tgeu.

For more publications and important news on  
trans rights and wellbeing follow us:



**tgeu.org**