



## ILGA-Europe 2014 Election pledge - What does it imply for trans people?

- **Adopt an EU Roadmap on LGBTI equality**

*Initial text: Equip the EU with a comprehensive action plan to champion equality and to ensure it uses its full powers in an effective and coherent way, as it does to combat other forms of discrimination*

Relevance for trans people: ILGA-Europe has been calling for 2 years now on the European Commission to adopt a roadmap on LGBTI equality. Similar roadmaps or strategies exist in the area of gender equality or protection of the rights of people with disabilities or Roma people. It would ensure that trans people's rights and the fight against discrimination on the grounds of gender identity and gender expression are mainstreamed through all EU policies: employment, education, health and access to goods and services; in the field of citizenship, families and free movement; freedom of assembly and expression; hate speech and hate crime; asylum and migration; and foreign affairs.

- **Enforce human rights within the EU**

*Initial text: Ensure the adoption of an internal human rights strategy and the creation of a watchdog mechanism to enable the EU to respond to human rights violations within its own borders and to hold Member States accountable to their human rights commitments*

Relevance for trans people: The rights of trans people are regularly violated in all spheres of life (conditional access to legal gender recognition, obligation to divorce, forced sterilisation, etc.). This commitment therefore aims at ensuring that the rights of trans people are given visibility and mainstreamed in all EU member states and areas.

- **Complete the EU anti-discrimination law**

*Initial text: Actively work towards the adoption of a comprehensive anti-discrimination legislation and the effective implementation of existing standards, including through continued EU financial programmes to enable effective action to make equality a reality in the EU*

Relevance for trans people: Trans people are protected in the areas of employment and access to goods and services in an indirect and incomplete way (Directive 2004/113/EC and Directive 2006/54/EC). The grounds of gender identity and gender expression do not expressly appear in EU anti-discrimination legislation. The EU legislative framework is not complete as neither discrimination on the ground of sexual orientation outside employment nor discrimination on the ground of gender identity in the area of health and education are prohibited. Even when such legislation is in place, discriminatory practices and under-reporting remain high. Therefore, this commitment also include the need to adopt proactive policies and awareness-raising strategies.



- **Combat homophobic and transphobic violence**

*Initial text: Actively work towards the extension of EU legislation to combat all forms of bias-motivated violence and to mobilise all EU agencies to protect victims of violence and to train law-enforcement professionals*

Relevance for trans people: Everywhere in Europe, trans people are victims of physical and psychological violence on the ground of their gender identity or gender expression. However, no legal definition of ‘hate crime’ or ‘bias violence’ exists at EU level and no clear commitments were made to ensure that criminal offences motivated by transphobic hatred are considered as aggravated offences in criminal law in all the Union. The Victims’ Rights Directive adopted in 2012 introduces an individual protection needs assessment which takes into account the personal characteristics (gender identity and gender expression included) of the victims and the type of crimes they have fallen victim of. However, a comprehensive criminal law frame is needed to combat transphobic hate crime, as well as policies aiming at training law enforcement officers, prosecutors, judges, victim support services and lawyers on trans people’s needs and issues.

- **Promote an inclusive definition of family in EU policies**

*Initial text: Ensure that EU legislation and policies are inclusive of LGBTI families within the scope of EU competences (such as freedom of movement and mutual recognition) and to promote respect and recognition of the rights of LGBTI families*

Relevance for trans people: EU policies on family relate to freedom of movement and mutual recognition. Their implementation is often unsatisfactory and discriminatory for trans people as in practice, their civil status, and hence, their parenting rights, are not necessarily recognised from one country to another. EU institutions should therefore ensure that the EU legislation in this area is applied in a non-discriminatory way and that family rights of trans people are promoted and respected, in the scope of EU competences.

- **Take a lead in protecting trans rights**

*Initial text: Be a leader in calling for an end to requirements to legal gender recognition for trans people that clearly violate human rights, and to actively support the EU in continuing to lead on the depathologisation of trans identities*

Relevance for trans people: Trans people are victims of multiple violation of their fundamental rights to non-discrimination (employment, access to goods and services), health (forced sterilisation and pathologisation), family and privacy (abusive requirement to access legal gender recognition). To ensure that all the fundamental rights of trans people are respected, the EU should show leadership and encourage ambitious policies and legislation, in particular in the area of legal gender recognition.



- **Take action against school bullying**

*Initial text: Mobilise EU institutions and Member States to effectively address school bullying, including homophobic and transphobic bullying, through existing EU policies and programmes*

Relevance for trans people: Transphobic school bullying has a strong negative impact on trans people's mental health and well-being and can lead to under-achievement, early school-leaving and suicide attempts. Only a few Member states have adopted anti-bullying action plans that tackle expressly transphobic school bullying and gender stereotypes. The competences of the EU in the area of education are limited but not inexistent. Given the European scope and gravity of transphobic school bullying, the EU has a key role to play and should take a strong stance against it.

- **Tackle discrimination and inequalities in health**

*Initial text: Mobilise EU institutions and Member States to effectively address barriers to the effective enjoyment of the right to health for LGBTI people through existing EU policies and programmes*

Relevance for trans people: As a result of the pathologisation of trans identities (ICD-10) and of past and current experiences of stigmatisation by healthcare practitioners, trans people can be reluctant to seek healthcare. They are also more at risk of mental health issues and chronic disease. Member States are primary responsible for health policies, however, the EU can play a role of coordination and support. In this context, it should address discrimination on the grounds of gender identity and gender expression in health and continue its effort towards the depathologisation of all trans identities in the International Classification of Diseases and in the existing national classifications. It should also ensure that trans people's right to access healthcare is respected through EU policies on health inequalities and cross-border health. This commitment also requires that the EU tackles the spread of HIV-AIDS and other sexually transmitted diseases among trans people.

- **Ensure effective protection for LGBTI asylum-seekers**

*Initial text: Ensure that Member States correctly and fairly examine LGBTI people's asylum claims and to support EU agencies and national authorities in fully implementing EU asylum legislation*

Relevance for trans people: The recasting process of the EU's Common European Asylum System legislation, which was completed in 2013, provides common standards for coherent European action. Gender identity must be recognised as a reason for persecution by all Member States. This commitment aims at ensuring that this new legislation is fully implemented, and that the European Asylum Support Office (EASO) train relevant professionals on trans asylum-seekers rights and share information on countries of origin.



- **Make the EU the world champion of equality for LGBTI people**

*Initial text: Ensure that the human rights of LGBTI people outside of the EU remain a key priority in the EU's external policy, including in its enlargement and neighbourhood policies, in its positions at international organisations, and within its programmatic support to human rights defenders.*

Relevance for trans people: In June 2013, Guidelines to Promote and Protect the Enjoyment of All Human Rights by Lesbian, Gay, Bisexual, Transgender and Intersex Persons were adopted by the Council. This helped drawing the attention of EU Delegations in third countries on trans people's rights. However, in effect the EU doesn't yet fully integrate gender identity in its efforts to promote human rights across the world. In addition, the EU should support trans human rights defenders and trans rights NGOs through its funding instruments.

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More information on the Come Out campaign can be found here:  
[http://www.ilga-europe.org/home/how\\_we\\_work/european\\_institutions/ep2014](http://www.ilga-europe.org/home/how_we_work/european_institutions/ep2014)

Please find here ILGA-Europe's manifesto which provides more detailed information on the 10 points of the pledge here: [http://www.ilga-europe.org/home/how\\_we\\_work/european\\_institutions/ep2014/toolbox](http://www.ilga-europe.org/home/how_we_work/european_institutions/ep2014/toolbox)