

Transgender Europe Press Statement:

ALL trans people are protected against discrimination says EU Commission

15 June 2015

The European Commission has clarified that existent EU sex discrimination law should be interpreted as to protect all trans people against discrimination. So far, trans people are not directly mentioned in EU equality law, but the Court of Justice ruled in 1996 that the EU gender equality principle applies also to discrimination relating to *gender reassignment*. The European Commission now says in a new report that *gender identity* discrimination should be treated on equal footing.

In 2014 the EU Fundamental Rights Agency warned that discrimination protection limited to *gender reassignment* might leave out about 50% of the trans population. In light of high discrimination rates, the EU Agency recommends to extend existing protections to cover discrimination related to the *gender identity* of a person.

The European Commission has now commented that despite the lack of case law *gender identity* discrimination should be treated on equal footing as *gender reassignment* discrimination in its report on the implementation of the Gender Goods & Services Directive, published on May 5.

“While this interpretation is not legally binding for member states, Transgender Europe welcomes this clear statement by the European Commission that it will interpret EU sex discrimination law to include gender identity. This has been long over due.” comments Richard Köhler, TGEU Senior Policy Officer:

“This ends speculations on who is protected by EU law. Before, this was only definite for those who have been taking or planning to take medical or legal steps, leaving a big part of the trans community out.”

“However, TGEU regrets that the European Commission accepts the legal situation in member states as sufficient. TGEU recommends introducing *gender identity* as a protected ground in EU and national gender equality law similar to pregnancy or maternity. This would set aside any doubts and support a consistent application of the equality principle for all trans people.” comments Arja Voipio, TGEU co-chair.

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Links:

[Download](#) the European Commission Report on the Application of the Gender Goods and Services Directive

Read TGEU submissions to EU Commission on Gender Equality Law [here](#) (2014) and [here](#) (2011)

[Read](#) the FRA-Report *Being Trans in the European Union*

Find this statement [online](#).



Learn more about TGEU's work for better European protection:

<http://tgeu.org/our-work/creating-change/work-with-institutions/>

Transgender Europe is a European human rights NGO working for the human rights and equality of all trans people. More Information: www.tgeu.org

Transgender or **Trans** is an umbrella term for people whose gender identity or expression differs from the sex assigned to them at birth.

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