

Know Your Rights!

TGEU's »Know your Rights!« Guide

For Trans People in the EU

www.tgeu.org

Imprint

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Date | June 2015

With many thanks to | Richard Koehler & Boglarka Fedorko

Design & Layout | www.bernoh.de

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OPEN SOCIETY
FOUNDATIONS



Ministry of Education, Culture and
Science of the Netherlands

This publication has been produced with financial support from the Open Society Foundations, the Dutch Government and the Rights, Equality and Citizenship Programme of the European Union. The contents of this publication are the sole responsibility of Transgender Europe, and can in no way be taken to reflect the views of the European Commission, the Open Society Foundations or the Dutch Government.

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TGEU's »Know your Rights!« Guide

For Trans People in the EU

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

Know your rights... ...when you work or are looking for work

You have the right not to be discriminated against at your job or while you are looking for a job because you are trans.

You have the right to...

- **Apply for jobs** | Apply for any job you wish, have your application assessed and be interviewed without being discriminated against, harassed, sexually harassed or treated worse than other applicants in any other way
- **Work free from discrimination** | Work without being discriminated against, harassed, abused or treated differently from other employees by your boss or your colleagues
- **Not be fired** | Not be fired, refused a job or refused a promotion for any reasons related to your being trans, transitioning or having gender reassignment surgery
- **Be paid the same/fairly** | Be paid no less than other people with the same qualifications
- **Have the same work conditions** | Have the same working conditions as other people, such as the same amount of holidays and number of work hours, and the same access to work facilities, such as bathrooms
- **Join a union** | Join a union or a professional organisation without being discriminated against
- **Get training and education** | Have the same access to work-related training and education as other people
- **Get social security benefits** | Receive the same social security and benefits as other people, for example pension, sickness, invalidity, unemployment, industrial accidents and occupational diseases benefits, as well as widow(er)'s and family allowances

Examples – It is illegal if...

- You are refused a job interview because you are trans
- You are asked questions about gender reassignment surgery or told that the company's customers would have problems with a trans person during a job interview
- You are not allowed to use the correct bathroom or gendered uniform at work
- Your colleagues with similar qualifications and jobs are treated differently, e.g. paid more
- Your boss make jokes about trans people that make you feel harassed and uncomfortable

Know your rights... ...when you buy goods or services

You have the right not to be discriminated against because you are trans when you try to buy or use »goods« and »services«. Goods and services cover all things that you have to pay for, such as:

- Things sold and offered in shops, restaurants, hotels or online shops, e.g. clothes or food
- Housing, e.g. renting an apartment
- Transportation, e.g. buying a plane ticket or calling a taxi
- Health services, i.e. health insurance and healthcare
- Insurance, e.g. buying liability or health insurance
- Banking services, e.g. opening a bank account
- Public services for which you pay the government, e.g. a new passport

You have the right to...

- **Buy free from discrimination** | Buy goods and services without being discriminated against, harassed, sexually harassed or treated differently than others by those selling or providing them, or by other customers
- **Enjoy free from discrimination** | Enjoy or use your goods and services without being discriminated against, harassed, sexually harassed or treated differently than others by those selling or providing them, or by other customers
- **Be informed and assisted** | Receive the same information, assistance or support as others when trying to buy goods or services
- **Pay the same** | Pay no more for the same or a similar good or service as other people
- **Be offered the same conditions** | Receive the same service conditions as other people (e.g. same insurance coverage, fees or warranty)

Examples – It is illegal if...

- You are having a meal at a restaurant and the service staff make inappropriate jokes and comments that make you feel uncomfortable
- You are buying clothes and the staff refuse to assist you
- You are refused access to the correct changing rooms and showers at the gym
- Your health insurance refuses to pay for your treatment even though it would pay for the same or a similar treatment for people who are not trans
- You can't open a bank account because your ID doesn't match your gender presentation

www.tgeu.org/EU-law

Know your rights... ...if you are the victim of a crime

You have the right not to be discriminated against because you are trans when you report a crime to the police or other authorities, and you may have the right to special protection and support if a crime was committed against you because you are trans.

You always have the right to...

- **Get victim support** | Get available victim support, such as emotional and psychological support, trauma support and counselling, access to shelters, legal aid and financial and practical advice, whether or not you choose to report the crime to the police

If you choose to report the crime to the police, you have the right to...

- **Be informed** | Get clear information in the language that you speak on how to report a crime, on what will happen next, and on what support you have a right to
- **Be updated** | Get updates after you reported a crime, e.g. if there will be a court case
- **Be heard** | Tell the police and/or the court yourself what happened
- **Have a lawyer** | Have a lawyer with you during interviews and in court
- **Appeal** | If there is a decision not to prosecute the offender, to appeal
- **Financial support** | Get legal aid, be paid back for your expenses and receive a decision on whether you will be compensated
- **Receive protection** | Be protected from the offender and not have to see or talk to them
- **Be treated with dignity** | Be interviewed and questioned in a way that does not violate your dignity and by a police officer of a specific sex, if you wish
- **Protect your privacy** | Have your privacy protected in court and in the media, including protection from having information about your trans identity disclosed
- **Get special support** | Get extra support and protection if you were the victim of a transphobic hate crime or discriminatory crime

Examples – It is illegal if...

- You are discriminated against or harassed by the police when you report a crime
- You are asked questions by the police about your gender identity or your physical appearance even though it is not relevant to the crime
- You are not given a translator by the police even though you need one, or the police refuse to take your complaint because you are not a citizen
- You are refused access to a shelter because you are trans

For more information go to www.tgeu.org/EU-law

To find local trans and LGBTI organisations that can provide support and advice, go to www.tgeu.org/about/#members

To receive support for individual refugees or asylum seekers, go to www.oraminternational.org or email help@oraminternational.org

To have incidents recorded and documented, or to receive support and advice regarding legal cases at the European level, contact TGEU at richard@tgeu.org

Please note that TGEU cannot provide support for individual complaints or legal cases, but can refer you to local trans and other civil society organisations that do.

Know Your Rights!

Know your rights... ...if you're a refugee or asylum seeker

All asylum seekers in the EU have rights, such as the rights to...

- An adequate standard of living
- Access to health care, including mental health care
- Housing, food and clothes or money to buy them
- A daily expense allowance
- Access to education if you are underage
- Access to employment after 9 months without decision
- Family unity
- Not to be detained only because you seek asylum
- The assistance of a translator
- Free legal information
- Contact with the UNHCR and supportive NGOs
- Legal assistance and representation (a lawyer)
- Appeal any negative decisions
- Free legal assistance during an appeal
- Stay in the country while your application is on-going

All refugees in the EU have rights, including the rights to...

- Access to employment
- Access to accommodation
- Access to healthcare
- Residence permit
- Family unity
- Access to education
- Access to social welfare
- Information about their refugee status
- Travel documents

As a trans asylum seeker, you have the right to...

- **Due consideration** | Receive due consideration of your application if you have been persecuted in your home country because you are trans, or most likely would be persecuted if you returned to your home country. Being persecuted for being trans can satisfy the criteria for being recognised as a refugee
- **Support & time** | Qualify for »special procedural guarantees«, which means that you get more time and support to submit your application
- **Privacy** | Not have information about you being trans shared with others
- **Medical consent** | Not to have medical procedures conducted on you against your will or to »assess« your sex or gender identity
- **Competent interviewer** | To have your application assessed by someone who is knowledgeable about gender identity
- **Gender sensitivity** | To have interviews and procedures be gender sensitive, e.g. you can ask for an interviewer of a specific sex

Examples – If you apply for asylum, it is illegal if...

- You being trans is dismissed as irrelevant to your application
- You are interviewed by someone who is transphobic or ignorant about trans people
- You are asked to return to your home country and »hide« your gender identity

What can you do if your rights were violated?

If you think you have been discriminated against because you are trans or your rights have been violated, here is what you can do:

- **Record information** | Save or record information about what happened, for example by writing down details as soon as possible, getting contact information from witnesses, or saving relevant documents, such as emails or letters
- **Ask for support** | Contact a local trans, LGBTI or supportive civil society organisation, your national equality or anti-discrimination body, or TGEU to get support and information about what you can do
- **Learn more** | Learn more about your rights by consulting TGEU's Activist's Guide to EU Law and other information at www.tgeu.org/
- **Report** | Report the incident to your national equality and anti-discrimination body or Ombudsoffice, which are organisations set up to assist victims of discrimination. Also report it to trans and other supportive civil society organisations that record information on discrimination and to TGEU. You can also choose to report criminal incidents to the police
- **Complain** | Submit a complaint to the organisation or people who discriminated against you. You can get support and advice on how to do so from a supportive civil society organisation, trusted lawyers, your national equality or anti-discrimination body or TGEU
- **Get legal advice** | If you are considering taking legal action in court, seek legal advice and support from a local trans or supportive civil society organisation, trusted lawyers, your national equality or anti-discrimination body or TGEU
- **Take legal action** | You can take legal action to claim your rights in court and to receive financial compensation. Be aware that in most countries legal action has to be taken within a certain time frame (e.g. no later than 3 months after the incident)