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 applications assessed and be interviewed without being discriminated against, harassed, sexually harassed or treated worse than other applicants in similar situations.
- Work free from discrimination you work being discriminated against, harassed, sexually harassed or treated differently by either employers or by other customers.
- Be paid the same/fairly. Be paid no less than other people with the same qualifications.
- Have the same work related conditions as other people, such as the same amount of holidays and number of working hours.
- Have the same access to work facilities, such as bathrooms.
- Join a union if 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, disability, invalidity, unemployment, industrial accidents and occupational diseases benefits, as well as widows’ 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 be unhappy 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 makes 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 when you are trans when you try to buy or use a product or service. 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. Be informed of 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. Be offered the same service conditions as people (e.g. insurance, a quicker 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 refuses 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.

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 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 counseling, access to shelters, legal 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, and be paid back for your expenses and receive a decision on whether you will be compensated.
- Protection. Be protected from the offender and not have to see or talk to them.
- Be treated with dignity. Be investigated 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 trans status.
- You are not given a translator by the police even though you need one, or the assistance of a translator.
- You are not given free legal information.
- The police refuse to take your complaint because you are not a citizen.
- You are discriminated against or harassed by the police when you report a crime.
- You are not given a translator by the police even though you need one, or the assistance of a translator.
- You are discriminated against or harassed by the police when you report a crime.

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

All asylum seekers in the EU have rights, such as the right to...
- An adequate standard of living.
- Access to health care, including mental health care.
- Housing, food and clothes or subsistence to buy them.
- A daily expense allowance.
- Access to education if you are underage.
- Access to employment after a months’ presence.
- A family unit.
- Not to be detained only because you seek asylum.
- The assistance of a translator.
- Free legal information.
- Contact with the UNHCR and support network.
- Legal assistance and representation (a lawyer).
- Avoid any negative discrimination.
- 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.
- Residential permit.
- Family unity.
- Travel documents.
- Get extra support and protection if you were the victim of a crime.

As a trans asylum seeker, you have the right to...
- Use consideration. Use consideration in your application if you have been persecuted in your home country because you are trans. At 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. Get support and time and support to submit your application.
- Protection. Have a lawyer with you during interviews and in court.
- Free legal assistance during an appeal.
- Stay in the country while your application is on-going.

Examples – If you apply for asylum, it is illegal if...
- You are being trans discriminated against in 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 where 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 if your rights have been violated, here is what you can do.

- Record information. Save or record information about what happened, e.g. by writing down details as soon as possible, getting contact information from witnesses, or using relevant documents, such as emails or chat messages. 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.

- Take action.

- Contact the police. If you are the victim of a crime.
- Get legal advice. If you are completing an appeal against a decision or legal cases.
- 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 6 months after the incident).

www.tgeu.org/EU-law

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

To receive support for individual refugees or asylum seekers, go to www.transnationalflux.eu or e-mail info@transnationalflux.eu.

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 at legal cases, but can refer you to local trans and other civil society organisations that do.

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