

EUROPE AND CENTRAL ASIA MUST DO MORE TO PROTECT THE LIVES OF TRANS PEOPLE

TDOR 2021 POLICY BRIEF



1. INTRODUCTION

Trans people experience extraordinary violence – physical, sexual, social, emotional, and psychological – on a daily basis. This year alone, right-wing extremists attacked and vandalised a trans community gathering in Bulgaria; police catfished trans women sex workers and exposed them to extreme physical violence in Uzbekistan; and Iratxe Otero, a 29 year old trans woman from Colombia was found stabbed near a shopping centre in Spain. Trans people are not safe in Europe and Central Asia.

Trans people with intersecting experiences like migration, sex work, and Black trans and people of colour are at greatest risk. Indeed, a large share of trans victims of murder are consistently Black and migrant trans women of colour and trans sex workers.¹ This situation is outrageous and unacceptable and must be changed.

On the occasion of the Trans Day of Remembrance 2021, this brief gives the latest data on the devastating situation of trans murders in the past year, explains why trans people are at such great risk of violence, and outlines what policymakers must do about it.

2. WHAT DOES THE DATA ON VIOLENCE AGAINST TRANS PEOPLE SAY?

2021 has seen the highest number of deaths reported to TGEU's Trans Murder Monitoring project since recording began, with 375 murders reported this year alone. Of those killed globally, 96% were trans women or transfeminine people, and of those whose profession was known, 58% were trans sex workers. In Europe, 14 trans people were murdered with nearly every second person (43%) being a migrant. Since 2008, we know of at least 176 trans and gender non-conforming people in 19 European and Central Asian countries who have been killed; early two-thirds of these murders took place in Turkey (58) or Italy (44).²

One-third of trans people reported to the EU Fundamental Rights Agency that they had experienced physical or sexual attacks in the five years leading to 2019.³ An extraordinary 60% of trans people experienced in-person harassment in the same period.

¹ TGEU's Transrespect versus Transphobia Worldwide (TvT). Trans Murder Monitoring (TMM): <https://transrespect.org/en/map/trans-murder-monitoring/>

² TGEU, TvT TMM Update 2021. Available: <https://transrespect.org/en/tmm-update-tdor-2021/>

³ European Union Fundamental Rights Agency (2019) *A long way to go for LGBTI equality*. Available: <https://fra.europa.eu/en/publication/2020/eu-lgbti-survey-results>

Police are a common perpetrator of physical, sexual, and psychological violence against trans people, as documented by TGEU's ProTrans project.⁴ This is especially the case for trans women sex workers. Many trans people don't feel safe expressing their gender out of fear of violence, and don't feel safe in spaces like public bathrooms. Trans victims of crime cannot rely on authorities to treat them with respect and too often do not feel safe to report acts of violence. 78% of trans respondents to the FRA 2019 Survey indicated they did not report the last physical or sexual assault to anyone. Reasons included distrust of the police (31% of trans respondents) and fear of a transphobic response (32%).

Trans people die not only from physical violence but also from psychological, social, and emotional violence in the form of suicide. Almost 25% of trans people reported attempting suicide to TGEU's 2017 Trans Health Survey.⁵

3. WHY ARE TRANS PEOPLE SO MUCH AT RISK?

Violence against trans people often overlaps with other axes of oppression prevalent in society, such as xenophobia, racism, sexism, anti-sex worker sentiment, ableism, classism, and homophobia, resulting in trans people being exposed to intersectional forms of abuse.

Black trans people and people of colour face not only anti-trans violence but also its intersection with racism, which increases the risk of being confronted with discrimination and violence. Undocumented trans migrants face additional vulnerabilities that can be related to legal status, racism, and language barriers. Trans asylum seekers are exposed to violence and abuse because of their gender identity not only in their countries of origin and during their flight, but also during asylum proceedings, in shared facilities and in destination countries where they also fear deportation and forced return if their home countries have been deemed "safe."⁶

Due to widespread structural and institutional discrimination which affects trans people's access to education and employment, sex work remains a sole means of income for many trans people. The informal, often criminalised nature of this work

⁴ TGEU (2015) *For the Record*, p. 20. Available: <http://tgeu.org/pro-trans/>

⁵ Smiley et al. (2017) *Overdiagnosed but Underserved. Overdiagnosed but Underserved. Trans Healthcare in Georgia, Poland, Serbia, Spain, and Sweden: Trans Health Survey*, p. 21 https://tgeu.org/wp-content/uploads/2017/10/Overdiagnosed_Underserved-TransHealthSurvey.pdf

⁶ EU Parliament (2016) *Report on the situation of women refugees and asylum seekers in the EU (2015/2325(INI))*. Available: https://www.europarl.europa.eu/doceo/document/A-8-2016-0024_EN.html

increases their risk of being exposed to multiple forms of violence and dangerous working conditions. It is estimated that more than one in four trans women sex workers is HIV positive⁷ but also often lack access to necessary health care.⁸ They also experience disproportionate violence at the hands of police. TGEU has received reports of trans sex workers in Turkey being forced to have sex with policemen so as not to receive a fine or being subjected to violence, pepper gas, and arrest by police.⁹ Police and other public officials are also known to harass trans people - especially trans sex workers - under the guise of various laws such as anti-nuisance, morality, loitering, or traffic laws.¹⁰

Trans people in detention face an increased risk of experiencing violence. Often trans women are placed in male-only prisons, where they are exposed to an elevated risk of rape, often with the complicity of prison personnel. Trans people are at a greater risk of homelessness, including due to escaping violence from family members or partners, and then face the risk of being denied access to shelters because of their gender identity.

The COVID crisis has hit trans communities hard and the impact is being felt most severely by trans people who are homeless, sex workers, D/deaf, disabled, regular and irregular migrants, asylum seekers, poor, and the elderly. At the same time, trans organisations and human rights defenders are experiencing financial challenges which severely constrain their ability to support their communities in need.¹¹

On top of it all, the global anti-gender backlash has given rise to a well-funded movement against trans and gender non-conforming communities, exacerbating all of these issues. The previously mentioned attack in Bulgaria followed years of anti-LGBTIQ and anti-gender campaigning by politicians and the Constitutional Court, and was perpetrated by a presidential candidate.¹²

⁷ [https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(14\)60833-3/fulltext](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(14)60833-3/fulltext)

⁸ UNAIDS on key populations: <https://www.unaids.org/en/topic/key-populations>

⁹ Boglarka Fedorko and Sanjar Kurmanov (2021). *Under the radar: documenting violence against trans people*. TGEU, p. 20. Available: <https://tgeu.org/wp-content/uploads/2021/04/tgeu-under-the-radar.pdf>

¹⁰ Boglarka Fedorko and Lukas Berredo (2017) *The vicious circle of violence: trans and gender-diverse people, migration, and sex work*. TGEU. Available: <https://transrespect.org/wp-content/uploads/2018/01/TvT-PS-Vol16-2017.pdf>

¹¹ Anwar Ogrm (2021) *What happened to the money? Fundraising toolkit for trans organising in times of COVID-19*. TGEU. <https://tgeu.org/wp-content/uploads/2021/10/TGEU-COVID-19-report-2021.pdf>

¹² TGEU statement (2021), Bulgarian organisations Bilitis and Rainbow Hub are attacked <https://tgeu.org/bulgarian-organisations-bilitis-and-rainbow-hub-are-attacked/>

4. WHAT ACTIONS FROM POLICYMAKERS AND OTHERS ARE NEEDED?

Policymakers need to take a range of measures to better protect trans people and prevent violence against them.

We call upon EU-bodies to ensure:

- the recognition of anti-trans violence as a particularly grave form of crime that goes against EU values and that has hence a cross-border dimension. Extending the list of 'EU Crimes'¹³ to include hate crime and gender-based violence is an important opportunity in ensuring consistent support for trans victims and a holistic approach to combatting anti-trans violence. It would improve data collection across EU Member States, which is key to support appropriate policymaking and ensure that Member States take responsibility for preventing anti-trans violence and protecting trans victims - so that all trans people can feel safer;
- a trans-sensitive implementation of the Victims' Rights Directive.¹⁴ EU Member States ought to ensure structures for proper prevention, protection and support measures for trans victims of crime; and
- work towards all EU Member States including gender identity and gender expression as a bias motivation in hate crime and hate speech legislation. To date only 12 EU Member States have done this.

We call upon national governments to:

- combat the anti-gender movement and anti-trans rhetoric, that leads to further acts of violence against trans and gender non-conforming people every day;
- enable quick, transparent, and accessible legal gender recognition procedures based on self-determination, so they never need to be in a situation where their documents don't match their lived identity, putting them at unnecessary risk of mistrust and mistreatment;
- decriminalise all aspects of sex work with meaningful involvement of sex worker communities;
- inform trans people of their rights to protection and non-discrimination;

¹³ EU Parliament (2021) *Legislative train on proposals to extend the list of EU crimes to all forms of hate crime and hate speech*. Available: <https://www.europarl.europa.eu/legislative-train/theme-a-new-push-for-european-democracy/file-hate-crimes-and-hate-speech>

¹⁴ TGEU (2016) *Checklist to assess the national implementation of the Victim's Rights Directive from a trans rights perspective*. Available: <https://tgeu.org/wp-content/uploads/2016/12/2016-victims-directive-checklist.pdf>

- call out other governments enacting anti-trans measures, such as Hungary, Bulgaria or Poland and hold them accountable to their international human rights obligations;
- strengthen asylum processes and standards of protection for trans and gender non-conforming refugees;
- ensure professionals and authority figures, including, among others, police officers, educators, health care workers, and airport staff, are appropriately trained to treat trans people with respect and protection; and
- ensure sufficient and accessible funding for trans self-organising.

Finally, national and regional governments can achieve positive social change in support of the trans community and thus help dry out a climate of hate and violence. For example, public approval rates for trans rights went up in Malta following a dedicated information and legislative campaign by the government in 2014.¹⁵ The Fundamental Rights Agency found that increased visibility and positive representation of trans people leads to more awareness in wider society of how everyone can contribute to safer lives of trans people.¹⁶

Protecting trans lives is on all of us.

¹⁵ TGEU Press Release (2015) *Malta Adopts Ground-breaking Trans and Intersex Law*. Available: <https://tgeu.org/malta-adopts-ground-breaking-trans-intersex-law/>

¹⁶ European Union Agency for Fundamental Rights (2015) *Professionally speaking: challenges to achieving equality for LGBT people*. Available: https://fra.europa.eu/sites/default/files/fra_uploads/fra-2016-lgbt-public-officials_en.pdf