

# Being trans in Europe : A Comparative Study with European Union Nations

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## ABSTRACT :

The issues trans people confront in communicating freely their experienced gender reinforces the obstructions to the recognition of their favored sexual orientation and sustains a lack of open mindfulness around the reality of trans persons' identities and lives. They make a horrendous circle of fear and obliviousness, of narrow mindedness and separation or even hate-motivated viciousness and wrongdoing. The individual and social lives of trans respondents are frequently difficult and their nearness more or less unmistakable in different EU Member States. Where action plans, positive measures, and equality policies combating discrimination are well developed and actualized, trans individuals are more open about their gender personality in the private, professional or other spheres. This finding supports the long-standing contention that lawful frameworks and policy instruments do count. They can have a positive impact on trans people's lives, as they contribute to ensuring and promoting fundamental rights and to progressing social standards and beliefs.

**Keywords :** Transgender, Member states, Rights, Social Security, Gender Recognition.

## INTRODUCTION

Studies of the common population that measure feelings of sexual orientation identity offer a more precise thought of the proportion of trans individuals. Such studies are uncommon, but scientific work has examined how such question(s) could be defined to be coordinated in huge scale population thinks about<sup>1</sup>. Later considers within the Netherlands and Belgium measured feelings of undecided gender identity (rise to distinguishing proof with the other sex as with the sex doled out at birth) and incongruent sexual orientation identity (stronger recognizable proof with the other sex than with the sex doled out at birth) among the

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<sup>1</sup> Balarajan, M., Gray, M., and Mitchell, M. (2011), *Monitoring equality: Developing a gender identity question*, Manchester, Equality and Human Rights Commission.

common population. Results of these studies appear that between 2.2 % and 4.6 % of natal men and 1.9 % and 3.2 % of natal women reported an undecided sex personality. Between 0.7 % and 1.1 % of natal men and 0.6 % and 0.8 % of natal women detailed an incongruent sexual orientation character.<sup>2</sup> These findings show that the wonder of sexual orientation nonconforming sentiments is much broader than often thought.

## SITUATION IN EU MEMBER NATIONS

Equal and full social cooperation of all without discrimination is the precondition for comprehensive and cohesive social orders that take advantage of their human capital and ensure well-being and success to all their individuals. In this respect, the EU LGBT survey results are stressing. They appear that the equality of trans people is, as however, a hard-to-reach objective which requires conclusive activity at EU and Member State level. In the year going before the overview more than half of all trans respondents (54 %), compared with 47 % of all LGBT respondents, felt actually separated against or annoyed since they were seen as trans.<sup>3</sup> Those respondents who were youthful, not in paid work or from a moo wage course were more likely to feel discriminated against since of being trans.

Trans respondents were more likely to say they had felt separated against since of being trans in the year going before the study in business – particularly when searching for a work – than in any other zone of social life secured by the study. One in three trans respondents felt discriminated against since of being trans when trying to find a work (37 %) or at work (27 %) in the 12 months some time recently the study, which is more than twice the comparable rate of lesbian, cheerful and bisexual respondents.<sup>4</sup> Trans ladies – the term utilized for a transsexual individual, or a lady with a transsexual past who was relegated a male sex at birth – are the foremost likely to have felt segregated against, taken after by trans men – the term utilized for a transsexual individual, or a man with a transsexual past who was doled out a female sex at birth – and other trans categories.

Looking at the information on discrimination in education shows that a quarter of trans respondents (24 %) who attended school/university themselves or have a child/children in school/at college say that they felt separated against by school or college personnel in the 12 months going before the study. When looking at trans students as it were, the number rises to 29 %. Male crossdressers (34 %) are the foremost likely to have

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<sup>2</sup> FRA (European Union Agency for Fundamental Rights) (2008), *Homophobia and discrimination on grounds of sexual orientation in the EU Member States: Part I – Legal analysis*, Luxembourg, Publications Office.

<sup>3</sup> European Foundation for the Improvement of Living and Working Conditions (Eurofound) (2009), *Second Euro-pean Quality of Life Survey: Overview*, Luxembourg, Publications Office.

<sup>4</sup> Hammarberg, T. (2009), *Human rights and gender identity (Issue paper)*, Strasbourg, Council of Europe, Office of the Commissioner for Human Rights.

felt discriminated against by school/university personnel.<sup>5</sup> More than a quarter of the survey's trans respondents (28 %) say that they regularly or continuously experienced negative comments or conduct at school since of being trans. Trans men and queer/other respondents (respondents who don't identify with any of the categories displayed within the study, and chose to describe their sexual orientation personality as 'other') (both 44 %) experienced negative comments or conduct at school due to their sexual orientation personality.

Around one in five trans respondents who accessed healthcare services (22 %) or social services (19 %) in the year going before the overview demonstrated that they felt actually segregated against by healthcare or social benefit staff since of being trans. Trans respondents report this sort of segregation twice as often as lesbian, cheerful, and indiscriminate respondents. Turning to the announcing of occurrences of discrimination to the police or somewhere else, as it were exceptionally little numbers of respondents detailed the foremost later occurrence. Trans people are, in any case, more likely to report their last experience of segregation than other LGB groups. Comparing the diverse trans subgroups, trans women are the foremost likely to report incidents, and sexual orientation variant and female cross dressers the slightest likely. Reporting took put essentially more regularly, be that as it may, when the final incident happened at work (29 %). More than three in five trans respondents did not report the occurrence since they were persuaded that nothing would happen or alter, and half of them since they thought it was not worth announcing it. Trans respondents were too concerned that the occurrence would not be taken truly, and they did not need to uncover their sexual introduction and/or sex personality. Nearly one in three (30 %) did not know how or where to report.

## POSITION OF SOCIAL SECURITY

That numerous trans individuals develop up and live in a social environment which is for the most part uninformed of trans people's presence and needs. When the fear, caused by determined exploitation and segregation, collides with the obliviousness of others – including one's claim family, work or social environment – hiding or maintaining a strategic distance from perceivability serves as a protective degree. But this choice definitely strengthens a need of recognition and affirmation of trans persons' rights. Generalizations and obliviousness almost the reality of the day by day lives and rights of trans people sustain negative public attitudes and abuse of changing escalated; from idiotic jokes and hostile dialect to genuine badgering and prohibition. In this way, an imperceptible cage is made, raising boundaries to balance and compromising the lives of trans people. Eventually, as trans respondents famous, they are citizens who feel that they are not allowed to be themselves.

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<sup>5</sup> Meyer, I. H. (2003), 'Prejudice, social stress, and mental health in lesbian, gay and bisexual populations: Conceptual issues and research evidence', *Psychological Bulletin*, Vol. 129, No. 5, pp. 674–697.

Four in five trans respondents say that positive measures to advance regard for the human rights of trans people, such as balance plans, open campaigns, or specialized services, are exceptionally or reasonably uncommon in their country of home. One in eight trans respondents indicates that they regularly or nearly continuously get negative responses since they are seen to behave in a way that's as well feminine or masculine. Living in a trans-negative environment leads trans persons to adjust their expression and conduct. One-third of all-trans respondents (32 %) maintain a strategic distance from communicating their gender – or their craved sex – through physical appearance and clothing for fear of being assaulted, threatened, or irritated. In expansion, half of the trans respondents report that they maintain a strategic distance from certain places or locations since of these fears.<sup>6</sup>

## **FRA STRATEGIES TO COUNTER DISCRIMINATION**

The EU and its Member Nations are empowered – drawing from the evidence of this study and the experience and existing promising practices in a few EU Member States – to address trans issues. They ought to, in specific, consider gender identity and sexual orientation expression as protected grounds in human rights and anti-discrimination arrangements, activity plans and awareness-raising campaigns. As this study has found that discrimination and violence may regularly happen due to a person's nonconforming sex expression, the EU Technique for equality between ladies and men ought to be upgraded to include activities combating sex generalizations and discrimination on grounds of sexual orientation character, gender expression and transphobia.

## **LAWFUL GENDER RECOGNITION**

Getting character documents matching their gender identity and expression is a problem that prevents typical social life for numerous trans respondents. The EU Member States ought to guarantee the full legal acknowledgment of a person's favored sex, counting the alter of, to begin with, a title, social security number and other sexual orientation markers on personality documents. Gender acknowledgment strategies ought to be accessible, transparent, and effective, guaranteeing regard for human dignity and opportunity.<sup>7</sup> In specific, separate and medical interventions, such as sterilization, ought to not be required in legitimate sexual orientation acknowledgment processes. The EU Member States ought to completely recognize documents and

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<sup>6</sup> Sills, I. N. (2014), 'Increasing expertise in caring for the gender dysphoric child and transgender adolescent', *The Journal of pediatrics*, Vol. 164, No. 4, pp. 689–690.

<sup>7</sup> Newfield, E., Hart, S., Dibble, S., and Kohler, L. (2006), 'Female-to-male transgender quality of life', *Quality of Life Research*, Vol. 15, No. 9, pp. 1447–1457.

choices issued by the other EU Member States in the area of legitimate sexual orientation recognition, to encourage the satisfaction of trans persons' right to opportunity of movement in the EU.

## **ACCESS TO EMPLOYMENT AND HEALTHCARE SERVICES**

Reexamining current equality legislation or adopting modern enactment in that zone, the EU lawmaker ought to guarantee that the enactment moreover covers separation based on gender identity.<sup>8</sup> The current legal protection allowed by EU law to those who proposed, are undergoing or have experienced sex reassignment should be amplified to all trans people. The study shows that very few trans respondents report the discrimination incidents they experience to the authorities.

The EU ought to proceed to monitor closely the viability of national complaints bodies and strategies within the setting of the implementation of the Gender Equality Directive (2006/54/EC recast) and Gender Equality Directive on Goods and Services (2004/113/EC).<sup>9</sup> The EU Member States ought to guarantee that equality bodies and other national complaints components are enough ordered and resourced in order to increment mindfulness of segregation on the grounds of gender identity and improve reporting of incidents.

The EU Member Nations should guarantee that the public sector develops and executes differing qualities procedures and equal treatment arrangements in full regard of protection, sharing experiences and great practices tending to the needs of trans people. This may be accomplished by, for the case, adopting codes of conduct and encouraging changes in title and gender markers on employment-related documents. Member Nations ought to empower efforts by trade unions and employers' associations to improve diversity and non-discrimination policies on the grounds of gender identity at the working environment and in vocational training institutions.

## **DISCRIMINATION IN EDUCATION**

The study appears that education is a region where trans respondents encounter bullying and negative reactions because of their sexual expression or identity.<sup>10</sup> The EU should offer assistance combating bully of trans people in schools whether of students or parents, as a portion of its efforts to combat gender generalizations through the EU Strategy for correspondence between women and men. The EU's Program for Instruction ought to empower peer learning among EU Member Nations and advance existing best practices handling transphobic bullying.

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<sup>8</sup> FRA (2014b) *Fundamental rights: challenges and achievements in 2013*, Annual report 2013, Luxembourg, Publications Office.

<sup>9</sup> European Commission (2012a), *Discrimination in the EU in 2012, Special Eurobarometer 393*, Brussels, European Commission.

<sup>10</sup> European Parliament (2014), Resolution of 4 February 2014 on the EU Roadmap against homophobia and discrimination on grounds of sexual orientation and gender identity (2013/2183(INI)).

EU member nations should guarantee that schools provide a secure and strong environment for trans persons, free from discrimination, bullying, and avoidance. Schools should be empowered to embrace common anti-bullying policies that incorporate trans issues. The competent open specialists, such as equality bodies, national human rights education and children's ombudspersons, ought to be legitimately ordered, resourced and encouraged to investigate cases of bullying and separation on grounds of sexual orientation character in instruction.

EU member nations ought to ensure that objective data on gender identity and gender expression is a portion of the school educational program, to empower regard and understanding among staff and understudies and to raise awareness of the issues confronted by trans people. EU Member nations ought to give preparing to instructive experts on how to approach trans issues in education and on how to bargain with occurrences of transphobic bullying and badgering.

### **DISCRIMINATION IN ACCESS HEALTH SERVICES**

As the study appears, almost one in five respondents who accessed healthcare services or social services in the year going before the study felt discriminated against by healthcare or social benefit personnel since of being trans.<sup>11</sup> EU Member nations should guarantee that adequate training and mindfulness raising is advertised to healthcare practitioners and wellbeing protections faculty on the health needs of trans people to dispense with prejudices and move forward the provision of services to trans people.

EU Member nations should consider guaranteeing that trans specific healthcare services are accessible which trans persons can appreciate rise to and aware treatment when accessing healthcare administrations. member nations should consider encouraging sex confirming treatment, and, where this is often unavailable, promoting get to such treatment in an EU member state that provides it. EU member state should reference trans-specific healthcare in their national health plans and policies and guarantee that wellbeing studies, preparing educational module and health approaches moreover take into consideration trans people and their needs.

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<sup>11</sup> FRA (European Union Agency for Fundamental Rights) (2008), *Homophobia and discrimination on grounds of sexual orientation in the EU Member States: Part I – Legal analysis*, Luxembourg, Publications Office.

## COMBATING HATE AND VIOLENCE

When evaluating national enactment transposing Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 setting up least measures on the rights, back, and protection of victims of crime (the EU Victims' Directive),<sup>12</sup> the European Commission should pay specific consideration as to whether gender identity or gender expression are adequately included as individual characteristics of victims in individual assessments.

When executing the EU Victims' Directive, EU member states should pay consideration to the assurance needs of casualties of violations committed since of the victim's sexual orientation identity (in accordance with the Recitals 9, 17, and 56 of the Directive).<sup>13</sup> EU member states should guarantee that all through the criminal proceedings, in accordance with Article 21 of the EU Victims' directive, the right to protection of privacy of transgender people, including previous names and gender, is fully respected. The EU member nations ought to consider sanctioning criminal law provisions which bear security against transphobic crimes and guarantee that law requirement specialists are trained to handle transphobic wrongdoing viably, which includes raising awareness on trans issues.

EU member nations should address the underreporting of hate crime, including violations against trans persons, as underlined by the December 2013 Justice and Home Affairs Council Conclusions on combating hate crime which reflected the conclusions of the 2013 Vilnius FRA Fundamental Rights Conference.<sup>14</sup> Member nations are called upon to require fitting measures to encourage hate crime announcing by victims and as distant as conceivable moreover through affiliations that support them. This should incorporate measures to construct believe in police and other state institutions. Law authorization authorities should therefore be prepared on how to handle cases reported by trans people, especially concerning victims' support and the orderly recording of occurrences. Practices such as 'third party reporting', locks in gracious society organizations through multi-agency associations, could also, be considered to progress reporting rates.

EU member nations should guarantee that law enforcement authorities properly record, explore and prosecute hate-motivated violations based on sexual orientation personality and gender expression in line with continuous endeavors to improve and surmised information collection on crime (such as the Eurostat Working Group on Statistics on Crime and Criminal Justice Statistics within the framework of the EU Statistics Action Plan 2011–2015). To develop evidence-based lawful and arrangement measures, Member nations ought to collect insights on numbers and types of wrongdoing and sex personality of casualties (in accordance with

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<sup>12</sup> European Commission (2012a), *Discrimination in the EU in 2012, Special Eurobarometer 393*, Brussels, European Commission.

<sup>13</sup> Council of Europe, PACE (2013), Recommendation 2021 (2013) Tackling discrimination on the grounds of sexual orientation and gender identity, Strasbourg, 27 June 2013.

<sup>14</sup> FRA (2013a), *EU LGBT survey – European Union lesbian, gay, bisexual and transgender survey -Results at a glance*, Luxembourg, Publications Office.

Article 28 and Recitals 56 and 64 of the Directive 2012/29/EU) as well as on the number of convicted offenders and the sort of sentence imposed.<sup>15</sup>

## POLICY CONTEXT

As the Council of Europe shows, discrimination can take put in numerous regions of life. It may have far-reaching results for trans persons' ability to get a school confirmation, discover work, and keep up a secure and certain standard of living. At an early age, discrimination on the grounds of gender identity as of now contributes to confinement, underachievement, and discomfort, and may even lead to suicide attempts. Inquire about distributed in 2006 appears that youthful trans people experience all sorts of issues in auxiliary and higher education, including individual security issues, issues in the use of can offices, and access to healthcare.<sup>16</sup> They may confront challenges in pronouncing and getting their preferred sex on their school ID pass. Moreover, an online study and subjective survey have indicated that trans youth perform more regrettable at school, and some even drop out. Major considers trans youths' lives in Europe are, be that as it may, missing.

## MAIN FINDINGS

The level of perceived segregation EU trans respondents in the report is disturbing, particularly within the region of employment. More than half of all-trans respondents felt discriminated against or harassed since they were seen as trans in the year going before the overview. Respondents who are young, not in paid work or from a lower salary course, are more likely to demonstrate feeling discriminated against. The more open trans respondents are almost being or having been trans, the more likely they are to show that they have felt separated while getting access to basic amenities.

Discrimination happened more frequently in business than in any other range of social life • Work: over one in three trans respondents felt discriminated against since of being trans when looking for a work (37 %), and a quarter (27 %) reported discrimination at work. • Education: a quarter of trans respondents who attend school/university themselves or have a child/children in school/at college, say they felt by and by discriminated against by school or college faculty within the 12 months preceding the study. When looking at trans students only, the number rises to 29 %. • Healthcare: around one in five respondents who accessed healthcare administrations (22 %) or social administrations (19 %) in the year going before the study felt healthcare or social service personnel separated against them since of being trans. • Goods and services: being

<sup>15</sup> European Commission (2012b), *Trans and intersex people. Discrimination on the grounds of sex, gender identity and gender expression*, Luxembourg, Publications Office of the European Union (Publications Office).

<sup>16</sup> Newfield, E., Hart, S., Dibble, S., and Kohler, L. (2006), 'Female-to-male transgender quality of life', *Quality of Life Research*, Vol. 15, No. 9, pp. 1447–1457.

youthful, unemployed and/or from a lower salary lesson increments the chances the respondent felt separated.<sup>17</sup>

As it were exceptionally small numbers of respondents reported their last incident (15 %). That figure rose considerably when the last incident took place at work (29 %). The reasons for not announcing are diverse. An expansive proportion of people are persuaded that nothing would happen or change, that it's not worth it, or that the occurrence would not be taken truly. A few said they were unwilling to reveal their sexual introduction and/or sex character. Emotional reasons were moreover said, such as disgrace or fear. Almost one in three (30 %) did not know how or where to report the incident.<sup>18</sup>

A study appears that afterward in life, one of the most problematic areas is work. It is additionally one of the most critical. Work status may be an autonomous indicator of physical and mental working in both trans ladies and men.<sup>19</sup> Concurring to the 2008 Transgender Euro study,<sup>19</sup> 40 % of trans ladies and 36 % of trans men respondents were in paid work, considerably underneath the normal European employment rates of 57 % and 72 % for women and men, respectively (Eurostat figures). In expansion, research conducted in Belgium shows that other than the issue of finding (and keeping) business, numerous trans persons endure a wide run of unfair practices and bullying at the workplace.<sup>20</sup> This chapter looks into discrimination encounters of trans people in light of the legitimate security managed to them.

## EUROPEAN UNION

The common non-discrimination clauses within the TFEU (Article 10) and within the EU Charter of Fundamental Rights (Article 21) don't say gender identity explicitly. It was the CJEU that clarified that the grounds of sex also cover discrimination experienced by transgender people, but as it were when the individual in address underwent, is experiencing or extraordinary to undergo sexual orientation reassignment surgery. The Gender Equality Directive (recast), adopted in 2006 and forbidding discrimination on the grounds of sex in the field of work, is the primary EU order that expressly relates to the transgender dimension. It says that “in view of its purpose and the nature of the rights which it looks for to safeguard, it too applies to discrimination emerging from the sex reassignment of a person”.

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<sup>17</sup> Kuyper, L., and Wijsen, C. (2014), 'Gender identities and gender dysphoria in the Netherlands', *Archives of Sexual Behavior*, Vol. 43, No. 2, pp. 377–385.

<sup>18</sup> Renwick, A., (2014), Eurovision: A continent divided in its sexual attitudes?, <http://blogs.reading.ac.uk/readingpolitics/2014/05/11/eurovision-a-continent-divided-in-its-sexual-attitudes/> [trackback/](#).

<sup>19</sup> FRA (European Union Agency for Fundamental Rights) (2008), *Homophobia and discrimination on grounds of sexual orientation in the EU Member States: Part I – Legal analysis*, Luxembourg, Publications Office.

<sup>20</sup> European Commission against Racism and Intolerance (ECRI) (2014), *ECRI report on Belgium (fifth monitoring cycle)*, Strasbourg, Council of Europe.

Transgender people who don't want or cannot experience sex reassignment surgery are, however, in this manner still unprotected from discrimination based on their gender character (within the FRA study this concerns around half of the trans respondents). There are two EU directives in which the EU has expressly included assurance against discrimination based on gender character. Agreeing to the Qualification Directive (recast) (2011/95/EU),<sup>21</sup> universal protection may be granted to a refugee seeker who may be a member of a specific social gather, which can be characterized by gender identity (Article 10.1(d)). The Victims' Rights Directive too expressly notices 'gender identity' and 'gender expression' as secured grounds of discrimination (Presentation 9). It characterizes viciousness directed against an individual since on that person's sex personality or sex expression as gender-based violence (Recital 17).<sup>22</sup>

The special study found that among Europeans more believe that discrimination on the grounds of gender identity is far-reaching (45 %) than believe it is uncommon or non-existent (42 %).<sup>23</sup> This figure reveals the need for awareness by an expansive portion of EU citizens approximately the degree of separation as shown by the comes about of this overview.

## EUROPEAN COUNCIL

The Council of Europe has a few instruments relevant to the assurance of transgender people from discrimination. The foremost vital is based on the European Convention of Human Rights (ECHR) and the European Court of Human Rights (ECHR) case law executing it. Discrimination is denied in Article 14 of the ECHR, which says that "the enjoyment of the rights and freedoms set forward in this Tradition might be secured without discrimination on any ground". Article 1 of Convention No. 12 to the ECHR presents a common forbiddance on discrimination.<sup>24</sup> According to the ECtHR caselaw, discrimination on the premise of transsexuality is also prohibited. The primary international treaty to expressly incorporate sex identity as a disallowed ground of discrimination is the Tradition of avoiding and combating viciousness against ladies and domestic violence (Istanbul Convention).

Recommendation CM/Rec (2010)5 of the Committee of Ministers to Council of Europe member nations on measures to combat discrimination on the grounds of sexual introduction or gender identity calls on member

<sup>21</sup> Bandini, E., Fisher, A. D., Ricca, V., Ristori, J., Meriggiola, M. C., Jannini, E. A., Manieri, C., Corona, G., Monami, M., Fanni, E., Galleni, A., Forti, G., Mannucci, E., and Maggi, M. (2011), 'Childhood maltreatment in subjects with male-to-female gender identity disorder', *International Journal of Impotence Research*, Vol. 23, No. 6, pp. 276–285.

<sup>22</sup> Köhler, R., Recher, A., and Ehrt, J. (2013), *Legal gender recognition in Europe*, (T. E. (TGEU) ed.).

<sup>23</sup> Landén, M., and Innala, S. (2000), 'Attitudes toward transsexualism in a Swedish national survey', *Archives of Sexual Behavior*, Vol. 29, No. 4, pp. 375–388.

<sup>24</sup> Council of Europe, Committee of Ministers (2010), Recommendation Rec(2010)5 of the Committee of Ministers to member states on measures to combat discrimination on grounds of sexual orientation or gender identity, Strasbourg, 31 March 2010, <https://wcd.coe.int/ViewDoc.jsp?id=1570957>.

states to guarantee the break-even with the delight of human rights in various areas of life for everybody, in any case of gender identity. Other (non-legally authoritative) records include recommendations and resolutions of the Parliamentary Assembly of the Council of Europe. The first of these, dating from 1989, is completely devoted to the condition of transsexuals. The Congress of Local and Regional Authorities of the Committee of Europe has also adopted a suggestion in this field.

## UNITED NATIONS

At the international level, Articles 2 and 7 of the Universal Declaration of Human Rights forbid discrimination on any grounds. Standards of rising to treatment and non-discrimination are ensured within the International Covenant on Civil and Political Rights (ICCPR, Article 2 (1) and 26) as well as within the International Covenant on Economic, Social and Cultural Rights (ICESCR, Article 2) and in a number of other particular traditions (for instance in the Tradition on the Rights of the Child, Article 2).<sup>25</sup> Treaty bodies built up to watch the execution of these archives have clarified that the general and open-ended non-discrimination clauses included in they to cover the denial of discrimination based on gender identity. In its declaration on the sexual introduction and gender identity, the UN General Assembly reaffirmed in 2008 that ‘human rights apply equally to every human being regardless of sexual introduction or gender identity.

Research work committed to understanding the encounters of and combating discrimination against transgender people has escalated in later a long time. The UN’s Human Rights Council accomplished a vital milestone with the selection of Resolution 17/19 on Human rights, sexual introduction and gender identity. It expressed “grave concern” at violence and discrimination against individuals based on their sexual introduction and gender identity and inquired the High Commissioner for Human Rights to get ready a report on the circumstance of LGBT people around the world. Based on the discoveries of the High Commissioner’s report, in March 2012 the Council organized the first-ever UN board dialog particularly focused on the circumstance of LGBT people.<sup>26</sup>

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<sup>25</sup> UN, Office of the High Commissioner for Human Rights (OHCHR) (2012), *Born free and equal. Sexual orientation and gender identity in international human rights law (HR/PUB/12/06)*, New York and Geneva, United Nations.

<sup>26</sup> UN, Human Rights Council (2011), Resolution 17/19 Human rights, sexual orientation and gender identity, Geneva and New York, United Nations, 14 July 2012.

## MEASURES

Acts of violence and harassment encroach the right to life, the right to respect for physical and mental integrity, and subsequently human dignity. These rights are protected by the EU Charter of Fundamental Rights. In 2012, the EU adopted the Victims' Directive (Directive 2012/29/EU),<sup>27</sup> building up least guidelines on the rights, back, and security of casualties of crime. The directive points to guarantee that casualties of crime receive appropriate data, support, and assurance and are able to take part in criminal procedures (Article 1). The directive notices 'gender identity' and 'gender the expression' several times. In Presentation 9, for instance, it builds up 'gender identity' and 'gender expression' as grounds of segregation. Pertinent authorities responsible for giving offer assistance to casualties of crime should distinguish particular security needs by individually evaluating victims (Article 22). In this respect, they should take the victim's gender identity or expression into account (recital 56).

The EU Victims' Directive should be seen within the context of previously adopted EU enactment which needs that violence against women could be a committed of gender-based the violence that's committed against women since they are women. Violence against trans individuals may moreover be considered gender-based violence when that violence is committed against trans individuals since they are trans (or gender nonconforming). Those who fail to follow norms on how men and women should carry on in society, known as binary sex standards, involvement resentment or indeed violence in their social surroundings, whatever their sexual orientation or gender identity. The FRA's LGBT Fundamental results report found that this holds genuine for the whole LGBT sample, not fair for trans respondents.

The European Parliament called on member nations "to register and examine hate crimes against LGBT people, and embrace criminal enactment prohibiting incitement to hatred on grounds of sexual orientation and gender identity."<sup>28</sup> Essentially, the Recommendation Rec (2010)5 empowers Council of Europe member states to "ensure effectively, provoke and impartial investigations into affirmed cases of crimes and other incidents, where the sexual introduction or sex identity of the victim is sensibly suspected to have constituted a thought process for the perpetrator". It too calls upon them to "ensure that those dependable for such acts are successfully brought to equity and, where appropriate, punished in order to maintain a strategic distance from impunity".

A study from Scotland found that a quarter of the trans respondents cleared out their homes regularly finishing up homeless since to transphobic responses from family members, roommates, or neighbors. A European research consider found that eight in 10 trans respondents experienced a few forms of harassment in public,

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<sup>27</sup> European Commission (2012b), *Trans and intersex people. Discrimination on the grounds of sex, gender identity and gender expression*, Luxembourg, Publications Office of the European Union (Publications Office).

<sup>28</sup> European Parliament (2014), Resolution of 4 February 2014 on the EU Roadmap against homophobia and discrimination on grounds of sexual orientation and gender identity (2013/2183(INI)).

with negative comments taken after by verbal manhandle the most common sorts of harassment in all countries. In later violence study in Belgium, four-fifths of the trans members detailed having experienced transphobic verbal harassment, one third indicated sexual violence and a quarter detailed having experienced physical savagery at a few points sometime recently the survey. In common, trans women are more likely to experience harassment than trans men. Those who are not recognized as trans, reflected in what is known as the level of possibility makes a difference shield them from violent experiences. An Irish study found that eight in 10 trans respondents maintain a strategic distance from some public places or situations due to fear of harassment.

## FRA OPINIONS

When evaluating national enactment transposing Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012<sup>29</sup> setting up least guidelines on the rights, support, and protection of victims of crime (the EU Victims' Directive), the European Commission should pay specific attention as to whether gender identity or gender expression are enough included as individual characteristics of casualties in-person assessments. When executing the EU Victims' Order, EU Part States ought to pay consideration to the assurance needs of victims of violations committed sense of the victim's sex character (in understanding with the Presentations 9, 17, and 56 of the Mandate). The EU member nations should guarantee that all through the criminal procedures, in understanding with the Article 21 of the EU Victims' Directive, the proper to the security of transgender people, counting previous names and sex is completely regarded.

The EU member nations should consider enacting criminal law provisions which manage protection against transphobic crimes and guarantee that law requirement authorities are prepared to handle transphobic wrongdoing viably, which includes raising awareness on trans issues. EU member nations ought to address the under-reporting of hate crime, including crimes against trans people, as underlined by the December 2013 Justice and Home Affairs Council Conclusions on combating hate crime which reflected the conclusions of the 2013 Vilnius FRA Fundamental Rights Conference.<sup>30</sup> The member nations are called upon to take fitting measures to encourage despise crime reporting by victims and as distant as conceivable too through associations that support them.

The EU member nations ought to guarantee that law enforcement authorities legitimately record, explore and prosecute hate-motivated violations based on gender identity and gender expression in line with progressing endeavors to progress and approximate information collection on wrongdoing (such as the Eurostat Working Group on Statistics on Crime and Criminal Justice Statistics within the system of the EU Statistics Action

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<sup>29</sup> FRA (2014b) *Fundamental rights: challenges and achievements in 2013*, Annual report 2013, Luxembourg, Publications Office.

<sup>30</sup> FRA (2013c), *EU LGBT survey – European Union lesbian, gay, bisexual and transgender survey – Technical Report, Methodology, online survey, questionnaire and sample*, Luxembourg, Publications Office, [http://fra.europa.eu/sites/default/files/eu-lgbt-survey-technical-report\\_en.pdf](http://fra.europa.eu/sites/default/files/eu-lgbt-survey-technical-report_en.pdf).

Plan 2011–2015). To develop evidence-based lawful and policy measures, member nations should collect insights on numbers and sorts of crime and gender identity of victims (in accordance with Article 28 and Recitals 56 and 64 of the Directive 2012/29/EU) as well as on the number of convicted offenders and the sort of sentence imposed.<sup>31</sup>

Recent public attributes studies in Belgium, the Netherlands, and Sweden show common public acceptance of publicly-funded sex reassignment surgery. In these studies, the public also for the most part supports the proper transsexuals to the wedding and embraces children and to work with children. They say they are willing to have transsexuals as co-workers. Negative attitudes are more frequent when trans people come ‘too close’, for instance, the plausibility of having one as accomplice or a neighbor. In common, considers measuring attitudes show that ladies are more tolerant than men in accepting people who cross-sex norms, which gender variance is less favored in men than in women. Knowing somebody who is trans plays a positive part in influencing the comfort level of respondents.

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<sup>31</sup> European Network of Equality Bodies (Equinet) (2010), *Making equality legislation work for trans people*, Brussels, Equinet.