

Equinet – European Network of Equality Bodies Trans round table meeting 08.12.2010 Brussels

Background

In 2010, Equinet implemented a special initiative to enhance the role of equality bodies in relation to tackling discrimination faced by trans people and to support new policy and good practice initiatives for equality in this area. As part of this initiative Equinet published an opinion on the rights of trans people based on the experiences and practices of equality bodies with the ambition to actively and usefully contribute to European policy making and the sharing of good practice approaches.

The Equinet initiative further foresaw a Round Table on Equality for Trans People. It brought together selected national equality bodies (NEBs) and other key stakeholders at the European level to share and discuss their respective roles in defending the rights of and promoting equality for trans people across Europe. The interactive meeting also provided an opportunity to share and discuss the main findings and good practice approaches identified and suggested by the Equinet opinion on the rights of trans people.

The Trans Round Table was organized by Equinet and kindly hosted by MEP Marije Cornelissen in the European Parliament. The following organisations, representing all sides of the policy spectrum, accepted Equinet's invitation: European Commission; European Parliament; ILGA-Europe; Trans Gender Europe (TGEU); Council of Europe Commissioner for Human Rights; EU Agency for Fundamental Rights (FRA); European Women's Lobby (EWL); European Institute for Gender Equality (EIGE).

Equality bodies from the following countries were also represented: Austria; Belgium; Denmark; Greece; the Netherlands; Sweden; United Kingdom.

Discussion on key principles

Opening the Round Table **Marije Cornelissen MEP** emphasized the scale of the problem and drew attention in particular to under-reporting and to the lack of rights-awareness. She pledged that herself and the EP will continue to inform and urge other MEPs and all related EP Committees to focus on trans issues in order to reach a mainstreaming effect. She mentioned a new initiative of the EP calling for transgender-friendly universities (mainly triggered by a Dutch case). A third field she wishes the EP

to focus on is challenging the sterilization requirement in many Member States before a name and/or sex change can be rectified.

Mandana Zarrehparvar, Equinet Chair also welcomed the participants of the Round Table on behalf of Equinet and presented shortly the main findings and content of the Equinet Trans Opinion¹.

The Round Table participants in the following discussions shared their views on the present situation of trans people in the EU, on possible ways ahead and on the role equality bodies and other stakeholders need to play in this. In particular the following topics were addressed:

- Participants noted the present momentum in Europe for trans people's rights.
- Participants drew attention to the Council of Europe booklet titled Human Rights and Gender Equality (published in 2009) as an excellent source of information and emphasized that dealing with trans people is very important regardless of the size of the population.
- Participants underlined the significance of the fact that the new Strategy for Equality between Women and Men 2010-2015 of the European Commission contains explicit reference to gender identity.
- All agreed that mainstreaming trans people's rights in the implementation of the Gender Strategy is very important and added that PROGRESS funds are already used extensively for gender equality policies and these can be widened to cover more trans programs. It was suggested that they could become a priority explicitly suggested to Member States.
- Participants noted that amending the EU Directives to explicitly name trans people would require unanimity from Member States and therefore probably would not be a realistic perspective yet. Nevertheless some of them explicitly expressed that the naming of trans people (in a broad sense) in the directives needs to remain an important goal.
- Participants emphasized that the legal protection available to trans people is already strong, it needs to be operationalized better.
- Some participants from national equality bodies noted the low number of trans cases/complaints received to date and the difficulty of winning the trust of trans people.
- Some participants held that the legal recognition of gender reassignment should be pursued as a first step, the focus on discrimination should come after trans people have at least their fundamental rights secured and protected.
- The need for engaging all national equality bodies and an enhanced cooperation between all stakeholders (NEBs, European organizations, civil sector).
- Participants underlined the value of strategic litigation.

¹ Available under: <http://equineteurope.org/691433.html>

- The representative of the EU Agency for Fundamental Rights informed participants about FRA's work in the field and the related publication of a major survey (similar to EU-MIDIS) of LGBT people expected in 2011.
- The importance of taking a human rights-based approach instead of a medical approach and to clearly differentiate between different groups (eg. transgender and intersex people).
- The importance of leadership / persons responsible for trans issues within the national equality bodies.
- The strategy to look for 'quick win cases' to gain the trust of trans people.
- The need for more academic research.

Discussion on next steps

The three main points discussed in this section were formulated by Niall Crowley (Equinet Board Advisor) as a result of the preceding discussions at the round table. The different suggestions of participants are listed below the relevant points.

I. Need for leadership within NEBs and more widely in society

- TGEU is present in 18 countries, thus they are a good tool for NEBs to reach out to the ground
- Formalized cooperation is needed between NEBs ('mentoring of the less experienced')
- The problem of small, fragmented trans organizations → they are often unable to provide leadership
- Leadership is important but at the same time the work needs to be rooted, NEBs' and other organizations' commitment shouldn't depend on only a couple of persons
- The European Commission and the EIGE can play a leading role at EU level, while NEBs at national level

II. Creating a clear demand on NEBs to address trans people's problems

- The Equinet Trans Opinion is an important tool and part of a much needed top-down approach
- Trainings (both for NEB staff and for trans people)
- Awareness raising both for trans people and for NEB colleagues needed to increase the number of cases and therefore the demand
- Motivation arising from complaints and statements from trans people
- Qualitative research on trans

- Strategic litigation pursued by stakeholders
- Partnerships of NEBs with other stakeholders
- Mutual education
- Allocation of adequate resources

III. Building the commitment and capacity in NEBs to deal with trans issues

- Investigate the underlying sources of trans discrimination (in a norm-critical manner)
- Building in-house expertise
- Creating a safe space for trans people
- Changing of own processes where needed (eg. gender boxes in registration lists)
- Allocation of adequate resources
- Tackling under-reporting of discrimination
- Awareness raising about NEBs
- Partnerships of NEBs with other stakeholders
- Developing European standards
- Monitoring and feedback about the NEBs' work and its results
- Mentoring less experienced NEBs

Participants clearly held that action by NEBs is much needed to tackle the problems of trans people. They generally considered the Equinet Trans Opinion as a very useful one and overall agreed with the steps suggested therein.

The discussion about possible next steps brought forward interesting and concrete ideas. Notably, the suggestions for creating a demand on NEBs and the ones for building the commitment and capacity of NEBs are very similar which shows that they are interlinked challenges.

List of round table participants:

Silvan Agius	ILGA-Europe
Peter Tai Christensen	The Equality Ombudsman, Sweden
Marije Cornelissen	Member of the European Parliament
Niall Crowley	Equinet Board Advisor
David Darton	Equality and Human Rights Commission, Great Britain
Ioannis Dimitrakopoulos	EU Agency for Fundamental Rights
Anne Galand	European Commission
Anne Gaspard	Equinet
Domenica Ghidai	Equal Treatment Commission, The Netherlands
Yannick Godin	Equinet
Monika Groser	Ombud for Equal Treatment, Austria
Jayne Hardwick	Equality and Human Rights Commission, Great Britain
Tamás Kádár	Equinet
Richard Köhler	Transgender Europe
Christine Lardin	Institute for the equality of women and men, Belgium
Indre Mackeviciute	European Institute for Gender Equality
Caroline Nsenda	Equinet
Evelyne Paradis	ILGA-Europe
Belinda Pyke	European Commission
Raül Romeva	Member of the European Parliament
Geraldine Reymenants	Institute for the equality of women and men, Belgium
Joanna Serdynska	European Commission
Lauri Sivonen	Council of Europe Commissioner for Human Rights
Myria Vassiliadou	European Women's Lobby
Maria Voutsinou	Greek Ombudsman, Greece
Mandana Zarreparvar	Danish Institute for Human Rights, Denmark