

Equinet Training on Gender Equality
Combating Harassment and Sexual Harassment

23 – 24 September 2014,
Warsaw



Breaking the Ice

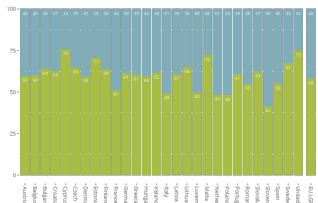
- Discuss with your neighbour:

Which trans-related harassment or sexual harassment case(s) have you come across?


If you don't have any, discuss what are your expectations for this session?



58% of trans people experienced harassment in public




FRA LGBT Study 2012: „Violence/ harassment/ Personally harassed by someone or a group for any reason in the last 5 years in a way that really annoyed, offended and upset you?“




Prevalence – Harassment

- Trans people face various forms of harassment and sexual harassment, often on a continuous, daily basis:
 - Staring at chest and genitals
 - Ignorance of preferred name/ pronoun
 - Inappropriate questions and curiosity
 - Revealing gender history or parts thereof
 - Name-calling, spitting, black mail, physical aggression, property damage



EU Protection for Trans People

	Gender reassignment	Gender identity	Gender expression
Goods & Services	✓		
Employment & Social Security	✓		
Asylum	✓	✓	
Victim's Rights	✓	✓	✓



Harassment

Employment:

- Management denies a transgender woman to use the bath room at her workplace. Hence, she has to use the facilities of a café down the street.



Harassment

Goods & Services:


- A young transgender woman is harassed after using the women's bathroom by the security guard; he chases her through the mall and outs her to other by-passers.
- A tenants' association tries to get a trans tenant evicted as she is suspected to be a sex worker.



Harassment

Education:


- Head of School yells at transgender woman, threatens her and pushes her around; teachers are threatened to not support her.
- A student is told „come back when you are dressed properly“



Sexual Harassment


Intersection of transphobia and misogyny:

- Assumption all trans women are sex workers
- Trans men are threatened by ‚corrective rape‘
- Police misreads transphobia as ‚male on male‘ violence
- Rape-definitions which require (legal) female gender of victim or presence of vagina (penetration)



Combating H&SH

- Ratification of the Istanbul Convention
- Explicit gender identity and gender expression protection:
 - Non-discrimination laws
 - Criminal law
 - Diversity policies
- Interpret existing equality protections to cover all trans-people
- Training and support for specialists and support providers
- Communicating possibilities for access to justice / redress to trans communities



Supporting a Culture of Rights

- Greece – Ombudsman engages with teacher college to support trans woman to attend school
- Berlin-Mitte, Setting up of gender-neutral public bath rooms: „But who guarantees for the security?“ – „Nobody. In no public restroom someone guarantees for security.“ (Berlin-Mitte Equal Opportunity Commissioner)



10 Questions to never ask a trans person

1. “Which **bathroom** do you use?”
2. “So, when is/was the **surgery**?”
3. “Are you sure you aren’t just **gay**?”
4. “Do you have a **penis/vagina**?”
5. “Can I see **pictures** of you before you transitioned?”
6. “What’s your **real name**?”
7. “Why don’t you **try harder** to look like a woman/man?”
8. “Are you going to change your voice?”
9. “Am I still straight if I **want to fuck you**?”
10. “How do you have **sex**?”



Let's continue the discussion!

Richard Köhler
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Now, it's your turn!



Form a group of 3-4 persons and discuss the aspects of the case within your group, such as:

- Does this amount to harassment or sexual harassment?
- If yes, is it covered by EU law, not covered by EU law or is it unclear/unsure?
- What is the appropriate discrimination ground?
- Does this case fall within your mandate?
- If yes, what would you do in terms of legal but also concrete support to the situation?
- If not, is there still something you could do?



A quick tour-de-table


- What have you learnt?
- What will you do when back to your office as follow up to this workshop?



Definitions

Harassment:
where an unwanted conduct related to the sex of a person occurs with the purpose or effect of violating the **dignity** of a person and of creating an intimidating, hostile, degrading, humiliating or offensive **environment**.


Sexual harassment:
where any form of **unwanted** verbal, non-verbal or physical conduct of a **sexual nature** occurs, with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment



Definitions

Gender Reassignment or gender confirming treatment is a **set of medical measures** that can but does not have to include psychological, endocrinology and surgical treatments aimed at aligning a person's physical appearance with their gender identity. Not every trans person wishes for or is able to undergo all or any of these measures.

Legal Gender Recognition is the **legal** recognition of a person's gender identity including change of gender marker and name(s) in public registries and key documents.



Definitions

Gender Identity – Each person's deeply felt **internal and individual** experience of gender → every human has a gender identity

Gender expression
refers to people's **manifestation** of their gender identity, and the one that is perceived by others. Typically, people seek to make their gender expression or presentation match their gender identity, irrespective of the sex that they were assigned at birth.

