

Advancing LGBTIQ+ Equality in Europe.

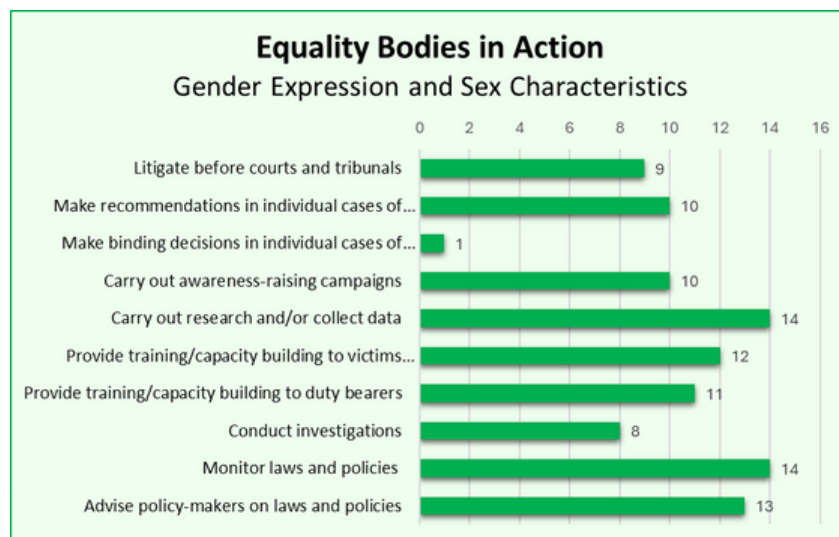
The Role of Equality Bodies in tackling discrimination on Gender Expression and Sex Characteristics



State of Play

Trans and intersex people face the highest discrimination rates within the LGBTIQ+ community. While discrimination may take similar forms for both trans and intersex persons, each of these groups experiences distinct problems that Equality Bodies can and should tackle.

The explicit prohibition of **discrimination on the grounds of gender expression (GE) and sex characteristics (SC)** is not yet enshrined in EU law and GE and SC are not directly mentioned as grounds of discrimination in the European Convention on Human Rights. While there has been growing recognition of the challenges faced by these groups and increasing awareness and legal initiatives, such as the reference to GE and SC in Directive 2024/1500 on Standards for Equality Bodies, comprehensive legal protections remain uneven across Member States.



Equality Bodies have been increasingly engaged in the advancement of equality for trans and intersex persons.

Out of the **29** surveyed Equinet Members, **10** have an explicit mandate on gender expression, while another **16** do not have an explicit mandate but address discrimination on gender expression under the ground of sex/gender (**11**), an open-ended list of discrimination grounds or other competencies.

As for sex characteristics, **9** out of **29** have an explicit mandate, while another **18** do not have an explicit mandate but address discrimination under the ground of sex/gender (**10**), an open-ended list of discrimination grounds or other competencies.

Good Practices

The **Commissioner for Human Rights of the Republic of Poland** has advocated for the rights of intersex individuals by raising concerns about invasive surgeries on sex characteristics and promoting informed consent, with efforts recognized as good practice by OII Europe.

The **Office of Equal Opportunities Ombudsperson in Lithuania** challenged stereotypical gender expression in schools by recommending that uniform policies be revised to allow students to choose their preferred uniform pieces, regardless of gender.