

Dear Ladies, Gentlemen and all others,



if someone had told me in 2005 when we started to set up TGEU that the two co-chairs of this organization would be sitting on a panel like this I would have thought that the person must have suffered from completely unrealistic expectations on what could be achieved in five years. However we are here. Well, trans issues have made huge progress in the human rights framework in the last years. Trans issues emerged from a medicalized framework – belittled, discriminated and rendered mentally ill people to a human rights field.

In 2008 there was a transgender expert meeting held here in Strasbourg upon the invitation of Commissioner Hammarberg. He opened this meeting saying: and now it is time for the “T”, and I must say he was true to his word. I think that there are few high level human rights advocates who are so much aware of trans issues as Commissioner Hammarberg. It took a lot of political will, courage to take up trans issues that way and commitment to go on with it.

And therefore I would would like to thank you Mister Hammarberg and all your office not only for inviting Transgender Europe to speak on this occasion today but as well for your ongoing commitment and support for the protection of the human rights of trans people.

Now let me come to the report.

It is safe to say that in the study and report Gender identity issues have been thoroughly adressed and the needs and rights of transgender people are carefully taken into acount. The authors prooved not only to have listened very carefully to the trans-community but have understood the issue as a whole. They have understood the specialties of trans peoples lives and have carefully assessed the similarities and differences between sexual orientation and gender identity issues. This resulted in a

well thought through analysis and in right to the point recommendations addressing gender identity and sexual orientation in a human rights framework.

And I believe it is this what makes the report quite unique and I have no doubts that it will be a highly useful tool in addressing human rights in relation to sexual orientation and gender identity in the member states of council of Europe.

Certainly we cannot and will not repeat all the trans relevant recommendations and aspects of the report but highlight those which we deem very relevant.

Access to Health Care

The Commissioner's report found that in 13 member states no gender reassignment treatment is at all available or of sufficient quality. This means that in nearly a third of the member states trans people cannot access what is often a live safer for many. In the remaining countries, requirements to access transgender-related health care are often excessive.

We share the commissioner's concern that perfectly sane people have to obtain a psychiatric diagnosis first before being able to access necessary treatment. This has nothing to do with ensuring that trans people can enjoy the best attainable standard of health.

Commissioner Hammarberg has already made it crystal-clear in his issue paper 2009: *From a human rights and health care perspective no mental disorder needs to be diagnosed in order to give access to treatment for a condition in need of medical care.*

We should not underestimate the stigma and social exclusion trans people are facing, reinforced by such a diagnosis. That fact that I needed to be diagnosed as mentally disturbed prevented me for many years to embrace my gender identity. For my mother, who is a psychiatrist, it took even longer – more than a decade until she could except that she has a son now instead of a daughter. We could have lost contact altogether as a family. A sad reality for many trans people. Today, my mother is proud

of me. It is a guess only, but hinting at Commissioner Hammarberg's unwavering support for Trans-Issues has certainly had its impact.

Transgender people do not need doctors to test them for their true core. What is required is educated counseling provided by well-trained staff about options, possibilities, support for times of challenges. All in all, gender reassignment treatment is a necessary medical treatment for those who seek it. It should be regarded on equal level with other health conditions with the goal of obtaining the best attainable standard of health not satisfying societal gender norms.

(It is no coincident that we are celebrating each year the International Day Against Homophobia to celebrate the removal of homosexuality from the International Catalogue of Diseases. Thus, we are calling upon governments to take prompt action and review existing national catalogues and to develop, together with trans people and their communities, alternatives to ensure swift and accessible health care services for trans people.)

Employment

Accessing health care is linked to having a health insurance, which is linked to having a job. But the employment situation of the trans community is of particular gross. Unemployment is about half in the trans community; when employed trans-people are earning about half of the average. "The interview is over" Marie might hear when walking into the door for a job interview, if her height and facial features appear to be too male. Only few employers would even invite her for an interview if Marie's references and training diploma are featuring a Paul.

Those who have a job experience discrimination at daily level. For example: in Ireland, a desk worker has to leave the building of her work place each time she wants to use the wash rooms. Since management prohibits her to use the women's bathroom, she has to cross the street, to go to the café next by and use their facilities. *The Recommendations of this report ask for **the promotion of measures aimed at ending the exclusion and discrimination of transgender persons in the workplace.***

Indeed, swift action by member states is needed here. guidance and support structures need to be developed and provided – involving trade unions, employers' associations and trans people and their communities.

This brings us to the framework of legal standards where we deem recommendations 2 and 3 crucial. Two calling for discrimination on grounds of sexual orientation AND gender identity and three: screening national legislation to detect and correct regulations which are discriminatory on grounds of sexual orientation and gender identity. Among those regulations certainly are in most member states of the CoE the gender recognition legislation, as they require unreasonable conditions violating basic human rights of trans people throughout Europe.

As Richard pointed out in his example of Marie's job interview which is over when she walks into the room: legal gender recognition is the entry card to the labour market, legal gender recognition is the entry card to social life. Because if Non matching appearance, name and identity papers are an invitation to discriminate against trans people in all spheres of everyday life: even picking up mail at the post office, taking a plane or paying with credit card might be a hassle then!

Therefore we could not agree more with what is said and recommended in the report in this field.

Because the need for reform of gender recognition legislation is ubiquitous in Europe: 10 member states do not provide for any mechanism of gender recognition, in further 13 states only partial regulations exist. 29 states require gender reassignment surgery leading to infertility as a prerequisite for gender recognition and or name change. This in itself is obviously problematic in relation to physical integrity. On top of that it puts trans*people's life in the mercy of medical practitioners, because it is the medical practitioner who decides upon the provision of surgery and it is the medical practitioner who gives a diagnosis or not!

And there is no member state in the whole Council of Europe which does not at least require a diagnosis in order to change name and gender.

This means in all member states the question of having access to the job market, of being able to live a social life in dignity depends on a diagnosis of being mentally ill.

Violence/ Asylum

The Trans Community is disproportionately affected by violence and hate crime.

Transgender Europe's research has found reports of 37 murdered trans people in the last 3 ½ years.

This is only the tip of the iceberg. There is no safe country for transgender people in Europe. Nearly everybody who is visible as transgender has experienced violence or discrimination in public. Like in my home town, Berlin, where a woman had slipped last winter on the ice. Those, who came to help her up, start kicking her when they realize that she is transgender.

A community that is faced with this level of institutionalized barriers and societal hatred is effectively barred from the right to self-determination and citizen rights.

We fear particularly for the lives and safety of trans people in countries like Italy and Turkey, which are the sad leaders in European comparison when it comes to reported murders of transgender people. And it is particularly bitter to see that those trans women, who have to flee their home country and seek asylum are turned away. This just happened to a Turkish Trans woman in Austria who had been beaten with iron bars, attacked with knives and abused by the Police in Turkey and was about to be sent back by Austrian Authorities to a family that had threatened to kill her. Similarly, training and education are also well placed with the Swedish Migration Board, where a Russian trans woman, seeking asylum, was told that she was actually a "gay man" and that she and her "could return safely to Russia if they lived discreetly". Even if she tried, she would most likely not even be able to cross the border without being accused of holding 'a falsified passport' as her features have already changed due to hormonal treatment.

Conclusions

We would like to conclude our intervention by again thanking Commissioner

Hammarberg and his office for his ongoing support and interest in sexual orientation and gender identity issues. We want to stress that this report and the study is again an important step in the direction towards equality for LGBT people in Europe.

However this can and shall only be one step, many will have to follow! We will have to keep on working for the implementation of the recommendations in the member states. If not implemented, they are useless .

With the issue paper on gender identity and human rights, with the recommendations of the council of ministers to combat discrimination on the basis of sexual orientation and gender identity and with this large scale study and report of the Commissioner for Human Rights the ball now lies within the member states of the Council of Europe to take it up!

And it is upon all of us, to constantly and persistently remind them and to constantly and persistently push them to do so such that one day we see all the recommendations become a reality.