

Report on gender discrimination in employment and access to goods and services

[Report, Inclusion and Equality, Employment, Goods and Services, Trans](#)

This joint ILGA-Europe and Transgender Europe contribution is being submitted to the European Commission in view of the review of the implementation of Dir 2004/113/EC “in line with the jurisprudence of the European Court of Justice on gender identity and gender discrimination” during 2011; and the review of Dir 2006/54/EC during 2012 as indicated in the Actions to implement the Strategy for Equality between Women and Men 2010-2015.

ILGA-Europe and TGEU recommend to the European Commission to...

1. proceed to the review of the implementation of both directives with a particular focus on discrimination based on gender identity and gender expression
2. call on Bulgaria, Italy, Liechtenstein, Malta, Poland, Portugal and Romania to amend the restrictive understanding of their national law implementing both directives so as to ensure a minimal protection against discrimination on the ground of gender identity and gender expression
3. ask for clarifications to Cyprus, Iceland, Latvia and Luxembourg where the coverage of gender identity and gender expression by national legislation remains unclear
4. launch an infringement procedure against those Member States that do not undertake the necessary changes
5. undertake a legal analysis of requirements for gender recognition legislation (i.e. change of name and legal gender) and their requirements in Member States towards their compatibility with both directives
6. liaise with the Member States to ensure that national equality bodies investigate cases of discrimination on the ground of gender identity and gender expression
7. ensure that national authorities and equality bodies give publicity to the coverage of gender identity and gender expression in their anti-discrimination policy
8. promote good practices put in place in some of the Member States in the field of gender-based discrimination
9. organise „train the trainers? programmes on legal issues designed for Member States
10. encourage Member States to organize trainings on discrimination issues for the judges and all the legal officers and national equality bodies? officers (with a particular focus on the situation of transgender and intersex people)
11. liaise with DG SANCO to develop measures targeted at improving the access of trans-people towards general health-care provision such as educational programs combating prejudice among medical practitioners and offering guidance on development and implementation of trans-friendly treatment guidelines to all Member States
12. commission research on discrimination against intersex people and how to best cover them under the existing EU legal framework.

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[Annex 1 – Complete responses by Equality Bodies on the legal situation in their country and their own work regarding the ground of gender identity and gender expressionDownload](#)

[Annex 2 – German collection of cases of discriminationDownload](#)

[Annex 3 – Polish report on the implementation of Gender Recast DirectiveDownload](#)

[Annex 4 – Slovak report on the implementation of the Gender Recast DirectiveDownload](#)

[Annex 5 – Romanian collection of cases of discriminationDownload](#)