



**TRANSR TRAINING KIT**  
**“KNOW YOUR RIGHTS!”**  
**INFORMATION KIT FOR TRANS SEX WORKERS**



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**Gender Expression:** “is the external manifestations of gender, expressed through a person’s name, pronouns, clothing, haircut, behaviour, voice or body characteristics. Society identifies these cues as masculine or feminine, although what is considered masculine and feminine changes over time and varies by culture.” (GLAAD Media Reference Guide, cit in TGEU-Transgender Europe website). People’s gender expression may or may not match their gender identity/identities, or the gender they were assigned at birth (ILGA Europe Website, 2015).

**Gender Identity:** “Refers to each person’s deeply felt internal and individual experience of gender, which may or may not correspond with the sex assigned at birth, including the personal sense of the body (which may involve, if freely chosen, modification of bodily appearance or function by medical, surgical or other means) and other expressions of gender, including dress, speech and mannerisms. Some people’s gender identity falls outside the gender binary, and related norms (ILGA Europe Website, 2015).



**“People have different gender identities and expressions. Each person should have the right to define their own identity and be treated accordingly.” (TGEU, Toolkit)**

**Trans:** “Transgender or Trans is an umbrella term which includes those people who have a gender identity which is different to the gender assigned at birth, and those people who wish to portray their gender identity in a different way to the gender assigned at birth. Transgender includes those people who feel they have to, or prefer to, or choose to, whether by language, clothing, accessories, cosmetics or body modification, present themselves differently to the expectations of the gender role assigned to them at birth. This includes, among many others, transsexual and transgender people, transvestites, cross dressers, no gender, multigender, genderqueer people, intersex, gender liminal, third sex and gender variant people who relate to or identify as any of the above. n.b: do not use transgendered, and always use the descriptive terms preferred by the individual. Trans identity is not dependent upon medical procedures.” (Transrespect versus Transphobia Worldwide research project, cit in TGEU-Transgender Europe website).

**To define yourself as trans should not be an obligation, but it should be a right. Being trans does not define your personality!**

**Transition** “includes some or all of the following personal, medical, and legal steps: telling one’s family, friends, and co-workers; using a different name and new pronouns; dressing differently; changing one’s name and/or sex on legal documents; hormone therapy; and possibly (though not always) one or more types of surgery. The exact steps involved in transition vary from person to person” (GLAAD Media Reference Guide, cit in TGEU-Transgender Europe website).

**Gender Reassignment Surgery (GRS):** Medical term for what trans people often call gender-confirmation surgery: surgery to bring the primary and secondary sex characteristics of a trans person’s body into alignment with his or her internal self-perception (ILGA Europe Website, 2015). It is only one small part of transition. Avoid the phrase “sex change operation.” Do not refer to someone as being “pre-op” or “post-op.” Not all transgender people choose to, or can afford to, undergo medical surgeries. (GLAAD, 2016, p.11)

**Transitions can have a lot of different forms, timings and aspects. You are the person to decide in which way you want to transition and if you want or you do not want to have a gender reassignment surgery. Nobody should force you to take any decision!**

**Transphobia:** “Is a matrix of cultural and personal beliefs, opinions, attitudes and aggressive behaviours based on prejudice, disgust, fear and/or hatred directed against individuals or groups who do not conform to, or who transgress societal gender expectations and norms. Transphobia particularly affects individuals whose lived gender identity or gender expression differs from the gender role assigned to them at birth, and it manifests itself in various ways (e.g., as direct physical violence, transphobic speech and insulting, discriminatory media coverage, and social exclusion). Transphobia also includes institutionalized forms of discrimination such as criminalization, pathologization, or stigmatization of non-conforming gender identities and gender expressions.” (Transrespect versus Transphobia Worldwide research project, cit in TGEU-Transgender Europe website.)

**Legal gender recognition: A process whereby a trans person’s preferred gender is recognised in law, or the achievement of the process (ILGA Europe Website, 2015).**

Legal gender recognition is a human right. It should be available and accessible for all people who want it! No medical treatment for gender recognition should be required; it should be completely based on self-determination. “Quick, accessible and transparent Legal Gender Recognition prevents discrimination, protects a person’s privacy and is the basis to a life lived with dignity.”(Fact Sheet: Legal Gender Recognition, TGEU)



**Sex work:** refers to commercial sexual services, performances or products given in exchange for material compensation, including prostitution, pornography, striptease and erotic phone calls (Weitzer 2000 cit in Oliveira, 2018, p.12). “Sex work varies between and within countries and communities. Sex work may vary in the degree to which it is more or less “formal” or organized, and in the degree to which it is distinct from other social and sexual relationships and types of sexual-economic exchange” (UNAIDS, 2012).

**Sex work is work! Sex work needs to be decriminalized and recognized as a profession!**



**Stigma:** Stigma is a process, which starts by looking for differences in others. Stigma is a set of labels which can have a profound impact on the lives of the people to whom they are applied (Hallgrimsdottir et al., 2008 cit in Lazarus, et al., 2012). These labels that link the people who are stigmatized with undesirable traits that can lead them to experience loss of status and discrimination (Link and Phelan, 2001 cit in Lazarus et al., 2012). Stigma is also a form of fear of anything different, of rejection of anything people do not like or cannot understand, that is not comfortable for them.

**Discrimination:** unequal or unfair treatment, which can be based on a range of grounds, such as age, ethnic background, disability, sexual orientation and/or gender identity. It can be divided into four different types of discrimination: direct discrimination, indirect discrimination, multiple discrimination, experienced discrimination (ILGA Europe Website, 2015)



Every person deserves to live without stigma and discrimination, in a society with fairness, equality and respect. Sometimes, stigma and discrimination disappear in the course of evolution of a society. Sometimes, changes are just achieved by the fight for rights of a group which suffers from discrimination and demands being respected and treated equally.

## Universal Declaration of Human Rights: two articles (article 1 and article 2)

“Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”

In the past decades, some important steps and significant gains have been made to guarantee the access to justice and rights for trans people. Nevertheless, trans people still are not fully protected by anti-discrimination policies and legal measures all around the world. Gender Identity has been increasingly included, but Gender Expression as grounds of discrimination is still lacking in most legislations.

### Several international recommendations should protect trans people from discrimination:

1. Human Rights Council of United Nations: first resolution in 2011 (A/HRC/RES/17/19) expressing its concern regarding violations of human rights and discrimination based on sexual orientation and gender identity. Other resolutions followed in 2014 (A/HRC/RES/27/32) and 2016 (A/HRC/RES/32/2)
2. United Nations High Commissioner for Human Rights produced a first report Nov 2011 (A/HRC/19/41): Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity, followed by another report in 2015
3. CEDAW: Some thematic instruments within the UN human rights system make express reference to gender identity. This is the case of the Convention for the Elimination of all forms of Discrimination against Women (CEDAW). The CEDAW Committee has adopted two recommendations in 2010 and both affirmed, “Discrimination of women based on sex and gender is inextricably linked with other factors that affect women, such as [...] gender identity.”
4. Yogyakarta Principles: 2006 (29 principles), 2016 (+10 principles) on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity: a set of internationally recognized principles intended to address violations of the rights of lesbian, gay, bisexual, trans and intersex (LGBTI) people.

The endorsement of the Yogyakarta Principles is a very visible sign of good will towards the respect of LGBTI people's human rights. All national parliaments and governments are urged to endorse and work towards the full implementation of these principles at both the domestic and the international levels, binding legal standards (ILGA / TGEU 2011).

The Parliaments of Belgium and Netherlands already endorsed them and use them as guidance for their policy.

On European level, several EU bodies and entities included the protection of **sexual orientation/gender identity** in their resolutions and recommendations. Nevertheless, not all of them directly mention discrimination on grounds of **gender expression**.

## Charter of Fundamental Rights of the European Union, Article 21

“Any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation shall be prohibited.”

**There is no explicit prohibition of discrimination against trans people!**

**Council of Europe:** Article 14 of the Convention on Human Rights for the Protection of Human Rights and Fundamental Freedoms (ECHR) guarantees the principle of non-discrimination with regard to the set of rights that are established under the Convention. The Recommendation CM/Rec (2010) of the Committee of Ministers called on member states to establish measures to combat discrimination on grounds of sexual orientation and gender identity.

“It is of less importance which form the law takes, as long as it serves the purpose of establishing a practically accessible legal right. The ECtHR requires that the rights of trans people are upheld effectively, such that the “Convention [ECHR] is interpreted and applied in a manner which renders its rights practical and effective, not theoretical and illusory” (Toolkit LGR, TGEU, 2016)

**The Parliamentary Assembly of the Council of Europe explicitly mentions gender identity:** resolution n° 2048 in 2015 recommends to all member-states the creation of procedures to recognize gender identity based on self-determination and the abolition of sterilization and other compulsory medical treatments, including the mental health diagnosis.

“This resolution addresses issues including access to healthcare, depathologization and anti-discrimination legislation. In relation to legal gender recognition, the Assembly calls upon Member States to develop quick, transparent and accessible procedures, based on self-determination.” (PACE 2015)

**European Social Charter:** Article 11 guarantees the right to the highest possible standard of health and the right of access to health care. The European Social Charter is the Social Constitution of Europe – a Council of Europe treaty that guarantees fundamental social and economic rights. The European Committee of Social Rights of the Council of Europe emphasized on the right to give free consent when accessing medical treatment.



**The European Court of Human Rights: positively decided in a number of cases brought forward by trans people.**

“The European Court of Human Rights has repeatedly ruled on gender-identity recognition and its conditions, strengthening the human rights of trans people, namely privacy, the right to a fair trial and the right not to be discriminated against.”

(Toolkit LGR, TGEU, 2016)

The Court affirmed that equal treatment legislation in matters of employment and occupation, on equal pay and social security benefits, is applicable to trans people. In addition, the Court pronounced that equal treatment for trans people has to be applied on the basis of the acquired gender after a gender reassignment and not the sex given at birth.

**All Member States of the Council of Europe have the political obligation to implement the judgments of the European Court of Human Rights into domestic legislation!**

The ECJ's decision means that all EU legislation prohibiting discrimination on the grounds of sex also protect trans people. The court did not define, however, what «gender reassignment» is. No reference was made to surgery as a necessary condition for protection under «gender reassignment». This means that there may be room to interpret the term broadly. Nevertheless, there is a lack of legal clarity if trans people who do not intend to undergo any kind of medical gender reassignment should still be covered under the ground of sex.



As protective legal measures on the EU level, four different EU guidelines have been developed to fully guarantee the equal access to rights for everybody, explicitly mentioning and protecting trans people.

- **Access to and Supply of Goods & Services** | Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services.

→ Up to date, only slightly more than half of [gender] equality bodies within the EU have undertaken some work to promote equality for trans people. 14 EU member states have yet to introduce such explicit protection to implement EU law properly.

- **Employment & Social Security** | Directive 2006/54/EC of 5 July 2006 (also known as Gender Recast Directive) on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation.

→ 27 countries protect against discrimination in employment. 10 EU member states do not protect against discrimination in employment and are thus violating EU law.

- **Crime Victims Rights** | Directive 2012/29/EU of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, aiming to ensure that «victims of crime receive appropriate information, support and protection and are able to participate in criminal proceedings», and that they are «treated in a respectful, sensitive, tailored, professional and non-discriminatory manner, in all contacts with victim support or restorative justice services or a competent authority».

→ Only 13 countries have explicit laws on bias-motivated crime, whereas only 5 countries have positive measures in place.

- **Asylum** | Directive 2011/95/EU of 20. December 2011. This directive specifies, in detail, who qualifies for asylum or subsidiary protection in the EU (Arts. 2-19), as well as the rights of refugees or people with subsidiary protection status in the EU, including access to education, accommodation and healthcare (Arts. 20-35).

→ 16 countries offer international protection on grounds of gender identity. 13 out of these are EU member states. 15 member states offer no international protection for trans refugees and are thus violating EU law.

Only 7 countries provide protection related to the gender expression of a person. This is particularly important for cross-dressers and those trans people who do not intend to undergo gender reassignment.

	Gender Reassignment	Gender Identity	Gender Expression
Goods and Services	x		
Employment and Social Security	x		
Asylum		x	
Victims Rights		x	x

Nevertheless, the directives contain provisions that can help ensure that EU law is properly implemented and enforced in the member states, and which may provide an entry point for advocacy. You have the right to be protected and each state needs to implement this in its legislation! In addition, in cases of discrimination EU law protects you!

#### Did you know that:

- **Legal Gender Recognition:** procedures exist in 41 countries. Out of these, 34 request a mental health diagnosis, 14 countries demand sterility, and 21 request a divorce. 33 countries impose age barriers and make access harder or impossible for minors. 5 countries (namely Belgium, Denmark, Ireland, Malta, Norway) base procedures on self-determination of the person, and only one country (Malta) recognizes gender non-binary identities.
- **Mental Health Diagnosis Requirement:** 34 countries in Europe require a mental health diagnosis before adapting identity documents. Such a requirement violates the right of every person to self-determine their gender identity. A mandatory diagnosis further drives stigma, exclusion and discrimination as it relies on the false notion that being trans is a (mental) illness. States should base legal gender recognition procedures solely on the self-determination of the person.
- **Health:** 18 countries offer explicit protection against discrimination in healthcare. Malta is the only country that has de-pathologized trans identities while ensuring stigma-free access to trans-specific healthcare for adults and minors. Only 2 countries (Malta, United Kingdom) prohibit conversion therapy on grounds of gender identity.





HOW IS IT IN YOUR COUNTRY OF RESIDENCY/WORK?

PLEASE FEEL FREE TO USE THE FOLLOWING TEMPLATE TO FILL IN THE RELEVANT INFORMATION FROM YOUR COUNTRY.

**National Legislation - Access to Justice and Support:**

In.....

In Austria, there is a variety of complex laws regulating the legal recognition of gender and the transformation of gender identity.

**• Legal Gender Recognition:**

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If you have questions or you want to know more about your rights regarding legal gender recognition, you can contact associations supporting you in this field. You can find the contact details in the table at the end of the training kit.



**• Access to health services:**

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In case you have questions or problems regarding access to the health system or you are looking for support and accompaniment, do not hesitate to contact specialized organizations or health centers. You can find the contact details in the table at the end of the training kit.

**• Employment:**

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- **Goods and Services:**



- **Asylum:**



- **Hate crimes:**



If you have been discriminated or treated unfairly because of being trans, there are organizations providing legal support and assistance. Remember that you have rights and that you can count with the support of LGBTI+-groups when claiming your rights. In the table at the end of the training kit you can find contact details.

- **National legislation regarding sex work:**



There are organizations that can give you further information regarding sex work and the working conditions in your country. You can find the contact details in the table at the end of the training kit.

## HEALTH



- Health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity (Preamble to the Constitution of the World Health Organization as adopted by the International Health Conference, New York, 19-22 June, 1946)
- To be in good health also includes being free from stress, having access to housing and respectful social services, and to work under proper conditions with legal frameworks protecting you.

Health is a right each person has to feel comfortable in their surroundings, in every situation. In order to be able to take care of our health, we need to have in mind the different aspects of life, the body and the mind as well as our surroundings. You have the right to be informed on how to prevent diseases and to have access to treatment!

**“Trans (...) people should be entitled to equity of access, and equality of outcomes. Those seeking medical care are protected by equality legislation against discrimination. Your gender identity and presentation should be respected when seeking general medical care.” Trans Health Factsheet, NP)**



**Harm Reduction: Policies and programs that help manage the potential health risks of actions such as self-medicating with off-prescription hormones. A core principle of harm reduction is helping individuals take whatever steps they can to protect their health, rather than rejecting, criminalizing, or punishing their behavior. (Open Society Foundation: Transforming Health: International Rights-Based Advocacy for Trans Health)**

## Physical health



### Note:

→ Hormone therapy in itself is quite safe. However, as any other medicine, it has potential side effects. Therefore, we would recommend using properly prescribed hormones under guidance.

→ To use Body-Transformation implants of soft tissue fillers without medical supervision can be risky. It is of big importance to use sterile equipment and not to share equipment. However, many fillers (silicon, oil, etc.) are not encapsulated and might therefore migrate through the body.

→ To use self-medication drugs (hormones, corticoids, benzodiazepines, antibiotics, etc) can have undesirable and drugs interactions effects.

If you have questions regarding hormone therapy or any other aspects of your physical health, do not hesitate to ask specialized medical entities. You can find the contact details in the table at the end of the training kit.

## Mental Health



### Note:

→ Mental health includes our emotional, psychological, and social well-being. It affects how we think, feel, and act. It also helps determine how we handle stress, relate to others, and make choices. Mental health is important at every stage of life, from childhood and adolescence through adulthood.

→ If you experience mental health problems, your thinking, mood, and behavior could be affected.

→ Coping strategies may include use of tobacco, alcohol, other drugs, or high-risk sexual activity, any of which can seriously affect your health and wellbeing.

→ Most people with mental health problems can get better, if treated. Recovery is an ongoing process that happens over time. The first step is getting help.

→ In case, you want to start with a treatment, it is important to talk to a professional. The most common treatment is a combination between psychotherapy (by a psychotherapist or psychologist) and prescription medications (by a psychiatrist).

If you need someone to talk to or you do not feel good mentally, there are some places where you can look for support. You can find the contact details in the table at the end of the training kit.

# Sexual Health (STI and HIV prevention)

## STI prevention



### Note:

- Exploring healthy, safer, protected sex is just as important to trans and non-binary people as it is to anyone else; whatever the type(s) of sex you are having, it is important that it's healthy, consensual and feels right for you.
- STIs can have various symptoms. The most common are: abnormal discharge; Swelling; Growths; Painful or frequent urination; Rashes Flu-like symptoms; Painful intercourse
- Untreated STIs can cause the following: Infertility; Blindness; Increased risk of HIV; Death
- Have in mind, that not all the infections have notable symptoms. Therefore, regular STI screenings are of most importance.

## HIV prevention

### Note:

- HIV can be transmitted through body fluids like the semen and the blood. However, the virus needs to appear in bigger quantities in order to infect.
- Additionally to the use of condom, you can use PrEP (pre-exposure prophylaxis) and PEP (Post Exposition Prophylaxis) for a more effective HIV prevention as accidents can take place. It would be good to use combined prevention against HIV!
- HIV is a silent infection and therefore, regular HIV screenings are of most importance
- Recent studies proof that PrEP does not lower the feminizing hormone level in transgender women. PrEP can be used without fear that it will decrease hormones to suboptimal level.
- Being diagnosed with HIV-positive does not mean that it will completely affect your health and life. You can control the virus and still have a good life quality. Living with HIV should never be a reason of discrimination and exclusion.

If you had any risk behaviors, do the STI screenings, even if you do not show any symptoms. It is important to get a diagnosis and treatment as soon as possible. It is also important that you feel comfortable when getting a check-up, so it's useful to discuss any anxieties with the clinic staff. You can find addresses for testing and screening in the table at the end of the training kit.

## Safe Use of Alcohol and other Drugs

### Note:

- Different drugs can have different effects. Knowing the possible negative effects and risks of the different drugs can help you to better control and measure your drug use. The more you are informed about a certain drug before you take it, the better you will know what you are doing.
- Interactions between different drugs can be harmful. Don't combine alcohol or drugs with medications; you will run extra risk of overdosing or having side-effects and/or unexpected effects.
- In case you are under hormonal treatment, you should be aware that alcohol and other drug use can have consequences on your treatment. Alcohol increases risks with estrogens and ART interactions.

→ By reducing the amount of consumption, you can also reduce possible health as well as social damages. You can also try to change your consumption habits (e.g. start to drink/use other substances later during the day; change of alcohol beverages –beer/wine instead of vodka)

**Get Information on safe drug use in order to be aware of possible harms and to know how to reduce them! On this website you can find useful information: <https://www.drugsand.me/en/>**

**If you want to know more about safe using and possible harms, it is good to get in touch with organisations that can inform and support you in this field. You can find contact details in the table at the end of the training kit.**



→ PLEASE LIST THE ORGANISATIONS PROVIDING SUPPORT TO TRANS SEX WORKERS IN YOUR COUNTRY AND MARK THE RELEVANT SERVICES THEY PROVIDE. ALSO BELOW YOU WILL FIND A LIST OF EUROPEAN ORGANIZATIONS SUPPORTING TRANS SEX WORKERS

ORGANISATION				SERVICES OFFERED					
NAME	ADDRESS	TELEPHONE NUMBER	E-Mail / Website	Social support / assistance	Psychological support / assistance	Legal Support / assistance	Medical support / assistance	STI / HIV screening and testing	Harm reduction
ILGA-Europe	Rue du Trône/ Troonstraat 60 1050 Brussels Belgium	+ 32 2 609 54 10	<a href="https://www.ilga-europe.org/">https://www.ilga-europe.org/</a>						
International Committee on the Rights of Sex Workers in Europe (ICRSE)	Eerste Helmersstraat 17 D 1054 CX, Amsterdam Niederlande	00 44 7 460 06 05 06	<a href="http://www.sexworkeurope.org">http://www.sexworkeurope.org</a>			X Advocacy			
European AIDS Treatment Group	Place Raymond Blyckaerts, 13 B-1050 Brussels, Belgium	+3226269640	<a href="mailto:office@eatg.org">office@eatg.org</a>					X Information / Advocacy	X- Information / Advocacy

ORGANISATION				SERVICES OFFERED					
NAME	ADDRESS	TELEPHONE NUMBER	E-Mail / Website	Social support / assistance	Psychological support / assistance	Legal Support / assistance	Medical support / assistance	STI / HIV screening and testing	Harm reduction

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[www.transr.eu](http://www.transr.eu)

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**apdes**  
in People we trust

