



**Submission to the *UN Special Rapporteur on the right to privacy***

**on the privacy rights of trans and gender diverse children**

Submitted by Transgender Europe and ILGA-Europe and endorsed by IGLYO

30 September 2020

**Transgender Europe (TGEU)** is a member-based organisation with 152 member organisations in 46 different countries. TGEU envisions Europe, Central Asia and the rest of the world free from discrimination, where each person can live according to their gender identity and gender expression without interference and where trans people are respected and valued. TGEU has been a vocal advocate for the rights of trans people at the EU, Council of Europe, and UN levels. <https://tgeu.org>

**ILGA-Europe** are an independent, international non-governmental umbrella organisation bringing together nearly 600 organisations from 54 countries in Europe and Central Asia. We are part of the wider international ILGA organisation, but ILGA-Europe were established as a separate region of ILGA and an independent legal entity in 1996. ILGA itself was created in 1978. [www.ilga-europe.org](http://www.ilga-europe.org)

**The International LGBTQI Youth & Student Organisation (IGLYO)** is a member-based youth and student network, with over 100 members in 40 Council of Europe countries. IGLYO’s vision is a world where we, young people in all our diversity, are able to express and define our own sexual orientations, gender identities, gender expressions and variations in sex characteristics, and are able to participate fully in all aspects of life, rise to our full potential, and enjoy respect and positive recognition. <https://iglyo.com>

### Introduction

This submission[[1]](#footnote-0) is to share information with the *UN Special Rapporteur on the right to privacy* on the **privacy rights of** **trans and gender diverse children** in the Europe and Central Asia region[[2]](#footnote-1) in relation to **legal gender recognition**, access to **gender affirming health care**, and **education**. The submission also covers the right to **privacy of children, whose parent is trans or gender diverse**.

TGEU, ILGA-Europe and IGLYO have appreciated country, annual, and thematic reports of the mandate that have included the particular privacy concerns of trans people. As part of its important work, the Special Rapporteur has recognised that privacy is of heightened concern for trans people when it comes to the recognition of their gender identity, the privacy management and mandatory recording of gendered information, and other areas.[[3]](#footnote-2) Privacy rights violations can expose trans people to discrimination and violence, for example when seeking healthcare services, going to the bank, or wanting to travel.[[4]](#footnote-3) The mandate has also recognised that coerced surgeries are also a violation of a person’s privacy.[[5]](#footnote-4) TGEU, ILGA-Europe and IGLYO also welcome the Special Rapporteur’s references to Yogyakarta Principle 6 on the right to privacy and the additional state obligations enshrined in the Yogyakarta Principles plus 10. We are eager to support the mandate’s efforts to direct more of its targeted attention to the right to privacy of trans and gender-diverse children and youth.

**Yogyakarta Principle 6** sets out that according to international human rights law, “everyone, regardless of sexual orientation or gender identity, is entitled to the enjoyment of privacy without arbitrary or unlawful interference”, and that this includes “the choice to disclose or not to disclose information relating to one’s sexual orientation or gender identity, as well as decisions and choices regarding both one’s own body”.[[6]](#footnote-5) In the following sections, the relevant state obligations under Principle 6 will be referenced, in addition to international and regional human rights standards established on the topic in recent years.

### The right to privacy of trans and gender diverse children with regard to legal gender recognition

1. Many trans people become conscious of their gender identity at a very early age[[7]](#footnote-6), and the number of trans children who come out early on is growing every year. Many trans children socially transition with the support of their parents before starting school or while in school. Parents of trans children have consistently affirmed that their children commonly expressed their gender identity from a very early age and were persistent in expressing their need for changing their name and gender marker.[[8]](#footnote-7) Studies indicate that trans children who are supported in their gender identity report more self-confidence,[[9]](#footnote-8) while trans children who are not allowed to transition face alarmingly high rates of anxiety and depression.[[10]](#footnote-9) Being respected in one’s chosen name is also linked to reduced depressive symptoms, suicidal ideation, and suicidal behavior among trans youth.[[11]](#footnote-10)
2. Regional and international human rights standards firmly affirm that children and young people have the right to change their name or gender marker, and to do that solely on the basis of self-determination. Self-determination in this context means that legal gender recognition (LGR) must not impose any requirements on those wanting to access it, such as mandatory examinations, third party opinions, a psychiatric diagnosis, medical interventions, surgeries, sterilisation, or divorce. For children, self-determination also means that the consent of their legal guardians are not needed. Legal guardians would still be the ones to file the child’s LGR application, as children do not have legal agency, but only as a purely practical step. Additionally, when the child’s legal guardians are not willing to file the application, another method for access to LGR should be available, such as filing through an appointed advocate.
3. Human rights mechanisms in the UN and the Council of Europe have established that any limitation of the right to gender recognition on the basis of age, whether it is a lower or upper age limit, is discriminatory. In Resolution 2048(2015) on Discrimination against Transgender People in Europe, the **Parliamentary Assembly of the Council of Europe** established that “[States must] develop quick, transparent and accessible procedures, based on self-determination; [and] make these procedures available for all people who seek to use them, irrespective of age”.[[12]](#footnote-11) The **UN Committee on the Rights of the Child** in its concluding observations on Chile, established that “States must take the necessary legislative, policy and administrative measures to recognise the right to identity of LGBTI children, including the gender identity of transgender children”.[[13]](#footnote-12) At national level, the **German Constitutional Court** for instance, established that “age limit for legal gender recognition is a breach of the equality provisions in the Civil Code and the Basic Law.”[[14]](#footnote-13)
4. The EU Fundamental Rights Agency found in its first LGBT Survey that almost half of trans respondents had a gender identity other than solely ‘male’ or ‘female’.[[15]](#footnote-14) In the second survey (2020), 51% of trans people identified as non-binary, agender, polygender, genderqueer, or genderfluid.[[16]](#footnote-15) Human rights mechanisms, including the **Parliamentary Assembly of the Council Europe[[17]](#footnote-16)** and the **UN Independent Expert on SOGI[[18]](#footnote-17),** have also affirmed that states should make available a multiplicity of gender markers, and not limit choices to male or female. Yogyakarta Principle 31 echoes the same obligation.[[19]](#footnote-18) At national level, **Germany’s** **Constitutional Court** for instance established in 2017 that mandatory sex registration in combination with the fact that only ‘male’ or ‘female’ options are available, constitute discrimination, and violate a person’s right to the free development of their personhood.[[20]](#footnote-19)
5. Regional and international human rights actors have also affirmed that in matters fundamentally affecting a child, the **child’s best interest** shall be at the core of decision making. This principle is clearly enshrined in Article 3(1) of the **UN Convention on the Rights of the Child** and in the **EU Charter of Fundamental Rights of the European Union**.In the context of legal gender recognition, Resolution 2048(2015) of the **Parliamentary Assembly of the Council Europe** sets out that “as concerns legal gender recognition, [States must] ensure that the best interests of the child are a primary consideration in all decisions concerning children.”[[21]](#footnote-20)
6. International standards have also clarified that when children exercise their right to express their views, their **age and maturity** must be taken into account, as for instance established by Article 12 of the UN Convention on the Rights of the Child. In the context of legal gender recognition, safeguards can in no way be stricter that in other life areas. The **UN Independent Expert on Sexual Orientation and Gender Identity** established in its thematic report on gender recognition, that States must “[e]nact recognition systems for the gender identity of trans and gender-diverse children, taking into account the best interests of the child as a primary consideration and respect for the child’s right to express views in accordance with age and maturity [...] and, in particular, in keeping with the safeguards [...], which must not be excessive or discriminatory in relation to other safeguards that give recognition to the autonomy and decisional power of children of a certain age in other areas.”[[22]](#footnote-21)
7. Nonetheless, trans children face significant, widespread barriers, as legal frameworks place arbitrary age limits on access to legal gender recognition, with no opportunity for the child’s participation in the decision. Failure to recognise and affirm the gender identity and/or expression is a violation of trans children’s right to privacy, and may also lead to serious impacts on the child’s life in areas of health, education, justice, and the home.
8. Children and young people are able to have their legal gender changed in 10 of the 41 countries in the region, where legal or administrative LGR procedures are in place. These countries are Austria, Croatia, Estonia, Germany, Iceland, Luxembourg, Malta, Norway, Spain, and Switzerland.[[23]](#footnote-22) In 13 countries, neither children nor adults can change their legal gender.[[24]](#footnote-23)
9. Despite the clarity of international human rights law on the issue, only two of the 54 countries in the region have ensured that children have the right to gender recognition and can exercise this right on the basis of self-determination.[[25]](#footnote-24) These are Luxembourg and Malta. In August, 2020 Denmark announced it would also remove all age-barriers in its self-determination based LGR process.[[26]](#footnote-25) In 9 of 17 regions in Spain, children of any age can also access LGR on the basis of self-determination.[[27]](#footnote-26)

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| **Recommendation #1**: We recommend the Special Rapporteur to call on Member States to establish legal gender recognition procedures that are quick, transparent, and accessible, solely based on self-determination, without requirement of parental consent, and without discrimination on the basis of age, in line with international human rights law. |

### The right to privacy of trans and gender diverse children with regard to gender affirming healthcare

1. **Yogyakarta Principle 6** on the right to privacy sets out that any laws that prohibit the expression of one’s gender identity, through dressing, speech or mannerisms, or that bars anyone to seek gender affirming care, must be repealed.[[28]](#footnote-27) Accordingly, children must be supported in the expression of their gender identity, and their access to general and trans-specific healthcare services, on the basis of self-determination. The **PACE Resolution 2048(2015)** affirms that gender affirming care must be accessible to all trans people and be covered by public insurance.[[29]](#footnote-28) **UN Special Procedures and the Committee on the Rights of the Child** added that gender affirming procedures must be based on informed consent and free from stigma, pathologisation and discrimination.[[30]](#footnote-29)
2. Trans children who socially transition (that means, living according to their gender identity) before puberty will often continue to transition medically when puberty starts, first using hormone blockers to suppress puberty development and later accessing gender confirming hormone therapy. Trans children and youth routinely face barriers and discrimination when trying to access trans-specific healthcare, such as counselling, hormone blockers and/or hormone replacement therapy. The gender identity or specific health needs of trans children are often overlooked, disregarded or even rejected. Trans children and their parents often encounter prejudice, lack of information or appropriate care in health services. Trans children are also frequently told that their identity is a “phase” and it is common practice in some States to use a “wait and see” approach to the provision of healthcare to trans children. Discrimination in healthcare has devastating consequences on the physical and mental health of trans children.[[31]](#footnote-30) Minors should have access to all services on the basis of self-determination and only receive affirmative professional care.
3. Principle 6 also sets out that all persons have the right to choose when, to whom, and how to disclose information about their gender identity and should be protected from arbitrary or unwanted disclosure, or threat of such information by others. The **Yogyakarta Principles plus 10** complement this with another state obligation to ensure that changes of the name or gender marker, as long as the latter exists, are not disclosed without the prior, free, and informed consent of the person concerned, unless ordered by a court.[[32]](#footnote-31)
4. Despite the clarity of international human rights law on the issue, trans children’s gender identity is frequently subject to unwanted disclosure by healthcare staff as well as towards other clients/patients (e.g. when using trans children’s unwanted names in waiting rooms). Regardless of gender markers in official documents, children’s trans status, medical history, name, and gender should be protected and only disclosed when, to whom, and how the child needs. Mechanisms should be in place to hold accountable those who do not comply with these standards.
5. In 2019, the World Health Organisation adopted the 11th edition of the International Classification of Diseases, and removed all trans-related categories from the Chapter on Mental and Behavioral Disorders. This means that trans identities are formally de-psycho-pathologised in the ICD-11. Regrettably, though it was strongly advocated for due to lack of need for medical interventions, the WHO failed to completely depathologise pre-pubertal trans children.[[33]](#footnote-32) The category Gender Incongruence of Childhood has been firmly criticised by trans organisations worldwide.[[34]](#footnote-33) There are ongoing efforts to ensure the removal of this category; Member States have a responsibility to speak out within the WHO in this regard. In a joint statement, the **UN Committee on the Rights of the Child, Special Procedures, and other regional human rights bodies**, had previously expressed concern about the continued pathologisation of trans children, based on international and national medical classifications.[[35]](#footnote-34) They warned that pathologisation contributes to stigma, discrimination, and violence against trans youth.[[36]](#footnote-35)
6. It is urgent that health professionals are properly trained in gender diversity matters to provide quality care. Healthcare legislation and protocols are needed that guarantee trans children’s right to have their gender identity recognised and respected in this setting and to ensure access to all needed services, including trans-specific healthcare, in a way that is compliant with human rights standards. The WHO’s position on the depsychopathologisation of trans people alone will not be enough to ensure the proper care that trans people, and especially trans children, deserve. It does however lay the foundation for the development of models of care that are based on human rights standards such as informed consent and self-determination.

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| **Recommendation #2**: We recommend the Special Rapporteur to raise awareness among Member States on the need to ensure that trans-specific healthcare is provided on the basis of self-determination, in accordance with human rights standards, and that it is available, accessible, affordable, and of quality for all trans people, especially for those further marginalised, such as trans youth. |

### The right to privacy of trans and gender diverse children with regard to education

1. Educational settings are commonly experienced as sources of fear and anxiety for many trans children and young people, and many face unacceptably high levels of bullying, harassment and violence in schools[[37]](#footnote-36). Trans children and youth are often forced to hide or disguise their gender identity to their school peers and teachers, due to the fear of bullying[[38]](#footnote-37) or not being supported. All across the region, there is currently a lack of attention about learners’ gender identities in school and their relation with anti-discrimination and bullying policies, curricula and learning materials, or school staff training.[[39]](#footnote-38) The particular difficulties of trans and gender-diverse children and youth have been extensively documented by the **UN Independent Expert on SOGI**[[40]](#footnote-39), **UNESCO[[41]](#footnote-40)**, **OHCHR[[42]](#footnote-41)**, and others.
2. Due to age or other restrictive requirements, legal gender recognition procedures might be inaccessible to young trans people, leaving them in a situation where their social role and outer appearance match their gender identity, but their official name and gender marker do not. In order to meet the needs of trans children and youth, schools need to ensure that all learners should enjoy the right to have their own name and gender recognised. Schools need to ensure that people’s gender identities are respected within all school documents such as class lists, but also certificates using the right name, pronouns, and gender marker. If the school is unable to create non-gendered spaces (i.e. toilets, gymnasiums, etc.), trans learners should be able to access gendered facilities that match with their gender identity.
3. Many schools still insist on calling students by their legal name, and force them to use gendered facilities according to their legal status instead of their gender identity[[43]](#footnote-42). When that happens, schools are actively discriminating against their trans students and inviting pupils to do the same, which creates a barrier to a safe learning environment.
4. Trans children and youth often face violence when using or attempting to use their school’s single-sex spaces[[44]](#footnote-43). The day-to-day situations of discrimination in these facilities, together with the increasing social and political attacks regarding this issue, create a very hostile environment, especially for children and youth, to make free use of these spaces. Similar to the experience of discrimination in all other areas of life, this one also has an impact on trans children’s exercise of rights, and on their physical and mental health. Trans minors should be allowed to use single-sex facilities that correspond to their gender identity and should be protected from discrimination and violence. Trans children are one of the main targets of the growing number of anti-trans attacks that are currently taking place in numerous European states.

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| **Recommendation #3**: We recommend the Special Rapporteur to encourage Member States to respect the gender identity and expression of students based solely on self-determination by ensuring:   * that they put in place strategies to create a safe and inclusive environment for trans students and consult them on their specific needs; * that they support trans students who transition socially, legally, or otherwise; * that students’ names and pronouns are respected by teachers and staff during class and also on class lists, exam results, etc.; * that trans students can safely access gendered facilities corresponding to their gender identity (e.g. bathrooms, changing rooms); * that trans students can participate in gender-specific activities according to their gender identity (e.g. gendered uniforms, gendered sports teams, distribution of rooms at school trips).   **Recommendation #4**: We recommend the Special Rapporteur to urge States to develop laws, policies, and plans at the national and local level that foster gender diversity as part of school curricula and activities;   * to revise and modify already existing materials that reinforce the gender binary, gender stereotypes and cisnormativity and therefore promote the stigmatisation and exclusion and discrimination of trans people; * to value and protect the visibility of trans teachers; * to train teachers on gender diversity. |

### The right to privacy of children with trans parents

1. Regulations impacting the lives of trans adults can have a grave impact on the privacy rights of their children. In countries where legal gender recognition is unavailable or inaccessible, children might be in a position where their parents are continuously and repeatedly outed. A child, whose parent presents as a woman, but whose documents say otherwise, might be subjected to inappropriate and intrusive questions in educational settings, and elsewhere.
2. In countries where LGR is available and accessible, trans parents may still face difficulties being recognised in their gender identity. In most countries for instance, a trans man who has legally transitioned and is legally male, will be featured on his child’s birth certificate as a mother, if he gave birth. There are a mere five countries in the region that recognise trans men as ‘fathers’: Malta, Belgium, Slovenia, and Sweden, joined by Denmark in August 2020. In most countries, trans women, who are legally female, will be recognised as ‘parent’ or ‘partner’, but not as ‘mother’, just like in the case of a cisgender lesbian couple. Malta is currently the only country in the region that recognises non-binary parents in their gender on birth certificates, using the gender-neutral term ‘parent’.
3. In the remaining countries, parents who have their gender legally recognised may still not be able to be recognised as a parent in their gender, both when changing their legal gender before or after the registration of their child. This means, even if trans parents have been able to change their own birth certificates and identity documents to reflect their current name and gender identity, their children’s birth certificates will still show their old name and gender marker. This leads to a situation where parents are unable to prove the relationship to their children before the authorities, since they have no document that links their children to them. This creates problems in simple everyday situations, but also when registering their children for school or simply planning a holiday. Many trans parents choose not to go for vacations abroad. Since they cannot prove their relationship with their child, they risk being rejected at the border or even suspected to be abducting their own child. Often the only way to prove their parental status is to disclose their own trans status and former name, which then in turn leads to discrimination and stigmatisation for the parent and the child. This situation excludes parents from fully exercising their parental rights and it violates the right of their children to grow up free from discrimination.
4. The requirement for divorce prior to legal gender recognition is still present in 20 countries[[45]](#footnote-44) in the region, embodying yet another way to discriminate against trans parents and ultimately their children. Forcing couples to divorce has strong negative consequences in terms of structure, wellbeing, legality and protection, and it violates children’s right to be united with their families.

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| **Recommendation #5**: We recommend the Special Rapporteur to raise awareness among Member States on the need to ensure that trans parents are recognised in their legal gender on their children’s documents, regardless of when they decide to legally transition. |

*For more information, please contact Jonas Hamm, TGEU’s policy officer at* [*jonas@tgeu.org*](mailto:jonas@tgeu.org)*.*

1. The submission was prepared on the basis of the joint submission “Towards an LGBTI-inclusive EU Strategy on the rights of the child (2021-2024)”, written by ILGA-Europe, TGEU, IGLYO and NELFA, in August 2020. [↑](#footnote-ref-0)
2. The scope of the submission covers 47 Member States of the Council of Europe, Kosovo, Belarus, and the five Central Asian countries Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan. [↑](#footnote-ref-1)
3. "Report of the Special Rapporteur on the right to privacy", United Nations General Assembly, 74th session, A/74/277, 5 August 2019, <https://undocs.org/en/A/74/277> [↑](#footnote-ref-2)
4. "Report of the Special Rapporteur on the right to privacy", United Nations General Assembly, 73rd session, A/73/45712 17, October 2018 [↑](#footnote-ref-3)
5. "Report of the Special Rapporteur on the right to privacy", Human Rights Council, 40th session, A/HRC/40/63, 27 February 2019 [↑](#footnote-ref-4)
6. The Yogyakarta Principles - Principles on the application of international human rights law in relation to sexual orientation and gender identity, March 2007, available at: <http://yogyakartaprinciples.org/> [accessed 30 September 2020] [↑](#footnote-ref-5)
7. European Commission (2020). Legal gender recognition in the EU: the journeys of trans people towards full equality. Luxembourg: Publications Office of the European Union. [↑](#footnote-ref-6)
8. Consider for instance “Willa's Story: Trans kids need to be listened to” <https://tgeu.org/willas-story-trans-kids-need-to-be-listened-to/>; “Jazz Jennings: When I First Knew I Was Transgender” <https://time.com/4350574/jazz-jennings-transgender/>; ‘I’m The Scary Transgender Person The Media Warned You About’ <https://www.youtube.com/watch?v=d3M2kd_VmeM>. [Last accessed 9 April 2020] [↑](#footnote-ref-7)
9. Olson KR, Durwood L, McLaughlin KA. Mental Health of Transgender Children Who Are Supported in Their Identities. Pediatrics March 2016, 137 (3) e20153223; DOI: https://doi.org/10.1542/peds.2015-3223 [↑](#footnote-ref-8)
10. ibid. [↑](#footnote-ref-9)
11. Russell, S., Pollitt, A., Li, G. & Grossman, A. (2018). Chosen name is linked to reduced depressive symptoms, suicidal ideation, and suicidal behavior among transgender youth. Journal of Adolescent Health. DOI: 10.1016/j.jadohealth.2018.02.003 [↑](#footnote-ref-10)
12. PACE (2015): Resolution 2048 (2015) "Discrimination against transgender people in Europe", adopted on 22 April 2015 (15th Sitting) [↑](#footnote-ref-11)
13. UN Committee on the Rights of the Child (CRC), Concluding Observations on Chile, CRC/C/CHL/CO/4-5 (2015), paras. 34-35*.*  [↑](#footnote-ref-12)
14. German Constitutional Court, 1 BvR 938/81, 16 March 1982 and 1 BvL 38/92, 40/92 and 43/92, 26 January 1993 [↑](#footnote-ref-13)
15. Fundamental’s rights Agency’s Survey, Being Trans in the EU – Comparative analysis of EU LGBT survey data, available at: <https://fra.europa.eu/sites/default/files/fra-2014-being-trans-eu-comparative-0_en.pdf> [last accessed 9 April 2020], pp 110. Of the 6579 trans respondents, 17% identified as transgender, 17% as trans women, 10% as trans men, 4% as female cross dresser, 4% as male cross dresser, 17% as transgender, 11% as gender variant and 36% as queer or other. [↑](#footnote-ref-14)
16. FRA (2020). EU-LGBTI II. A long way to go for LGBTI equality. Luxembourg: Publications Office of the European Union, p. 60. available at <https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-lgbti-equality-1_en.pdf> [accessed 30 September 2020] [↑](#footnote-ref-15)
17. PACE (2015): Resolution 2048 (2015) "Discrimination against transgender people in Europe", adopted on 22 April 2015 (15th Sitting), para. 6.2.4. [↑](#footnote-ref-16)
18. "Protection against violence and discrimination based on sexual orientation and gender identity", United Nations General Assembly, 73rd session, A/73/152, 12 July 2018 [↑](#footnote-ref-17)
19. The Yogyakarta Principles Plus 10 - Additional Principles and State Obligation on the Application of International Human Rights Law in Relation to Sexual Orientation, Gender Expression and Sex Characteristics to Complement the Yogyakarta Principles, 10 November 2017, *Principle 31 (c) ii and iii* available at: http://yogyakartaprinciples.org/wp-content/uploads/2017/11/A5\_yogyakartaWEB-2.pdf [accessed 30 September 2020], [↑](#footnote-ref-18)
20. 1 BvR 2019/16, decision of 10 October 2017, available at: <https://www.bundesverfassungsgericht.de/SharedDocs/Entscheidungen/DE/2017/10/rs20171010_1bvr201916.html> [last accessed 9 April 2020] [↑](#footnote-ref-19)
21. PACE (2015): Resolution 2048 (2015) "Discrimination against transgender people in Europe", adopted on 22 April 2015 (15th Sitting), para. 6.2.5 [↑](#footnote-ref-20)
22. "Protection against violence and discrimination based on sexual orientation and gender identity", United Nations General Assembly, 73rd session, A/73/152, 12 July 2018, para. 81a [↑](#footnote-ref-21)
23. TGEU (2020): Trans Rights Europe & Central Asia Index 2020, <https://tgeu.org/trans-rights-europe-central-asia-index-maps-2020> / [Last accessed 30 Sept. 2020] [↑](#footnote-ref-22)
24. ibid. [↑](#footnote-ref-23)
25. ibid. [↑](#footnote-ref-24)
26. Gennemgang af lovgivning på LGBTI-området. Rapport fra den tværministerielle arbejdsgruppe for LGBTI, August 2020, available at <https://mfvm.dk/publikationer/publikation/pub/hent-fil/publication/gennemgang-af-lovgivning-paa-lgbti-omraadet/> [accessed 30 September 2020] [↑](#footnote-ref-25)
27. TGEU (2020): Trans Rights Europe & Central Asia Index 2020, <https://tgeu.org/trans-rights-europe-central-asia-index-maps-2020> / [Last accessed 30 Sept. 2020] [↑](#footnote-ref-26)
28. The Yogyakarta Principles - Principles on the application of international human rights law in relation to sexual orientation and gender identity, March 2007, available at: <http://yogyakartaprinciples.org/> [accessed 30 September 2020], Principle No. 6 [↑](#footnote-ref-27)
29. PACE (2015): Resolution 2048 (2015) "Discrimination against transgender people in Europe", adopted on 22 April 2015 (15th Sitting), para 6.3.1 [↑](#footnote-ref-28)
30. OHCHR (2016): "Pathologization – Being lesbian, gay, bisexual and/or trans is not an illness" For International Day against Homophobia, Transphobia and Biphobia - Tuesday 17 May 2016, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=19956&LangID=E> [accessed 30 September 2020] [↑](#footnote-ref-29)
31. Anna Carlile (2020) The experiences of transgender and non-binary children and young people and their parents in healthcare settings in England, UK: Interviews with members of a family support group, *International Journal of Transgender Health,* 21:1, 16-32. [↑](#footnote-ref-30)
32. The Yogyakarta Principles Plus 10 - Additional Principles and State Obligation on the Application of International Human Rights Law in Relation to Sexual Orientation, Gender Expression and Sex Characteristics to Complement the Yogyakarta Principles, 10 November 2017, available at: <http://yogyakartaprinciples.org/wp-content/uploads/2017/11/A5_yogyakartaWEB-2.pdf> [accessed 30 September 2020], p. 18 [↑](#footnote-ref-31)
33. See “Gender incongruence of childhood” in the ICD-11: <https://icd.who.int/browse11/l-m/en#/http://id.who.int/icd/entity/344733949> [↑](#footnote-ref-32)
34. See for instance <https://transactivists.org/critique-and-alternative-proposal-to-the-gender-incongruence-of-childhood-category-in-icd-11/> [↑](#footnote-ref-33)
35. "Pathologization – Being lesbian, gay, bisexual and/or trans is not an illness" For International Day against Homophobia, Transphobia and Biphobia - 17 May 2016. <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=19956&LangID=E> [↑](#footnote-ref-34)
36. Ibid. [↑](#footnote-ref-35)
37. European Commission (2020). Legal gender recognition in the EU: the journeys of trans people towards full equality. Luxembourg: Publications Office of the European Union. [↑](#footnote-ref-36)
38. FRA’s LGBTI Survey II 2019 shows that between 15% and 37% of trans individuals (depending on their gender identity group) had experienced negative comments because of their gender identity regularly’. For most gender identity groups among trans respondents, fewer than one in five (20%) stated that they had ‘never’ received negative comments. [↑](#footnote-ref-37)
39. Ávila R (2018) LGBTQI Inclusive Education Report. IGLYO, Brussels. Available from <http://education-index.org> [accessed 30 September 2020] [↑](#footnote-ref-38)
40. "Protection against violence and discrimination based on

    sexual orientation and gender identity", United Nations General Assembly, 73rd session, A/73/152, 12 July 2018 [↑](#footnote-ref-39)
41. United Nations Educational, Scientific and cultural organisation (2016): Out in the open. Education sector responses to violence based onsexual orientation and gender identity/expression. Available at https://unesdoc.unesco.org/ark:/48223/pf0000244832 [accessed 30 September 2020] [↑](#footnote-ref-40)
42. “Discrimination and violence against individuals based on their sexual orientation and gender identity. Report of the Office of the United Nations High Commissioner for

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