

Electra Leda Koutra and Anastasia Katzaki v. Greece

[Case Law](#), [European Court of Human Rights](#), [Greece](#), [Sex Work](#), [Strategic Litigation](#), [Trans](#)

Detention and mistreatment of transgender sex workers and their lawyer.

(Application no. 459/16), 13 July 2017

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- According to the applicants, from May to June 2013, transgender persons were stopped by police officers on streets or taken out from inside of their cars and subsequently brought to a police station in Greece. The first applicant, a lawyer and human rights activist went to the police station – in order to represent a transgender woman – where she was mistreated by the police and placed in a cell for about 20 minutes. The applicants' complaints against the policemen in charge were discontinued by the Greece authorities.
- ILGA-Europe together with TGEU, Greek Transgender Support Association and International Committee on the Rights of Sex Workers in Europe addressed the following:
 - As the facts of the case were representative of wider patterns of state persecution of (trans) sex workers in Greece and beyond, which typically included assault and arbitrary arrests the submission provided available evidence of this within the broader context. Detailed studies on the situation in Eastern Europe and Central Asia show that **sex workers** are confronted with **high levels of violence from the part of state and non-state actors**. Physical and sexual violence by the police reportedly occurs in the course or under the threat of arrest and detention. 'Facially-neutral' regulations are often misused to persecute trans sex workers. Studies suggest that **trans sex workers** in Eastern Europe and Central Asia face higher levels of violence by police than their cisgender peers. Hate crime targeting trans people remains mostly unreported. Even when complaints are duly lodged, police often refuse to register or investigate the allegations in question, effectively blocking the victims' access to justice and safety.
 - Trans people in Greece experience severe isolation, discrimination, prejudice and exclusion on the basis of their gender identity, particularly in relation to accessing and holding employment. Robust and accessible gender recognition procedures are still lacking, leaving many trans people without documents and educational certificates that match their gender identity and thus hindering their access to the regular job market. In order to make ends meet, many trans women turn to sex work, suffering additional stigma as a result. **Trans sex workers often face systematic persecution**, in the form of **police crackdowns targeting marginalized groups**.
 - Regional and global standards underpin the States' **positive obligation to protect trans sex workers from violence**. This includes conducting effective investigation of transphobic crime, particularly when perpetrated by law-enforcement agents and taking into account a bias motive related to gender identity at the sentencing stage. Furthermore, **gender identity is a prohibited ground of discrimination** under regional and international law. The ECtHR has already found a procedural violation of Article 14 in conjunction with Article 3, based on the authorities' failure to undertake crucial investigatory steps, including an intersectional analysis, by taking into account the applicant's "**special vulnerability**" (*B.S. v. Spain*, no. 47159/08, 24 July 2012). National and other regional courts have followed the same approach.