

Report on the experience of the implementation of the Gender Recast Directive in Slovakia

(Compiled by TransFúzia, February 2011)

Transgender identity issues are very new to Slovak environment, even in the field of LGBT activism. Trans movement is almost non-existent. Bringing trans-related issues to the LGBT community, public and political authorities is only at its beginning. First informal initiative aimed to support transgender people – TransFúzia – has been established in March 2010 and is still in the process of becoming a formal, registered NGO. Existing LGBT organizations are open to collaboration and support but do not work on trans-related issues themselves. Therefore, information about transgender people's experiences with discrimination is very scarce. TransFúzia started challenging the system for the first time by helping a transgender woman discriminated in the labor market on the grounds of her transsexual status.

- Gender identity and sex identity are included in the Antidiscrimination Act in all required areas since 2008. They fall within one of the six main categories covered by this act – sex. There is not any court case known that would touch the subject of discrimination on the grounds of gender identity or sexual identity.
- The Antidiscrimination Act assigns responsibility for taking care of complaints about discrimination, including discrimination on the grounds gender identity and sexual identity to Slovak National Center for Human Rights (SNCHR), the national gender equality body. SNCHR's attitude towards trans-related discrimination is unknown as there was no case related to gender identity in their care. According to the experiences of LGBT organizations (which reported cases of discrimination based on sexual orientation), SNCHR's reaction is not adequately supportive. Their communication is elusive and their actions not satisfying. Thus, expectations of their approach to trans-related discrimination are very similar.

- Since autumn 2010 Slovak government has established an actual dialogue with NGOs for the first time. The communication touches LGBT issues in general, mostly sexual orientation, not focused specifically on implementation of Gender Recast Directive.
- There has been a promise from government officials of creating advisory body consisting of representatives of LGBT organizations. TransFúzia has a chance to become part of this body. The communication with the government representatives seems to be very open and the will to support LGBT causes on their side has been present. The government already supported one exhibition¹ touching the subject of holocaust and human rights of LGBT people by personal presence of its representatives at the opening, where a promise of further financial and political support of LGBT organizations and their actions has been made. However, the dialogue started in autumn 2010 only and it's too soon to evaluate the cooperation.
- No visible educational/awareness raising campaign related to the directive and gender reassignment issued from the side of a government has taken a place.
- Transgender people, after changing their legal gender status, formally become full members of the gender they choose with all the related rights. Thus, all issues related to the retirement age should be recognized by their preferred gender. However, there are no legal provisions related to the retirement mentioning specifically trans status. How do these provisions work in practice is unknown because there is not known any case of transgender person challenging the legal *status quo* in this area.

¹ The exhibition was action of LGBT organization Iniciativa Inakost' (Initiative Otherness). The opening was at the January 11th 2011.

- From the scarce information about transgender people's experiences on the labor market we have, we can surely assess that they suffer lots of discrimination, especially transgender women. People going through a legal change of gender tend to lose their jobs, especially at the working class level and have very low chance of finding a new one. They have a big chance to get trapped in a vicious circle of being trans-visible that makes almost impossible to find a job and earn money to pay for surgeries, which would lower the visibility. This seems to push them to the sex work area which makes them more vulnerable to further discrimination and violence.
- There is no possibility to change gender markers (usually name) on the documents proving achieved education, which makes it harder even for transgender people, whose trans status is invisible, not to “come out” at almost every job interview.
- When it comes to workplace related situations, there are neither specific guidelines nor law that an employer should follow, if the employee needs to undergo a trans-related surgery.
- Legal provisions covering gender reassignment are almost non-existent. There is possibility to change legal gender status in Slovakia (birth certificate, name, identity number, ID card, passport, driving license, etc.) but a complex legal provision related to trans issues is missing. Even when there are almost no legal provisions about gender reassignment, the biggest problem seems to lie in the medical practice, not in the law. The hardest part is to receive approval from the responsible medical specialist. Even when the law does not mention details about “sex change”, the medical practice forces transgender people go through physical changes and sterilization to provide them with the approval for change of documents, which is against human reproductive rights. There are very few doctors providing support to transgender people and from available information some doctors misuse legal vacuum and prolong unnecessarily the process of change. After receiving approval from a doctor, it is very easy to change all

needed documents, except documents about achieved education (leaving certificate, university diploma) with approximated costs for administrative fees up to the 20 €.

- Health insurance covers visits at medical specialists (usually sexologists) responsible for the gender reassignment process, health examinations related to the transgender issues, hormonal treatment and sterilization procedures (hysterectomy, ovariectomy, orchidectomy). Any other trans-related surgeries (mastectomy, laser depilation, voice change, facial surgeries, etc.) are not covered by insurance.
- The family law defines marriage as bond of a man and a woman and there is no legal recognition of same-sex marriage or civil partnership. This legal provisions, or their lack, force married transgender people going through the legal change of gender status to divorce or not to go through the change at all. Thus both choices create harm to both, the person and the family.