

HUMAN RIGHTS VIOLATIONS BASED ON GENDER IDENTITY AND EXPRESSION IN ESTONIA

SUBMISSION BY ETA - ESTONIAN TRANS ALLIANCE

TO THE 88TH SESSION OF THE UNITED NATIONS COMMITTEE ON THE ELIMINATION OF
DISCRIMINATION AGAINST WOMEN

I. Introduction

The following report has been developed by the [Estonian Trans Alliance \(ETA\)](#) - the only trans community-led NGO in Estonia in collaboration with the Estonian trans and gender-diverse community. It reflects the insights, experiences, and recommendations from ETA Team and gathered from a focus group held on April 6, 2024, in Tallinn, Estonia. The focus group convened both in person and online, allowing for a diverse range of voices and perspectives to be included in the development of this report.

The report was developed with substantive support of [GATE – Global Action for Trans Equality](#).

ETA is committed to advocating for the rights and well-being of transgender and gender-diverse individuals in Estonia. Through media engagement, community engagement, and policy advocacy, ETA works to address discrimination, promote equality, and advance the rights of transgender individuals across various spheres of society.

The insights shared during the focus group provide invaluable firsthand experiences and perspectives from members of the Estonian trans and gender-diverse community. These insights serve as the foundation for the recommendations presented in this report, which aim to address the challenges and barriers faced by transgender individuals in Estonia.

By amplifying the voices of the transgender and gender-diverse community, this report seeks to inform policymakers, stakeholders, and the wider public about the issues affecting transgender individuals in Estonia. It is our hope that the recommendations outlined in this report will contribute to positive change and meaningful progress towards greater equality and inclusion for all members of Estonian society.

In the spirit of collaboration and solidarity, ETA remains committed to working alongside policymakers, civil society organizations, and the broader community to advance the rights and dignity of transgender and gender-diverse individuals in Estonia. We invite all stakeholders to join us in our efforts to create a more inclusive and equitable society where every individual can live authentically and thrive free from discrimination and prejudice.

II. Overview

The State of Estonia, in its commitment to upholding the principles of equality and non-discrimination, has engaged with the Convention on the Elimination of All Forms of Discrimination Against Women through various reporting mechanisms. This overview encapsulates the key insights gleaned from Estonia's State Report, the List of Issues Prior to Reporting, and the State's Reply, particularly focusing on issues concerning transgender and gender-diverse individuals.

In the CEDAW concluding observations of 2016, concerns were raised regarding discrimination against lesbian, bisexual, transgender, and intersex (LBTI) women, particularly in the workplace. The Committee recommended addressing discrimination through awareness campaigns, legislative measures, and data collection. Furthermore, the Committee emphasized the importance of promoting equal access to the labor market for women belonging to minority groups, including transgender women.

The List of Issues Prior to Reporting in 2021 reiterated the need for comprehensive statistical data about marginalized women, including lesbian, bisexual, transgender, and intersex persons. It also called for information on amendments to the Equal Treatment Act to cover discrimination based on sexual orientation and gender identity, along with the involvement of women's organizations in policy planning.

In response to these concerns, the State of Estonia outlined efforts to promote LBTI women's access to the labor market through strategic partnerships with NGOs. The State emphasized its collaboration with the Human Rights Centre and the LGBT Association to support vulnerable groups, including transgender individuals. Additionally, the State highlighted ongoing initiatives to monitor and address discrimination in the workplace, as well as efforts to collect disaggregated data on hate crimes.

Despite these assertions, the ETA remains concerned that the answers provided by Estonia are overly general, lacking detailed information on specific actions taken to improve the situation for transgender and gender-diverse individuals in Estonia. ETA believes that a more comprehensive and transparent approach is necessary to address the systemic challenges faced by the transgender community and ensure meaningful progress towards equality and inclusion.

This overview underscores Estonia's commitment to addressing discrimination and promoting equality for transgender and gender-diverse individuals. It sets the stage for further examination of the challenges faced by the transgender community in Estonia and the recommendations put forth in this report to advance their rights and well-being.

III. Legal Gender Recognition Procedure in Estonia

In Estonia, the legal gender recognition (LGR) procedure is governed by the [Social minister's decree](#), which was enacted in 1999 and hasn't been revised since, which means that for 25 years, there hasn't been any progress by the state of Estonia to improve access to legal gender recognition and gender-affirming care. Also, the only document that is in place that covers LGR is a decree, which means that there are no laws governing and protecting trans people's right to LGR.

The process for legal gender recognition involves several complicated steps and requirements that can currently take a minimum of 5 years to complete. Firstly, individuals seeking legal gender recognition must have an F.64 diagnosis of “transsexualism” from a psychiatrist, and at least 2 years must have passed since the diagnosis to access gender-affirming care. F.64 is an outdated diagnosis and is not supported by the latest [ICD-11](#) by WHO. Although trans people may want and need psychiatric and/or psychological support for a variety of reasons, most of the medical services available in relation to gender transition – such as hormone replacement therapy, surgery, and voice therapy – are not psychiatric or psychological in nature and therefore should not require a diagnosis to access. Once the diagnosis criteria are met, individuals must submit an [application to the Ministry of Social Affairs](#) of the Estonian Government. The application is then sent to the gender identity committee, comprised of medical professionals from different fields. The applicant will need to meet with the committee two times to access LGR. Currently, at the time of writing this report, the minimum waiting time for the first appointment with the committee is 900 days (2.5 years). In comparison, the most critical time for a first appointment with a doctor in other healthcare areas is 100 days. If the committee approves the application, they will give you a referral for hormone therapy. However, that alone is not enough the Minister of Health will also need to sign a directive to allow each individual trans person access to gender-affirming care. This is the only health decision in Estonia that needs the signature of a minister. To access LGR, the applicant will need to meet with the committee again after a minimum of 2 years have passed. Then and only then, after a positive decision by the 2nd committee, may the applicant make an application to the Vital Statistics Office to issue a new name, gender marker and personal code reflecting the individual's recognized gender identity. It's important to note that this process is only accessible to binary trans people. Nonbinary people in Estonia cannot access gender-affirming care or LGR.

It's important to note that the legal gender recognition process in Estonia does not require individuals to undergo surgical procedures in order to be legally recognized in their affirmed gender. However, the requirement for medical treatment may present a barrier to legal recognition for some transgender individuals who are unable or unwilling to undergo medical interventions.

Overall, while Estonia has established a framework for gender recognition, there remain many areas for improvement, including streamlining the application process, ensuring accessibility to gender-affirming care, and addressing any remaining barriers to legal recognition. The ETA continues to advocate for the rights of transgender and gender-diverse individuals, including improvements to the legal gender recognition procedure to ensure full recognition and protection of their rights under the law.

IV. Summary of Key Problematic Areas

1. Access to Healthcare for Transgender and Gender-Diverse Individuals

During the focus group discussions, several significant **challenges regarding access to healthcare** for transgender and gender-diverse individuals in Estonia were highlighted.

- Accessing trans-specific healthcare services was described as challenging and bureaucratic, with long waiting times for hormone replacement therapy and other necessary treatments. The process was particularly arduous for Russian-speaking individuals, with limited access to inclusive and educated healthcare providers.
- Difficulties in accessing mental health support related to gender identity. Some recounted being denied psychiatric care or facing stigma and discrimination from mental health professionals, further exacerbating their mental health challenges.
- Understanding how to navigate the healthcare system and access trans-specific care was described as confusing and overwhelming. Participants noted the need for clearer information and resources to guide individuals through the process.
- Burdensome requirements for proving identity in order to access healthcare services. This process adds additional hurdles and delays for individuals already facing barriers to care.
- Pervasive lack of awareness and understanding of transgender experiences among healthcare providers, resulting in miscommunication, inadequate care, and the reinforcement of harmful stereotypes. Moreover, many individuals shared instances of encountering discriminatory attitudes and outdated language from healthcare professionals. Comments deemed as rude, hurtful, or outdated were reported, leading to distress and anxiety among individuals seeking care.

Based on the challenges, these are the **recommendations** that could be proposed by the CEDAW Committee to Estonia:

1. To simplify and expedite the process of accessing trans-specific healthcare services, including hormone replacement therapy and gender-affirming surgeries. This could involve reducing bureaucratic barriers, improving referral pathways, increasing the availability of trans-competent healthcare providers, and ensuring that trans-specific healthcare services are covered by public insurance.
2. To adopt legal gender recognition based on self-determination rather than solely relying on medical diagnoses. By adopting a self-determination model, Estonia can ensure that individuals have the autonomy to assert their gender identity without undue barriers or dependence on medical professionals' assessments.
3. To introduce comprehensive training programs for healthcare professionals to increase awareness, understanding, and sensitivity towards transgender and gender-diverse

individuals. This training should include up-to-date information on gender-affirming care, language use, and cultural competency.

4. To implement anti-discrimination policies and protocols within healthcare settings to address and prevent discrimination based on gender identity. This should include mechanisms for reporting and addressing instances of discriminatory behavior.

2. Workplace Discrimination Against Transgender and Gender-Diverse Individuals

The insights shared during the focus group discussions shed light on the pervasive discrimination and **challenges** faced by transgender and gender-diverse individuals **in the workplace** in Estonia.

- Apprehension entering the workforce due to a general lack of knowledge and understanding among employers about LGBTQI+ topics, including transgender issues. This lack of awareness contributes to environments that are not inclusive or supportive of transgender individuals.
- Transgender individuals often face stigma and hostility in the workplace, manifested through misgendering, harassment, and discriminatory attitudes. Participants recounted instances where their requests to use neutral pronouns were met with resistance, and their gender identity was dismissed or ridiculed by colleagues. Instances of gendered dress codes and policies were cited as barriers to gender expression and identity in the workplace. Participants recounted experiences where they were denied the ability to dress according to their gender identity, leading to feelings of discomfort and discrimination. Many shared experiences of having to educate employers and colleagues about transgender issues, pronoun usage, and the importance of creating inclusive environments.
- Challenges in accessing legal protections and support when facing discrimination in the workplace. Instances of reporting discrimination to authorities or seeking support from LGBTQI+ organizations often resulted in limited feedback or inadequate resolution of the issue.

Based on the challenges, these are the **recommendations** that could be proposed by the CEDAW Committee to Estonia:

1. To develop and implement comprehensive policies and guidelines specifically addressing workplace discrimination based on gender identity and expression. These policies should include provisions for gender-neutral dress codes and bathrooms, pronoun usage, and respectful treatment of transgender employees.
2. To engage in more meaningful consultation and collaboration with LGBTQI+ organizations and advocacy groups in the development and implementation of policies

and initiatives to address workplace discrimination. Ensure that the voices and perspectives of transgender individuals are actively sought and valued in decision-making processes.

3. To improve data collection and research efforts to better understand the prevalence and impact of workplace discrimination against transgender and gender-diverse individuals. Further use data to inform policy development, measure progress, and identify areas for intervention and support.

3. Access to Employment for Transgender and Gender-Diverse Individuals

The insights shared during the focus group discussions underscore the significant **barriers and challenges** faced by transgender and gender-diverse individuals in **accessing employment opportunities** in Estonia.

- Challenges related to legal document changes and gender marker updates, which can be time-consuming and complex. The inability to change gender markers legally and the lack of legal recognition contribute to feelings of invisibility and marginalization in the job market.
- Fear and anxiety about entering the job market due to societal binary norms and the lack of acceptance for transgender and gender-diverse individuals. Many felt pressured to conceal their gender identity or undergo a lengthy transition process, leading to feelings of vulnerability and insecurity.
- Intersectional discrimination faced by transgender individuals who are also older, disabled, or chronically ill. They described experiences of being deemed "too old" or facing additional barriers due to disability or chronic illness, compounding the challenges of finding employment.
- Concerns about limited acceptance in the workplace, fearing discrimination or rejection based on their gender identity. Some reported being advised to seek employment only in specific industries or large tech companies perceived as more accepting.
- The need for improved access to training and education for workplaces on transgender and LGBTQI+ topics.

Based on the challenges, highlighted here are the **recommendations** that could be proposed by the CEDAW Committee to Estonia:

1. To adopt legislation allowing transgender individuals to access legal gender recognition based on self-determination rather than through a lengthy bureaucratic process dependent on medical diagnoses.
2. To develop and implement comprehensive policies and guidelines addressing discrimination in employment based on gender identity and expression. These policies should include measures to promote equal opportunities, prevent discrimination, and create inclusive work environments for transgender and gender-diverse individuals.

3. To encourage employers to adopt gender-neutral job descriptions, eliminate bias in hiring processes, and create affirmative action programs to increase representation of marginalized groups.
4. To strengthen enforcement mechanisms to ensure compliance with anti-discrimination laws and policies in the workplace. This should include robust monitoring, investigation, and sanctions for employers found to engage in discriminatory practices based on gender identity or expression.

4. Legal Protections and Enforcement for Transgender and Gender-Diverse Individuals

The focus group discussions revealed significant **concerns regarding legal protections and enforcement mechanisms** for transgender and gender-diverse individuals in Estonia.

- Lack of awareness of their rights as transgender individuals and reported feeling uninformed about legal protections against discrimination and hate crimes. This lack of awareness contributes to a sense of vulnerability and powerlessness when facing discrimination or violence.
- Several participants recounted experiences where they or others witnessed hate crimes or faced discrimination but felt that the legal system was ineffective in addressing these issues. They described instances where the police either failed to intervene or even protected the perpetrators, exacerbating feelings of mistrust and insecurity.
- Participants cited barriers to reporting discrimination, including a lack of confidence in the legal system's ability to provide meaningful assistance. Some expressed skepticism that reporting incidents would lead to any significant action or resolution, leading to underreporting of discrimination and hate crimes.
- Transgender individuals reported instances of being misgendered and experiencing discomfort due to gendered language used in legal documents, reports, and interactions with authorities. This lack of recognition and respect for their gender identity reinforces feelings of marginalization and exclusion.
- Participants highlighted deficiencies in support networks for transgender individuals, particularly in cases of transphobic abuse or violence. They described instances where support services, such as child support networks, failed to adequately address the needs of transgender individuals, resulting in further harm and trauma.

Based on the challenges, highlighted here are the **recommendations** that could be proposed by the CEDAW Committee to Estonia:

1. To change hate speech and hate crime legislation so that it explicitly includes gender identity, gender expression, and sex characteristics as protected characteristics.
2. To introduce mandatory training programs for law enforcement officials on transgender awareness, cultural competency, and respectful treatment of transgender individuals.

Ensure that police officers are equipped with the knowledge and skills to effectively respond to incidents of discrimination and hate crimes.

3. To establish streamlined and accessible mechanisms for reporting discrimination and hate crimes against transgender individuals. Ensure that victims feel supported and empowered to report incidents and that complaints are investigated promptly and thoroughly.
4. To engage directly with transgender communities and organizations to solicit feedback, input, and guidance on policies and initiatives aimed at addressing discrimination and improving legal protections. Ensure that transgender voices are heard and valued in decision-making processes.

5. Community Support and Resources for Transgender and Gender-Diverse Individuals

The focus group discussions revealed significant **gaps and challenges in accessing community support and resources** for transgender and gender-diverse individuals in Estonia.

- Participants expressed frustration with the lack of comprehensive information on transgender healthcare and support services available in Estonia. Government resources were cited as often outdated or insufficient, leaving individuals to rely on informal channels and peer networks for guidance.
- Community support for transgender individuals largely relies on informal networks and peer-to-peer sharing of information. Participants described a sense of solidarity within the transgender community but noted the absence of organized government-led initiatives to provide support or resources.
- Community organizations, such as the Estonian Trans Alliance, Estonian LGBT Association and Peemoti Keskus, were highlighted as vital sources of support for transgender individuals, but they face challenges in securing funding and resources to sustain their operations. Participants emphasized the importance of government support for NGOs that provide crucial services to the transgender community.
- Participants called for better communication and information dissemination regarding transgender support services and resources, including clearer information on accessing the commission and other relevant organizations.

Based on the challenges, highlighted here are the **recommendations** that could be proposed by the CEDAW Committee to Estonia:

1. To develop and disseminate comprehensive information and guidance materials on transgender healthcare, support services, and resources. Ensure that government websites and publications provide up-to-date and accurate information to empower transgender individuals to access the support they need.
2. To increase funding and support for community organizations that provide vital services and support to transgender and gender-diverse individuals. Ensure sustained funding for

organizations like Estonian Trans Alliance, Estonian LGBT Association, Peemoti Keskus and other NGOs that play a crucial role in supporting the transgender community.

3. To enhance collaboration and partnership between government agencies and community organizations to enhance support for transgender individuals. Facilitate dialogue and cooperation to address gaps in services, improve communication, and strengthen the overall support network for transgender communities.
4. To ensure legal protections and safeguards for NGOs and community organizations that serve transgender communities. Ensure that these organizations are able to operate freely, without fear of discrimination or reprisal, and have access to resources and support to fulfill their mission effectively.

V. Summary of Recommendations

The Estonian Trans Alliance developed **recommendations for action to address the challenges faced by transgender and gender-diverse individuals in Estonia**. These recommendations highlight the need for legal reforms, improved healthcare practices, and increased support for community organizations.

1. To align the transgender healthcare system with human rights principles, including removing mandatory psychiatric evaluations and adopting informed consent-based approaches to healthcare; and to ensure that transgender individuals have access to gender-affirming healthcare without unnecessary barriers or gatekeeping.
2. To simplify and streamline the legal recognition process for transgender individuals, which includes removing bureaucratic barriers to access gender-affirming care and implementing a self-determination act to make legal changes easier.
3. To develop comprehensive information and guidance on the legal gender recognition process, which includes clear information about the steps involved, the rights of transgender individuals, and resources available to support them through the process.
4. To enact hate speech and hate crime legislation that explicitly includes gender identity, gender expression, and sex characteristics as protected characteristics.
5. Call for increased funding and support for NGOs and community organizations that provide essential services and support to transgender and gender-diverse individuals and to ensure that these organizations have the resources they need to fulfill their missions effectively and sustainably.
6. To introduce comprehensive education and awareness programs aimed at medical professionals, educators, employers, and social workers. Provide accurate information about transgender issues, rights, and best practices for supporting transgender individuals in various contexts.

By implementing these recommendations, Estonia can take concrete steps towards creating a more inclusive, equitable, and supportive environment for transgender and gender-diverse individuals, ultimately upholding their rights and dignity.