

13 December 2025

**TO:**

**Ms Ana Carla Pereira**

Director, Equality and Non-Discrimination

*Directorate-General for Justice and Consumers (DG JUST)*

*European Commission*

**CC:**

**Ms Ana Gallego**

Director-General

*Directorate-General for Justice and Consumers (DG JUST)*

*European Commission*

**Ms Karen Vandekerckhove**

Head of Unit, Gender Equality

*Directorate-General for Justice and Consumers (DG JUST)*

*European Commission*

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## **Request for clarification concerning statements made during the DG JUST/CERV Slovenia webinar on gender mainstreaming**

Dear Ms Pereira,

Athena Forum is a European initiative working on sex-based rights in law and policy, as well as on democratic processes and institutional accountability.

We are writing in relation to the webinar “*DG Justice funding – workshop on gender mainstreaming in project proposals*”, organised by the European Commission together with the Slovenian National Contact Point of the CERV programme and published on 12 March 2024. The recording is publicly available.

During the webinar, Mr Rafael Stein, Programme Manager in the Directorate-General for Justice and Consumers, responded to a question concerning data collection by stating:

**“Of course, the Commission respects the right of people to self-determine their gender.”**

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democratic values and political courage.**

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While noting with concern that, throughout the webinar, the term “gender” is used in a manner that appears to depart from the only legally established definition of this term contained in the Istanbul Convention, to which the European Union has acceded, we respectfully request that the Commission clarify the following:

1. On what legal basis the Commission asserts the existence of a “right of people to self-determine their gender” within the EU legal framework.
2. How this assertion is understood to align with EU primary and secondary law, which defines discrimination with reference to sex and does not codify a right to self-determine one’s gender or one’s sex.
3. Whether the Commission considers laws governing the recording of legal sex in official documents, including birth certificates, passports, identity cards and other national civil-status documents, to fall within the legal competence and mandate of the European Union, and, if so, on which Treaty competence this understanding rests.
4. How this categorical assertion is reconciled with differences in Member State legislation, given that several Member States do not legally recognise a right to self-determine one’s sex, while others permit changes to legally recorded sex only subject to specific procedures and conditions.
5. How this assertion is reconciled with EU-wide requirements for sex-disaggregated data collection, including data gathered by Eurostat and Member State reporting obligations in areas such as equality and non-discrimination, health and crime statistics, including violence against women, sexual violence, rape and homicide, as well as other domains where sex-based data is required.

We would appreciate the Commission’s clarification on the points set out above. Given the public nature of the statements concerned and their potential implications for the interpretation of EU law, we consider such clarification to be of importance for public understanding and legal certainty.

We thank you for your attention to this matter and look forward to your response.

Yours sincerely,  
Faika El-Nagashi  
Director, Athena Forum

*This correspondence will be made public.*

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