Hungarian Government Outlaws Legal Gender Recognition

article, legal gender recognition

The omnibus bill that makes legal gender recognition impossible for trans people comes into effect after it was voted in favour by the Hungarian Parliament last week and signed into law by Hungarian President János Áder yesterday. Article 33 of the bill replaces the category of “sex” with one of “sex assigned at birth” on the civil registry. As a result, the category will be unchangeable in all identity documents and trans people will not be allowed to have their gender legally recognised.

The omnibus bill that curtails trans and intersex peoples rights was proposed on the 31 March 2020, and has been widely criticised both domestically and internationally by the Council of Europe Commissioner for Human Rights, the European Parliament, the United Nations Special Procedures, and others.

TGEU firmly condemns this law for violating trans people’s right to gender recognition, denying them the right to self-determination, and going against international human rights standards.

The European Court of Human Rights (ECtHR) established a positive obligation for European states to provide legal gender recognition. The aim of gender recognition legislation must be to protect individuals’ right to private life, as guaranteed by the “Right to Private and Family Life” of the European Convention on Human Rights, Article 8. The European Court of Human Rights has repeatedly ruled on gender identity recognition and its conditions, strengthening the human rights of trans people, namely privacy, the right to a fair trial and the right not to be discriminated against.

We call upon the European Union to strengthen their efforts in denouncing this action. TGEU is committed to continuing advocating for the right to legal gender recognition in Hungary, lead by the local organisation Transvanilla, together with regional partner organisations. We ask you to stay tuned for news and upcoming calls to action.

We encourage you to join Transvanilla in their latest call to action, sign to support the trans and intersex Hungarian community, and ask the government to provide the possibility for legal gender recognition. You may also support their efforts by joining the petition directed at Ursula von der Leyen, President of the European Commission to condemn the Hungarian government for this action and ensure all possible tools are being used to protect this fundamental right.

We call upon the President and Government of Hungary to respect the human rights of trans and intersex people. We urge them to abide by European law, particularly Article 8 of the European Convention on Human Rights.

“Discrimination against trans people in Hungary is widespread and there is no access to justice. The passing of the bill will not stop us from intensifying all advocacy efforts. We will continue to fight and will explore all court processes. For the Hungarian trans community it is crucial that allies express solidarity in our fight against this bill and show that we are not alone,” said Tina Kolos Orban, Vice president of Transvanilla.

This law is not only a set back for the rights of trans and intersex people but it exposes them to further discrimination and violence in an already hostile environment. In addition, it poses a threat to the exercise of further rights such as access to health, education or the labour market. It excludes them from their full participation and contribution to society.

Masen Davis, Interim Executive Director of TGEU, says, “Denying access to legal gender recognition is a severe violation of trans people’s human rights and we will not remain silent during this attack on the trans community. The action taken by the Hungarian Parliament further marginalises trans people at a moment when protections are especially needed.”

TGEU urges allies and trans communities to reach out to the Hungarian trans and intersex people and share solidarity during this difficult period.

We will be updating our own call to action very soon.

Check out the press release by TGEU, ILGA-Europe, IGLYO, and OII Europe condemning the decision of Hungarian Parliament.

Check out the latest press release by our member organisation Transvanilla.

Keep informed on the latest developments through Transvanilla’s website, Twitter and Facebook account.