Supreme Court reforms legal gender recognition process in Poland

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TGEU — Trans Europe and Central Asia welcomes the landmark decision of the Polish Supreme Court on 4 March 2025, which significantly reforms the legal gender recognition (LGR) process in Poland. The Court's ruling means trans people will no longer be required to sue their parents to amend their gender marker on official documents, ending a deeply harmful and humiliating practice that has been in place since 1989.

According to the Court's decision, cases for gender recognition will now be handled through non-contentious proceedings, with applications submitted directly by the trans person concerned. This marks a substantial improvement in respecting the dignity and autonomy of trans people in Poland.

However, we note with concern that the Court explicitly stated that married people will not be able to have their birth certificates corrected, effectively maintaining a forced divorce requirement that violates fundamental rights to family life. Additionally, the decision leaves significant questions unanswered regarding the documentation required for legal gender recognition, the potential appointment of court experts, and the process for minors seeking gender recognition.

TGEU Expert Advisor and legal gender recognition lead, Richard Köhler, stated:

> "While this decision represents a crucial step forward for trans rights in Poland, we remain cautious about celebrating a ruling from a court whose independence has been seriously questioned. The removal of the requirement to sue one's parents is long overdue, but a comprehensive legal framework for gender recognition based on self-determination is still not in place. We urge Polish authorities to build on this momentum and establish clear, accessible procedures that respect the human rights of all trans people, regardless of their marital status or age."

We also express our concern about the Court's legitimacy, given that many of its members are so-called 'neo-judges' appointed through processes that have raised serious questions about judicial independence in Poland. This ruling, while positive in substance, should not be used to whitewash broader concerns about the rule of law.

The decision comes at a time when trans rights are under increasing pressure across Europe, with Bulgaria and Hungary implementing anti-LGBTI legislation. We call on the European Commission to closely monitor the implementation of this ruling and ensure that Poland develops a gender recognition procedure that fully complies with European human rights standards.

For trans people in Poland, this decision opens a window of opportunity for a more dignified recognition process, though uncertainty remains about implementation and the handling of ongoing cases. TGEU will continue to work with local partners, including Fundacja Trans-Fuzja and Lambda Warsaw, to monitor developments and advocate for further improvements.

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