TGEU condemns Hungary's removal of protections for trans people amidst the Budapest Pride ban

article, anti-gender movement, legal gender recognition, non-discrimination

On the occasion of the banned Budapest LGBTI Pride, TGEU – Trans Europe and Central Asia stands in solidarity with all trans people in Hungary, whose fundamental rights are under unprecedented attack. The ban on LGBTI-related public assemblies, including Pride marches, is a stark reminder of eroding freedoms. However, our gravest concerns centre on the deeper legislative changes that are systematically dismantling the rights of trans people and legal protections in Hungary affecting the other 364 days in the year. **This includes the recent removal of non-discrimination protections for trans people, enshrining the gender binary into the constitution, and the ban on legal gender recognition – all in defiance of EU law. On these, the Commission needs to take the formal steps paving the way for an infringement procedure against Hungary.**

Failing to address Hungary's flagrant disrespect of EU values and law sets a dangerous precedent that threatens the integrity of the EU legal order itself. The constitutional erasure of trans and non-binary people is not an isolated threat. This is an assault on the very fabric of equality, inclusion, and human rights within the European Union. **Decisive action from the EU is paramount in protecting trans and non-binary people in Hungary.**

Removal of EU legal protections

In its 15th amendment to the Fundamental Law, the Fidesz-government removed 'gender identity' as a protected characteristic from its Equal Treatment Act (Bill T/11153). The removal of 'gender identity' as a protected characteristic means that trans people in Hungary are effectively left without adequate protection against discrimination in employment and equal access to goods and services. This lack of protection violates key EU Directives such as:

- **The Gender Recast Directive (Directive 2006/54/EC) on equal opportunities and equal treatment of men and women in matters of employment and occupation,**
- **The Goods & Services Directive (Directive 2004/113/EC) on equal treatment between men and women in the access to and supply of goods and services,**
- **And the Pay Transparency Directive (Directive 2023/970, which amends Directive 2006/54/EC), concerning the application of the principle of equal pay for equal work or work of equal value between men and women.**[1]

These directives, which aim to ensure gender equality, require Member States to address discrimination, including discrimination directed at trans people. By implementing these amendments, Hungary fails to uphold these fundamental principles of EU law and its obligations towards trans people.

Compounded anti-trans measures

Hungary's recent constitutional amendment, which **enshrines a binary definition of gender**, is a **direct assault on the human rights and dignity of trans and non-binary people**. As the explanatory memorandum clarifies, this constitutional entrenchment of the gender binary deliberately creates a legal framework that makes changing

gender markers and other gendered personal data in key documents ('legal gender recognition') impossible. It **erases the very existence of trans and non-binary people and denies them equal protection under the law**. This alarming development solidifies discrimination at the highest legal level and contradicts any genuine concern for children's wellbeing by suppressing factual information about gender diversity.

Continuous disregard for the Rule of Law

Many trans and non-binary people in Hungary face a future where their identity documents do not match their lived reality, exposing them to pervasive discrimination, harassment, and exclusion from basic services and opportunities. The constitutional change follows Hungary's 2020 **ban on legal gender recognition (LGR).**. This ban **deprives trans people of their fundamental right to legal recognition of their gender identity**. This systematic discrimination shows Hungary's **clear lack of intent to implement the recent Court of Justice of the European Union (CJEU) ruling in the *Deldits* case**. In this case, Hungarian authorities were found to have violated EU law, specifically **Articles 5 and 16 of the General Data Protection Regulation (GDPR)**, by refusing to amend a trans man refugee's asylum register entry. By constitutionally enshrining a gender binary, Hungary signals its intention to continue violating EU law despite clear judicial direction.

These actions also **contravene established European Court of Human Rights (ECtHR) case law**, which has consistently recognised the right to legal gender recognition in cases such as *Christine Goodwin v. UK* (2002), *A.P., Garcon and Niçot v France* (2015), and *X v. The Former Yugoslav Republic of Macedonia* (2019) and decisions specific to Hungary that critique the lack of LGR procedures including:

- ***Rana v Hungary***
- ***R.K. v Hungary***
- ***and E.G. and others v Hungary***.

This body of ECtHR case law also triggers obligations under the EU Fundamental Rights Charter – as per Article 52.2 the Convention provides for minimum standards for similar Charter-articles, such as the respect for the right to private life (Article 7 FRC).

A breach of EU fundamental values

TGEU firmly asserts that these actions – the constitutional amendment enshrining a gender binary and the continued ban on legal gender recognition and the removal of discrimination protections – represent a **clear breach of Article 2 of the Treaty on European Union (TEU)**. Article 2 TEU enshrines respect for human dignity, freedom, democracy, equality, the rule of law, and human rights, including the rights of persons belonging to minorities, as confirmed by CJEU Advocate General Tamara ?apeta.[2]

Calls to action

We call upon the European Commission and European lawmakers to take immediate and decisive action:

- **Initiate formal dialogue with Hungary** for its undeniable **failure to comply with EU law** and to respect CJEU interpretative rulings, particularly concerning the **non-implementation of the *Deldits* case** (in light of **Articles 5 and 16 GDPR**), as well as all three **ECtHR decisions condemning Hungary for its lack of legal gender recognition procedures.**.
- Furthermore, i**nitiate formal talks with Hungary,** inquiring how the Member State plans to uphold its obligations towards trans people stemming from the **Gender Recast Directive (Directive 2006/54/EC)**, the **Gender Goods & Services Directive (Directive 2004/113/EC)**, and the **Pay Transparency Directive (Directive 2023/970)**, after effectively removing non-discrimination protections for trans people.

- **Take immediate action** on the above **and start infringement procedures against Hungary**, should the dialogues not show the existence of effective measures.
- **Freeze all pending EU payments to Hungary** until fundamental rights for LGBTI people are fully restored in the country.
- **Consider triggering Article 7.1 proceedings** due to the systematic nature of these severe rights violations.

Together we can defeat the bully. TGEU remains committed to working with EU institutions, willing Member States and civil society to hold Hungary to account for its anti-trans actions.

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Footnotes

1. Recital 3 ‘Gender ReCast Directive’ (Dir 2006/54/EC) and recital 5 ‘Pay Transparency Directive’ (Dir 2023/970) clarify discrimination related to the ‘gender reassignment’ of a person is encompasses by the respective Directive. The Council of the European Union (employment, social policy, health and consumer affairs), held in Luxembourg on 4 October 2004, equally protects a person against ‘gender reassignment’ discrimination under the ‘Gender Goods & Services Directive’ (Dir 2004/113/EC) ??
2. §62 Opinion of Advocate General ?apeta in *European Commission v Hungary (Case C-769/22)*, on 05 June 2025 (ECLI:EU:C:2025:408) ??