Venice Commission Condemns Hungary's Legal Gender Recognition Ban

article, non-discrimination, self-determination

At its 127th Plenary Session on 2 and 3 of July 2021, the Venice Commission adopted a report that finds the constitutional amendments legislated by the Hungarian parliament in December 2020 to not be in line with international human rights standards.

The Commission referred to various international human rights bodies and experts who have asserted that all individuals have a 'right to a self identity' based not only on their 'sex at birth' (as the Hungarian amendment suggests), but also on the basis of their 'gender'.

The Venice Commission recognises that both the sex and gender of a person should lead to the right to self-determination.

The Commission calls on Hungary to repeal the amendment and protect the rights of children to self-identify. It also recommends that the system of birth registration and subsequent legal recognition of gender identity comply with non-discrimination requirements of both international human rights law and applicable Hungarian non-discrimination norms, which are to be applied in a strict manner.

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