



## **Hungary rolls back legal protections, puts trans and intersex people at risk**

***TGEU, ILGA-Europe, IGLYO, and OII Europe condemn decision of Hungarian Parliament to follow the government and restrict access to fundamental rights for trans and intersex people.***

On 19 May 2020, following weeks of international outcry, the Hungarian Parliament voted 133 in favour, 57 opposed, to approve an omnibus bill, one article of which replaces the category of “sex” on the civil registry with one of “sex assigned at birth”.

The article within the omnibus bill, Article 33, amends the civil registry document, which is used as the basis for all legal identity documents for Hungarian citizens. Replacing the changeable characteristic of “sex” with an immutable one, “sex assigned at birth”, in practice Hungary has made legal gender recognition, the process by which trans and intersex people can bring their documents into alignment with their gender identity, impossible.

Before the proposal of this omnibus bill, the situation was bleak for trans and intersex Hungarians. According to the Second LGBTI Survey of the Fundamental Rights Agency, published last week, 76% of trans Hungarians believe that the Hungarian government “definitely does not effectively combat prejudice and intolerance against LGBTI people”, compared to an EU-28 average of only 38%. Additionally, 84% of trans respondents in Hungary reported that the main reason for increasing prejudice, intolerance, or violence in the country was “Negative stance and discourse by politicians and/or political parties”.

The international response was significant, with thousands of posts using the hashtag #drop33, referring to the specific article of the bill, as well as statements from the Council of Europe Commissioner for Human Rights, the European Parliament, the United Nations Special Procedures, and many more

Katrin Hugendubel, Advocacy Director for ILGA-Europe, said, “Legal gender recognition is the bedrock of access to equality and non-discrimination for trans and intersex people. Without it, these populations are subject to immense stigma, discrimination, harassment, and violence every time they use their identity documents – be it at the bank, when going to the doctor, when applying for a job, or even when applying for a cell phone contract.”

Dan Christian Ghattas, Executive Director of OII Europe, continues, “Intersex people can also need access to legal gender recognition, and are subject to discrimination and stigma when that is not possible. According to the FRA Survey, 21% of intersex Hungarians believe that barriers to legal gender recognition are their biggest obstacle.”

The European Court of Human Rights has consistently and clearly asserted that legal gender recognition falls within the right to private and family life in the European legal framework, specifically protected by Article 8 of the European Convention on Human Rights. ECtHR jurisprudence indicates that the personal characteristic of “sex” is one that, so long as it is publicly recorded by States, should be possible to change to protect the human rights of trans and intersex people to private and family life, to health, to found a family and marry, and to recognition before the law.

“We are dismayed by this decision to roll back established rights,” says Masen Davis, Interim Executive Director of Transgender Europe. “Trans and intersex Hungarians, as all people in Hungary, should have their human rights equally protected and without discrimination.”

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*FRA Data available from: <https://fra.europa.eu/en/data-and-maps/2020/lgbti-survey-data-explorer>*