Hungary: Legal Gender Recognition Gets Legal Basis for the First Time

Hungary had until recently no legal basis for legal gender recognition. The procedure was not transparent and requirements were opaque. In November 2016, the responsible ministry stopped processing any applications under the old procedure altogether. On Dec 20, 2017, a new decree was added to the Hungarian birth registry regulations, estbalishing for the first time the legal basis for an application for legal gender recognition. However, the decree fails to meet basic human rights requirements and would need further improvements.

See below article for more information.

Hungary was the second last country in the European Union to not have a legal basis for legal gender recognition.

Congratulations to Transvanilla and everyone who worked hard for years to secure this right for trans people!

Transvanilla welcomes the modification of the government decree regarding legal gender recognition

As we previously related in a news brief, the evaluation of gender and name change applications has resumed, after pending since November, 2016. The process was relaunched based on a government decree issued on December 20, 2017, which contains the following new paragraph concerning the change of gender:

§7. The registry bureau responsible for name changes in case of request for a change of gender and the change in given name issuing from this, will notify the birth registry bureau 8 days after the arrival of the supporting medical expert opinion so that changes can be made to the birth certificate. The registrar will make changes to the birth certificate based on the notification of the registry bureau responsible for name changes and the certified photocopy of the medical professional's supporting opinion.

– Unofficial tranlsation by Transvanilla

With this, our request has been met for the procedure of change of gender and name to be established legally. Transvanilla welcomes the creation of the new paragraph within Government Decree 429/2017 (XII.20) on detailed regulations regarding birth registry. At the same time, we express our concern that changing the registered gender still clearly remains a medical issue, mandatorily connected to a medical expert opinions, and that the right of self-determination cannot be exercised.

However, it is also important to call attention to the fact that while this law rectifies a deficiency in its own way, it does not solve most of the existing problems. It does not express which body is responsible for issuing the required medical expert opinion and also does not specify the terms and conditions or deadlines which they must meet.

Our standpoint is that the procedure regarding legal gender recognition is still not quick, transparent, or accessible, and it is also problematic that, instead of self-determination, it is based on medical opinions. In order to increase the level of transparency, we send a written request to the Department of Public Health, Epidemiology, Health Management and Care in the State Secretariat for Health Care at the Ministry of Human Resources for information regarding the professional background and future of medical regulations.

Budapest, January 29, 2018

Transvanilla Transgender Association