Major Win for Non-Binary People in Austria

article, legal gender recognition, non-discrimination

TGEU warmly welcomes the decision of the Austrian Constitutional Court (E 1297/2025-11, 18 December 2025), which grants a non-binary applicant the right to have their gender marker removed from the civil registry.

This judgment marks a crucial step forward for legal gender recognition in Austria and strengthens the protection of everyone's right to self-determined gender identity.

In this case, the applicant sought the removal of their gender marker, after years of restrictive interpretations by Austrian authorities that limited recognition of non-binary identities to intersex people. The Court ruled that this constitutes discrimination. Referencing the European Court of Human Rights' case law on the right to private life for trans people, the Court affirmed that everyone, regardless of their sex characteristics, must have access to accurate or neutral gender registration options.

The Court reiterated that only 'serious' gender identities would be legally recognised and noted that registry offices may, where needed, consult expert opinions. TGEU stresses that this must not become a new gatekeeping tool. The focus should remain on facilitating, not obstructing, individuals' fundamental right to self-determination.

> **"This is a landmark judgment reaffirming that everyone deserves recognition and respect, no matter whether they identify as male, female, both, or neither",**

said Richard Köhler, TGEU Expert Advisor and lead on strategic litigation and legal gender recognition.

> **"We call on the Ministry of Interior to swiftly and fully implement the ruling—ensuring inclusive procedures for both intersex and endosex non-binary people",**

Richard Köhler adds.

TGEU thanks and congratulates the activists, legal team, and community organisations behind this milestone for equality and self-determination in Austria.

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