Slovakia’s new binary constitution erases trans existence

article, anti-gender movement, non-discrimination, resilience against anti-gender ideology

We strongly condemn the constitutional amendment passed by the Slovak Parliament on Friday, 26 September, which restricts legal gender recognition to a binary framework of ‘male’ and ‘female’ only.

“This discriminatory constitutional change does nothing to improve the lives of Slovaks, but to seed sorrow and fear. It only seeks to erase non-binary people from legal existence,” said Richard Köhler, TGEU Expert Advisor and Senior Policy Officer.

“Non-binary people have the same fundamental rights as everyone else, including the right to legal recognition and freedom from discrimination. This amendment is a dangerous distraction from genuine political challenges, designed to create unnecessary conflict with the EU rather than address the real concerns of Slovak people.”

Deekshitha Ganesan, TGEU’s Policy Manager adds: “TGEU condemns this latest effort in Slovakia to erase the existence of trans people. We are deeply concerned by the constitutional amendment that enshrines the recognition of only two genders in the Slovak Constitution and puts Slovakia on the same level as Hungary in its disregard for EU law and values, the rule of law, and respect for human rights.”

This move is a continuation of a series of measures taken by the Slovak government to dismantle the rights of trans people, after several attempts to ban LGR (legal gender recognition).

The amendment directly contravenes EU law, which guarantees equal treatment and protection from discrimination for all people, regardless of their gender identity, as confirmed by recent CJEU case law in the Mirin case and the opinions of Advocates General ?apeta (Commission v Hungary) and de la Tour (Shipov). The simultaneous provision seeking to undermine the primacy of EU law represents a troubling rejection of Slovakia’s commitments as an EU member state.

TGEU calls on the European Commission to immediately open an informal dialogue with the Slovak government regarding compliance with EU law – the first step toward an infringement procedure – and to move swiftly toward formal proceedings.

As Robert Furiel, Director of TGEU member organisation Saplinq o.z., powerfully stated: “Truth and love will always triumph over lies and hate in the end.” The trans and non-binary community in Slovakia and across Europe will not be erased.

Your support makes change possible

We work across Europe and Central Asia to advance trans rights, build strong communities, and drive change through research, advocacy, and community-building.

Your donation helps us continue this vital work — defending trans lives, amplifying trans voices, and advocating for justice every day.

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