

URGENT ACTION

PROTECT TRANSGENDER AND INTERSEX PEOPLE'S RIGHTS

On 28 May Hungary's President signed a new law adopted by parliament on 19 May and whose Article 33 bans legal gender recognition for transgender and intersex people in violation of their human rights. Hungary's Commissioner for Fundamental Rights must now urgently stop this law by requesting a review by the Constitutional Court. If the Commissioner fails to act quickly, the ban will be a flagrant attack on transgender and intersex people's rights and will legitimise an increase of attacks and hate crimes against them.

TAKE ACTION: USE THIS MODEL LETTER or WRITE AN APPEAL IN YOUR OWN WORDS

Dr. Ákos Kozma
Commissioner for Fundamental Rights
Office of the Commissioner for Fundamental Rights
Budapest Pf. 40
1387
Email: panasz@ajbh.hu

Dear Commissioner for Fundamental Rights,

I am writing to you concerning Act XXX of 2020 on Changes of Certain Administrative Laws and Free Donation of Property that was adopted by Parliament on 19 May and signed into law by the President on 28 May and whose Article 33 bans legal gender recognition, violating the human rights of transgender and intersex people.

These provisions are in breach of Hungary's obligations under international human rights law and also violate Article II, VI (1) and XV (2) of the Fundamental Law of Hungary. Besides violating the human rights of transgender and intersex people, this law will lead to further discrimination and increase the risk of attacks and hate crimes against transgender and intersex people.

Individuals should be able to obtain legal gender recognition through quick, accessible and transparent procedures on the basis of their self-declaration of gender identity. Furthermore, Hungary must ensure that transgender and intersex people can obtain documents by the State and other official institutions reflecting their name and gender identity without being required to satisfy criteria that in themselves violates their human rights.

In light of the above, I am urging you to immediately request a review of the Act XXX of 2020 by the Constitutional Court, as its Article 33 is in clear breach of Hungary's Fundamental Law.

I appreciate your attention to this urgent matter.

Yours sincerely,

ADDITIONAL INFORMATION

According to international and regional human rights standards, individuals should be able to obtain legal gender recognition through quick, accessible and transparent procedures and in accordance with their own perceptions of gender identity. States must ensure that individuals can obtain documents reflecting their name and gender identity, without being required to satisfy criteria that in themselves violates their human rights.

The new provisions of the law contradict Hungary's international human rights obligations and its Fundamental Law in relation to several rights. Article 33 requires the recording of individuals' sex by birth in the national registry of birth, marriages and deaths, which cannot be changed later. This means that individuals' identification documents would contain the same, unchangeable information, preventing transgender and intersex people from registering their names and obtaining associated documents in accordance to their gender identity. These provisions severely violate the right of transgender and intersex people to dignity, their right to privacy and family life, and their right to legal recognition of their gender based on self-determination (see <https://www.amnesty.org/en/documents/eur27/2085/2020/en/>).

Individuals whose official documents do not reflect their gender identity, name or gender expression will have to disclose that they are transgender every time they produce these documents. In many situations, this is likely to be a daily occurrence. In situations where official documents are required to obtain goods or services – for example, in finding employment, enrolling in education, obtaining housing, or claiming welfare benefits – transgender and intersex individuals will be forced to give up aspects of their right to private lives in order to obtain them.

In Hungary, transgender and intersex people are often subject to discrimination, in particular in employment, education, accessing goods and services, and housing. This new law represents the latest attempt to curtail transgender and intersex people's rights, and will lead to further discrimination, while attacks and hate crimes against transgender and intersex people are expected to further intensify following the law's entry into force.

PREFERRED LANGUAGE TO ADDRESS TARGET: English, Hungarian.
You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 10 July 2020
Please check with the Amnesty office in your country if you wish to send appeals after the deadline.