Rana v. Hungary

Case Law, Legal Protection, Safety, Asylum, European Court of Human Rights, Hungary, Legal Gender Recognition, Strategic Litigation

Change of name and gender of Iranian refugee

(Application no. 40888/17), 7 November 2017

Find here the communicated case.

Rana v. Hungary Download

- The present case concerns an Iranian trans man who was granted refugee status in Hungary. The Hungarian authorities summarily rejected his request for legal gender recognition (LGR), invoking the absence of a specific legal procedure applying to his situation.
- In their submission to the European Court of Human Rights ILGA-Europe together with TGEU and Transvanilla Transgender Association argued that:
    - Under European Refugee law, States have an obligation to provide legal status and suitable documentation, to ensure access to social rights and not to discriminate. LGR is seen as an element of legal status and as key to ensuring migrants' access to public or private services, or to the labour market. Mismatching documents can cause re-traumatisation of trans refugees during asylum procedures and in the aftermath.
    - State Parties have a positive obligation under Article 8 to adopt LGR procedures that are "effective and accessible." The Court found violations of the Convention in several other cases on account of LGR schemes that were misconceived or incomplete, giving rise to arbitrary or unfair outcomes. The same principle is firmly entrenched in other international law and professional guidelines. Lastly, comparatively more countries chose to provide recognised refugees with LGR.