new law will change the lives of trans and intersex people in Portugal

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The Portuguese Parliament has adopted a law establishing the right to self-determination of trans persons aged 18+ in the legal recognition of their gender identity.

This is hopefully the last step of a long journey, during which the first version of the law, was vetoed by the President of the Republic in May.

Unlike the original law voted in Parliament in April this year, self-determination is no longer the guiding principle for trans people between 16 and 18. The law now foresees a similar system as in Belgium, namely that this age group needs to obtain a document certifying that they are able to provide consent from a doctor or a psychologist (of their choice).

”We at ILGA-Europe together with the trans community continue to advocate for legal gender recognition procedures available without any age limits and fully based on self-determination. Also young trans people need to be trusted to know who they are, and there is no reason why their fundamental rights should be less protected than those of adults. We thus regret that the procedure won’t be based on self-determination for young people between 16 and 18 as originally foreseen”, said Katrin Hugendubel, ILGA-Europe’s Advocacy Director, in reaction to today’s vote.

The now adopted legislation leaves a margin to health professionals, and this might in practice contribute to the patholigisation these young people.

ILGA-Europe’s Katrin Hugendubel continued: “We hoped for even better, but this is an important step in improving the lives of trans and intersex people in Portugal. We hope that the Portuguese public authorities will now work with the trans community, intersex activists and LGBT organisations to ensure that the law is implemented in a way that fully respects the fundamental rights to autonomy and bodily integrity of trans people and intersex children. This includes guidelines for the health care and education sectors addressing the concerns raised by LGBTI NGOs.”

** MP’s from the parties including PS, PCP, BE, PEV, PSD have voted in favour.*

- For up-to-date information on the legal and policy situation for LGBTI people in Europe, visit our Rainbow Europe Module.
- ILGA-Europe, TGEU, and OII Europe’s update on the President’s veto on 10 May.
- ILGA-Europe, TGEU and OII Europe had written directly to President Marcelo Rebelo de Sousa on 27 April, urging him to sign the law.
- The Council of Europe’s PACE General Rapporteur on the rights of LGBTI people Piet De Bruyn recorded a video message (below) in support of the proposed law earlier this year.