



European network of legal experts in gender equality and non-discrimination

NEWS REPORT

Country:	Hungary
Title:	Harassment during physical examination of a transgender person
Date:	27 June 2018
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<u>Context</u>	
Issue at stake:	The new approach of the ETA to reach an agreement between parties to a case could lead to more a satisfactory outcome in discriminatory cases than the application of legally stipulated sanctions
Ground of discrimination:	Transgender
Source:	Case law of equality body (February 2018)
Field:	Transgender
Applicable law:	Act CXXV of 2003 – Equality Act

Content

Case development: A male-born transgender woman requested an expert opinion from a urologist stating that there is no medical contradiction to perform gender transformation surgery on her. Such a medical opinion is required by law for the procedure to change one's gender and name in the registry.

The urologist did not issue the medical opinion, and after the examination, he addressed the claimant with inappropriate statements relating to her gender identity. According to the applicant, the physician directly discriminated and harassed her, because he did not issue the legally required medical opinion, and made humiliating remarks concerning her sexual identity, which were also heard by the assistant of the physician.

Agreement of the Parties: At the hearing, the medical office and the applicant came to an agreement whereby:

- The office apologized to the applicant for the behaviour of the urologist.
- The office agreed to place on its website an informational leaflet and other documents addressed at healthcare professionals. This leaflet contains general guidelines on how to deal with transgender people, and provides general guidance to urologists and healthcare workers in respect of the human dignity of transgender people. The leaflet is written by the parties jointly.
- The office also undertook to submit for publication the jointly written text to a prestigious urological journal and to bear the costs of the publication
- The parties agreed that they will co-operate to re-write the document if the editorial board requests it.

Key points of analysis: Recent case law shows that the Equal Treatment Authority (ETA) transformed its legally stipulated authority to approve the parties' agreement to a quasi-mediation function.

Many times, in legal cases, but especially in discriminatory cases, the parties could work out an agreement that could lead far more satisfactory outcome than the application of legally stipulated sanctions by an authority/court.

In this case, the parties agreed to act jointly together with the aim to improve fundamentally the quality of urological services provided to transgender people.

Analysis: The improvement of the quality of urological services provided for transgender people by state health care is of imperative importance, because anyway only the extremely expensive private health care services are available for the trans-people.

In the state health care system, the examinations, or at least some of them, are available without additional charge. But only 10 % of the expenses of gender transformation surgery is paid by state health care.

Internet link source: Equal Treatment Authority, EBH/36/2018
<http://www.egyenlobanasmod.hu/article/view/ebh-36-2018> (4 June 2018).