

Name of the Act/s	Entscheidung des Verfassungsgerichtshofs G 77/2018
Date	15 <sup>th</sup> of June 2018
Type of Act (name in English / in the official language)	Decision of the Constitutional Court
Enacted by	Constitutional Court
Reference to the Constitution (art.)	Art 144, Art 8 European Convention on Human rights
Subject area	Review of the Austrian legislation concerning gender identity (Personenstandsgesetz/personal statute law)
If the act implements a source of EU Law: cite the relevant EU legal source	--
Comment	<p>On the occasion of a complaint based on Art 144 of the Austrian Federal Constitutional Law, the Constitutional Court decided to review the relevant provision of the personal statute law (§ 2 Abs. 2 Z 3 PStG 2013) with regard to a possible violation of Art 8 ECHR.</p> <p>The Constitutional Court found that the relevant provision of the personal statute law allows for an interpretation that recognizes a third gender, because it is not distinguishing between men and women, but referring to gender in general. In the light of Art 8 ECHR, the Court said, “gender” has to be interpreted as encompassing men, women and alternative genders.</p>
Secondary sources/ doctrinal works (if any)	
Available Text	<a href="https://www.vfgh.gv.at/downloads/VfGH_Entscheidung_G_77-2018_unbestimmtes_Geschlecht_anonym.pdf">https://www.vfgh.gv.at/downloads/VfGH_Entscheidung_G_77-2018_unbestimmtes_Geschlecht_anonym.pdf</a>
Date of entry into force	