

INTERDISCIPLINARY PERSPECTIVES ON SELF-DETERMINATION AND AUTONOMY: A CONFERENCE REPORT (BRATISLAVA, 30 MAY 2025)

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Who decides who we are – ourselves, or the society we are a part of? This was one of the questions posed by the organisers of the conference **“Self-Determination and Autonomy: Interdisciplinary Perspectives”** when they decided to hold this international academic event on 30 May 2025, under the auspices of the Faculty of Law at Comenius University Bratislava, as part of the APVV-23-0252 project **“Self-Determination of Intersex, Transgender, and Non-Binary Persons”**.

The organisers aimed to encourage the widest possible discussion on this topic – not only from a legal perspective but also from the viewpoints of other professions and academic disciplines. Thanks to the contributions of both speakers and participants, the conference took place in a professional and interdisciplinary, yet welcoming and inclusive atmosphere, bringing together individuals from the fields of law, medicine, sociology, philosophy, ethics, and theology in the same room. Among those present were not only academics and students, but also practitioners working in areas related to the issues under discussion.

A distinctive feature of the conference was the topicality of its subjects — many of the presentations addressed very recent cases, some of them only a few months old. This gave participants the opportunity not only to witness but also to actively contribute to the formation of an emerging professional and academic discourse. Moreover, the current relevance of the topics under discussion allowed for a dynamic and lively debate, as many of these issues strongly resonate within society at this very moment.

The conference was opened by the project leader, prof. Mgr. **Lubomír Batka**, Dr. theol., who in his presentation highlighted the tension between the liberal understanding of autonomy and the Christian-personalist conception of dignity, which emphasises human nature and objective good. In his view, it is important for law to present a legal image of a person and to avoid theological, metaphysical, and philosophical interpretations of dignity. To illustrate his point, he also analysed the *Dignitas infinita* Declaration, in which the Magisterium of the Catholic Church definitively rejects an understanding of dignity based solely on rationality or free will, as this would exclude certain groups. The Magisterium likewise rejects autonomy understood as radical individualistic arbitrariness, unconditioned by the common good or human nature. Prof. Batka went on to examine the positions of the national ethics councils of Germany and Austria on intersexuality, which are grounded in respect for the dignity, autonomy, and bodily integrity of intersex children. In conclusion, he emphasised the need for respect, protection, and a careful balance between dignity and freedom — particularly in relation to vulnerable groups such as intersex persons.¹

The next speaker was Mgr. **Martin Fafejta**, Ph.D., a sociologist from the Faculty of Arts at Palacký University in Olomouc, who, among other things, presented a monograph co-authored with Šárka Dušková and Zdeněk Sloboda titled *Trampoty s pohlavím: Sociální a právní aspekty života intersex lidí* (*Gender Troubles: Social and Legal Aspects of Intersex People's Lives*, 2023). In his presentation, he focused primarily on the terminology used in connection with intersex persons. He distinguished between the terms "intersex person", "person with a disorder of sex development", and "person with a variation of sex characteristics", pointing out the meaning of each as well as their advantages and disadvantages. He personally prefers the last term, as "variation" (compared to "disorder") is not stigmatising and does not describe the person as existing "between sexes."² In the context of medical interventions performed on intersex persons, he also posed several provocative questions: "To what extent does an individual have bodily autonomy? To what extent does one have an obligation to conform to socio-

¹ Batka has also critically engaged with the position of the Evangelical Church. In his article, he observes that: „It is legitimate to ask whether, in this Statement, the Evangelical Church of the Augsburg Confession has truly found its evangelical identity, and whether its stance toward transgender individuals is genuinely biblical. Rather, it appears that the adopted position — opposing homosexual behaviour and the ordination of transgender persons — endorses a fundamentalist hermeneutic and aligns with Roman Catholic sexual morality.“ See Batka (2025, p. 74).

² This existence „between sexes“ (in legal terms) poses a difficult challenge for intersex persons, particularly within legal systems structured grounded in binary normativity. As Meteňkanyč says: „It is now a well-established fact that not all intersex and trans individuals (including non-binary persons) experience a desire to change or legally reassign their gender/sex to its binary opposite (i.e., male-to-female or female-to-male). As a result, many societies that continue to uphold a predominantly binary understanding of both society and law place a substantial portion of the trans and intersex community in the difficult position of having to choose which legal gender/sex to align with. In this context, the introduction of an additional gender/sex marker (such as the “X” marker), already adopted by several countries, appears to be a more inclusive solution—one that, according to many, better reflects the diversity within the trans community (including non-binary persons) as well as intersex individuals.“ See Meteňkanyč (2023, p. 56).

cultural expectations?" These questions suggested that if we want to change the approach of medicine, we must first change society's approach.³

The next section of presentations was opened by Mgr. **Nikolas Sabján**, PhD., LL.M., and Mgr. **Olexij M. Meteňkanyč**, PhD., who, in their contribution titled *Sex ≠ Gender (?) and Law*, somewhat provocatively raised the question of the relationship between the categories of sex and gender. They pointed out that legal theory and practice still tend to approach these concepts uncritically, often treating them as self-evident categories (with sex, in particular, frequently regarded as an unquestionable truth).⁴ In the Central European context, the relationship between sex and gender has traditionally been explained through two dominant perspectives: either viewing them as identical categories (sex = gender) or contrasting them through a dichotomy of nature/biology versus culture/socialisation (sex ≠ gender). They raised two key questions: is it truly sufficient to limit ourselves to these perspectives?⁵ And is the distinction between sex and gender as clear-cut as it is often assumed to be? These issues were also discussed in light of a recent decision by the Supreme Court of the United Kingdom in *For Women Scotland Ltd v The Scottish Ministers*, Case ID UKSC/2024/0042, which they critically evaluated, highlighting the value of a different, contextual approach - the basic features of which they outlined in their contribution.⁶

Mgr. **Igor Hron**, PhD., also addressed the recent British court decision discussed in the previous contribution, but rather than focusing on its interpretation or its potential implications for future developments, he examined the decision from a systematic and comparative perspective. He first clarified the relevant legal framework applied in the proceedings and distinguished between the regimes arising from the Gender Recognition Act and the Equality Act. He then contrasted the particularities of decision-making within the Continental legal system and the Anglo-American system, emphasising that judges in the Anglo-American system do not use the same interpretative methods familiar to those in our jurisdiction. This distinction allowed him to assess and individually evaluate the court's methods of argumentation. Among other critiques, he noted that the court did not address the interpretation through the Human Rights Act, which in the UK implements the European Convention on Human Rights. Through his analysis of the nature of the arguments underpinning the court's decision, he provided a strong critical assessment of the ruling.

³ In a legal context, Lenka Dufalová (2024, p. 55) points out the following „It is undisputed that the need to protect these (intersex - authors' note) individuals is essential, particularly in the context of providing healthcare primarily involving normalising surgeries, especially for minors, to whom legal systems generally grant only limited rights to decide on interventions affecting their bodily integrity.”

⁴ As Sabján already pointed out in his previous conference paper: „...contemporary scientific research increasingly shows that sex is a far more complex category than it may seem at first glance. The idea of a strict sex binary appears to be primarily a cultural and social construct, which stands in contrast to current scientific findings.” See Sabján (2023, p. 121).

⁵ The attempt to draw a distinction between gender and sex „...was characteristic of the second wave of feminism in the 1960s and 1970s. Particularly significant were studies in the fields of sexology and anthropology, which demonstrated the distinction between gender—as a social construct—and sex, which was, by contrast, regarded as a biological category.” See Sabján (2022, p. 223).

⁶ The case in question reflects a broader conflict between trans-exclusionary (or trans-skeptic) feminists and trans-inclusive feminists. As Meteňkanyč says: „Contemporary trans-skeptical feminist positions most commonly raise objections and express concerns related specifically to the concept of trans identity and the principle of gender self-determination (self-declaration). The argument goes that if the process of legal gender recognition is left unregulated and reduced to a mere written declaration by the individual, such a legal framework has the potential to encroach upon spaces traditionally reserved for women, threaten their socio-political status, and simultaneously undermine—or even distort—the set of fundamental rights and freedoms that women have fought hard to secure over the past centuries.” See Meteňkanyč (2022, p. 114).

Moving geographically closer, Mgr. **Olexij M. Meteňkanyč**, PhD., and Mgr. **Emu Mikulová** focused in their presentation on a recent decision by the Court of Justice of the European Union (CJEU) concerning a transgender refugee whose request to update their gender marker was denied by Hungarian authorities because the applicant had not undergone gender reassignment surgery. This case was particularly interesting due to its resolution — the CJEU, applying the GDPR and its principles of accuracy and the right to rectification, rejected the administrative practice requiring surgical intervention before the gender marker could be changed. According to the authors, however, this ruling is not revolutionary but rather a natural continuation of the CJEU's case law, as well as a development in the case law of the ECtHR and the legal systems of EU member states. At the same time, the authors offered some criticism of the decision, noting, among other things, that the CJEU did not provide detailed guidance on what constitutes "relevant and sufficient evidence" for making changes in official documents, which may lead to divergent interpretations across member states.⁷

Prof. JUDr. **Alexandra Löwy**, PhD., focused on trans and non-binary persons, specifically minors, in her presentation.⁸ In the first part, she identified legal regulations within the Slovak legal system that could potentially be applied to protect the right to self-determination of these individuals, primarily provisions from the Family Act,⁹ the Civil Code,¹⁰ and the Anti-Discrimination Act. She then applied these to specific case scenarios: in the first scenario, a child is born in a country other than Slovakia where sex identification at birth is not a requirement (e.g., Germany, Norway, etc.); in the second, the parents or the child, or both parents and the child, wish to identify the child as non-

⁷ In Slovak academic sphere increasing emphasis is being placed to case law of CJEU and ECtHR. In the conclusion of his article, Horvat specifically underscores the importance of the ECtHR case law in the context of rights of trans persons: "It is therefore beyond doubt that the Slovak Republic still has significant progress to make in this area. A clear path forward is indicated by the jurisprudence of the European Court of Human Rights (ECtHR), as well as by other Council of Europe documents and instruments specifically focused on the rights of the trans community." See Horvat (2021, p. 135).

⁸ The presence of minors in such cases necessarily brings into question the legal and ethical considerations surrounding their informed consent in the context of medical interventions. According to Čipková: „The absence of an explicit legal provision regarding a minor's capacity to give informed consent cannot be interpreted as excluding the child from the decision-making process concerning the healthcare to be provided. At the very least, the child must be allowed to express their opinion, and that opinion should be duly taken into account. Disregarding the views of a minor patient may result in a violation of their fundamental rights—even in cases where informed consent has been granted by the legal representative." See Čipková (2022, p. 199).

⁹ Even if legal recognition were granted to non-binary individuals, the question of determining parenthood would remain complex. A similar situation arises in the case of transgender persons, with Dufalová noting that: „...how should parenthood be determined in such cases: should it be based on the natural conception model (that is, on biological reality, whereby only a person of the female sex can become pregnant and give birth), or rather on the legal model (i.e., according to the legal status of the parent, as registered in legally relevant documents)? This issue may become less problematic in countries that allow for the designation of a child's parents in birth certificates using the gender-neutral term 'parent' instead of the binary categories 'mother' and 'father'." See Dufalová (2023, p. 116).

¹⁰ In connection with the Civil Code, the issue of inheritance rights of transgender persons also presents an interesting area of study. Raková analysed the Slovak legal framework and concluded that: „A specific situation arises due to the absence of clear legal regulation in cases where a transgender person, following the completion of their transition, lives in a de facto partnership and passes away during the existence of such a partnership. Given the current legal regulation (or lack thereof), the partner of such a person, provided they meet the conditions of a cohabiting person under Section 474(1) of the Civil Code, will inherit as a member of the second inheritance group, together with the deceased's parents. This situation places them at a disadvantage compared to the spouse or registered partner of the deceased, who, in legal systems where such regulation exists, inherit as members of the first inheritance group, together with the descendants of the deceased." See Raková (2022, p. 188).

binary.¹¹ She concludes that autonomy must include a person's right to live and present themselves in society in accordance with how they truly and demonstrably feel, i.e., how they subjectively perceive their gender. On the other hand, both the parents and the non-binary child are constrained by the Slovak legal system, which only recognises binary gender identification. As a result, there is no possibility for non-binary legal recognition, leaving self-identification limited solely to the individual's subjective experience and the social sphere. She also notes that this legal framework restricts the possibility of asserting claims related to the Anti-Discrimination Act or protection of personal rights.

The international conference ***"Self-Determination and Autonomy: Interdisciplinary Perspectives"*** demonstrated the importance of open and expert dialogue on topics that touch upon the very essence of human identity, freedom, and dignity. It became one of the successful scientific events thanks to stimulating contributions and providing space for discussion from many professional perspectives, building on previous events organised by the team led by Prof. Batka at the Faculty of Law of Comenius University Bratislava (see these reports: Batka and Meteňkanyč, 2022, 2023). The themes of autonomy and self-determination showed that they cannot be approached from a single viewpoint but require a holistic, interdisciplinary approach.¹² A significant contribution of the experts was that they highlighted truly current and resonant scientific topics, while also outlining possible directions for further development in individual scientific fields.

We are glad that the presenters' contributions, as well as the discussions among participants and audience, created an exceptional space for exchanging knowledge and experience, with even difficult topics discussed in a stimulating and constructive spirit. It was an honour for us to be part of this event, and we already anticipate that in the near future, the Faculty of Law at Comenius University Bratislava will host further professional and scientific events organised by members of the project APVV-23-0252 *Self-Determination of Intersex, Transgender, and Non-Binary Persons*.

We look forward to these and to more inspiring discussions.

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¹¹ This potential conflict between the will of the minor and that of the parents may be resolved in various ways. In this context, Hamřík argues that: „Parental paternalism—in the form of making decisions regarding the personal rights of minors or interfering with those rights—must be limited by the need to protect the interests of the minor, while at the same time allowing for the highest possible degree of the minor's autonomy. Such paternalism should be reduced to only those acts and restrictions that are objectively in the best interests of the child.“ See Hamřík (2023, p. 19).

¹² As Renáta Kišoňová aptly pointed out (referring to the story of award-winning author Susan Faludi): „When (...) Faludi learns that her seventy-six-year-old father has undergone gender reassignment surgery, she embarks on an unusual journey to find a sense of identity in the modern world. The author's effort to face her father's metamorphosis takes her beyond the borders: historical, political, religious, sexual, until she finds herself face to face with the question of today's time: Is identity something you choose or is it rather something you can't escape?“ (Kišoňová, 2024, p. 232).

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