

University Doctoral (PhD) Dissertation Abstract

**Challenge of Transgender Involvement in Labor Force: A Comparative Analysis
between Hungary and Bangladesh**

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1 Aims and Scope of the Dissertation

This dissertation embarks on a cross-cultural, interdisciplinary examination of the legal, institutional, and sociocultural dynamics that govern the inclusion—or more often, exclusion—of transgender individuals in the labor markets of two markedly different geopolitical settings: Hungary and Bangladesh. These two countries represent diverse ends of the spectrum in terms of legal development, socio-political history, and cultural attitudes toward gender diversity, thereby offering fertile ground for comparative socio-legal analysis. Despite their apparent dissimilarities, both contexts share a common denominator: transgender individuals face systemic barriers that hinder their equal participation in formal and informal economies. The study seeks to understand not only the nature and impact of these barriers but also the role that national legal systems, policy frameworks, and social institutions play in shaping the employment trajectories of transgender people.

The central aim of the dissertation is to analyze the efficacy of both national and international legal instruments in fostering substantive inclusion for transgender individuals in the labor market. By focusing on Hungary, a post-socialist European Union (EU) member state, and Bangladesh, a South Asian Muslim-majority developing country, the study deliberately juxtaposes two structurally dissimilar yet experientially similar contexts. Hungary presents a legal system historically aligned with European human rights standards, although recently exhibiting strong signs of political regression with respect to gender identity recognition. Conversely, Bangladesh, though having officially recognized a “third gender” status in 2013, lacks comprehensive legislative or institutional follow-through to meaningfully implement inclusive policies¹. In both cases, legal advancements—or their absence—tend to manifest more as symbolic recognition than as mechanisms for structural transformation.

The study is grounded in a comparative socio-legal framework, wherein law is understood not merely as a codified set of statutes or judicial pronouncements, but as a social institution embedded within cultural norms, political ideologies, and bureaucratic structures. This orientation moves beyond doctrinal or black-letter legalism, which tends to analyze legal systems in abstraction from the social contexts in which they operate. Instead, the dissertation adopts a critical legal perspective, recognizing that law both shapes and is shaped by social relations, institutional practices, and cultural imaginaries. Through this lens, the dissertation interrogates how transgender individuals experience the law—not just in the courtroom or

¹ Akter, S., & Saha, S. (2024). Impact of legal recognition on the lives of the third gender: A study in Khulna district of Bangladesh. *Heliyon*, 10(7). <https://doi.org/10.1016/j.heliyon.2024.e28671>

legislature, but in job interviews, administrative encounters, family settings, and public spaces.

In doing so, this research also contributes to critical gender and queer legal studies, which argue that legal systems often replicate hegemonic norms under the guise of neutrality or equality. Transgender individuals, whose existence often falls outside legal binaries and normative citizenship frameworks, serve as a critical site through which the limitations of conventional legal reasoning and rights-based frameworks can be analyzed. The dissertation asks: To what extent do current legal frameworks genuinely accommodate non-binary gender identities in employment law? Are international labor standards and human rights conventions equipped to address the specific challenges faced by transgender workers in diverse socio-political contexts? How do legal protections—or their absence—interface with everyday experiences of discrimination, precarity, and exclusion in the labor market?

The scope of the study includes a detailed analysis of both formal legal instruments and lived legal experiences. On the one hand, it analyzes international legal standards—such as the ILO Conventions No. 100 and 111², the Yogyakarta Principles³, and EU directives⁴ on

² Nielsen, H. K. (1994). The Concept of Discrimination in ilo Convention no.111. *International and Comparative Law Quarterly*, 43(4), 827-856. <https://doi.org/10.1093/iclqaj/43.4.827>.

³ Vida, B. (2019). New waves of anti-sexual and reproductive health and rights strategies in the European Union: the anti-gender discourse in Hungary. *Sexual and reproductive health matters*, 27(2), 13-16.

⁴ Directive 97/81/EC. *The Framework Agreement on part-time work concluded by UNICE, CEEP and the ETUC*. European Parliament, Council of the European Union. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A31997L0081>. Directive 1999/70/EC. *The framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP*. European Parliament, Council of the European Union. https://libguides.lub.lu.se/apa_short/government_publications/eu_legislation. Directive 2000/78/EC. *Establishing a general framework for equal treatment in employment and occupation*. European Parliament, Council of the European Union. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32000L0078>. Directive 2003/88/EC. *Concerning certain aspects of the organisation of working time*. European Parliament, Council of the European Union. <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32003L0088&from=IT>. Directive 2008/104/EC. *Temporary agency work*. European Parliament, Council of the European Union. <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A32008L0104>. Directive 2010/C 83/02. *The Charter of Fundamental Rights of the European Union*. The European Parliament, the Council and the Commission. <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:083:0389:0403:EN:PDF>. Directive (EU) 2019/1152. *Transparent and predictable working conditions in the European Union*. European Parliament, Council of the European Union. <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX:32019L1152>. Directive (EU) 2019/1158. *Work-life balance for parents and carers and repealing Council Directive 2010/18/EU*. European Parliament, Council of the European Union.

anti-discrimination—and how these are interpreted and operationalized within national legal frameworks⁵. On the other hand, it draws upon empirical qualitative data collected from transgender individuals and other relevant stakeholders in Hungary and Bangladesh to evaluate how these legal norms translate—or fail to translate—into actual access to dignified employment. In other words, the dissertation bridges the normative and empirical by examining how global legal commitments interact with localized enforcement, policy implementation, and social resistance.

Furthermore, the study recognizes that transgender labor exclusion is not simply a matter of individual discrimination but a structural issue embedded in legal ambiguity, administrative inertia, and cultural pathologization. In many instances, even where laws exist on paper, transgender individuals encounter institutional actors—police, bureaucrats, healthcare workers—who are either unaware of or actively hostile toward the rights conferred by these laws⁶. This institutional gap between legislation and enforcement is a key focus of the dissertation. It explores how policy incoherence, bureaucratic discretion, and political ideology create a regulatory vacuum that perpetuates inequality under the guise of formal equality.

In this context, the dissertation also engages with the concept of “symbolic recognition”—a term used to describe legal or policy measures that acknowledge a marginalized group without providing substantive mechanisms for redress or empowerment. Bangladesh’s recognition of a “third gender,” for example, is often celebrated as a progressive milestone. However, the lack of legal codification, employment incentives, or anti-discrimination mandates means that such recognition remains largely ceremonial. Similarly, Hungary’s regression in legal gender recognition—through the 2020 legislation that eliminates the legal ability to change gender—shows how quickly symbolic rights can be revoked when not anchored in robust legal and institutional protections.

Thus, the scope of this dissertation is not confined to evaluating laws in isolation. Rather, it seeks to understand how transgender people encounter the state, the market, and society through a legal lens. It is a study of how law is practiced, experienced, and resisted in everyday life. By taking this broad, interdisciplinary approach, the dissertation not only fills a

⁵ Zimmerman, B., & Haggerty, G. (2021). *Encyclopedia of Lesbian and Gay Histories and cultures*. Routledge.

⁶ EC. (2022). *Legal aspects of LGBTIQ equality*. European Commission. https://ec.europa.eu/info/policies/justice-and-fundamental-rights/combatting-discrimination/lesbian-gay-bi-trans-and-intersex-equality/legal-aspects-lgbtq-equality_en

scholarly gap in comparative legal studies and transgender labor research but also provides practical insights for policymakers, legal advocates, and human rights organizations working toward inclusive employment systems.

In sum, the dissertation's aim is twofold: (1) to critically examine how national and international legal frameworks conceptualize and implement transgender labor rights, and (2) to assess the actual impact of these legal norms on the lived experiences of transgender individuals in two divergent socio-political contexts. By doing so, it challenges the assumption that legal recognition equates to social inclusion, and instead argues for a more grounded, intersectional, and praxis-oriented understanding of legal justice. The dissertation ultimately advocates for transformative legal reforms that go beyond tokenistic gestures to create meaningful opportunities for dignity, participation, and equality in the world of work.

2 Methodology

The dissertation adopts an interdisciplinary methodological approach that blends socio-legal analysis with qualitative interpretivist research to investigate the lived realities of transgender individuals in the labor markets of Hungary and Bangladesh. This integrated design was selected to examine both the normative structures of law and policy and the everyday experiences of those whose identities and labor rights are frequently overlooked or marginalized. By combining the analysis of formal legal frameworks with empirical fieldwork rooted in participants' narratives, the methodology allows for a comprehensive understanding of how transgender people navigate employment systems that are shaped by formal laws, informal norms, bureaucratic discretion, and deep-rooted cultural values.

The philosophical foundations of the research are grounded in critical realism and interpretivism. Critical realism provides a lens to acknowledge the existence of objective social structures such as legal codes, economic systems, and institutional hierarchies that shape individual lives and opportunities. These structures exert causal influence, often independently of how individuals perceive them, making them crucial in understanding systemic exclusion. However, to comprehend how these structures are actually encountered, understood, and internalized, the study also embraces interpretivism. This approach highlights the significance of subjective meaning-making and human agency in the interpretation of social life. In the context of this dissertation, interpretivism provides the framework to explore how transgender individuals understand their labor market experiences, how they interpret legal protections or their absence, and how they negotiate identity and survival within often-hostile environments. The combination of these philosophical paradigms enables a nuanced

examination of both structural constraints and personal narratives, allowing for an in-depth exploration of the complex interplay between law, identity, and labor.

The empirical component of the dissertation is based on in-depth, semi-structured interviews conducted with 46 individuals (23 from Hungary and 23 from Bangladesh), including transgender people as well as key stakeholders from various sectors. These stakeholders included employers, legal professionals, NGO workers, and public officials. Participants were drawn from diverse socioeconomic backgrounds in both Hungary and Bangladesh, ensuring variation in age, occupation, legal status, and educational attainment. The participant selection was guided by purposive sampling, based on clearly defined inclusion criteria: individuals had to be aged 18 or older, legally eligible for employment, and self-identifying as transgender or third-gender, particularly in the Bangladeshi context where the Hijra identity is officially recognized. This purposive approach was supplemented by snowball sampling in both countries, particularly to reach individuals who might be mistrustful of researchers due to their prior experiences of exclusion, invisibility, or institutional harm.

Interviews were guided by a flexible protocol that allowed for adaptation based on participants' contexts while maintaining thematic consistency across cases. Questions explored participants' employment history, attempts to secure work, experiences of discrimination, perceptions of legal protections, and interactions with both formal institutions and informal networks. Participants also reflected on their awareness of national laws and international labor rights instruments, providing insight into the disconnect between legal texts and lived experience. Interviews were conducted in participants' native languages—Hungarian, Bengali, or English—depending on the context, and were later translated and transcribed for analysis. Transcriptions were carefully reviewed to preserve the original meaning and cultural nuances of participants' expressions.

To analyze the qualitative data, the study employed NVivo 14 software for thematic coding. This tool facilitated a systematic and rigorous approach to interpreting a large volume of narrative data. The coding process began with open coding to identify key phrases, concepts, and themes emerging directly from participants' narratives. This was followed by axial coding, where similar or related codes were grouped into broader thematic categories such as employment discrimination, legal invisibility, institutional violence, coping strategies, and identity negotiation. These thematic codes were used to construct a framework matrix, allowing for cross-case and cross-country comparison, which helped to highlight both shared and divergent experiences across Hungary and Bangladesh. Visual tools such as word clouds

and cross-tabulations were also used to explore frequency and correlation patterns, enhancing the interpretive depth of the findings.

In parallel to the empirical work, the dissertation undertook a socio-institutional analysis of relevant legal texts and policy frameworks. A key analytical focus was on the gap between legal recognition and practical enforcement. In Hungary, for instance, although EU membership provides a legal framework for non-discrimination, recent legal reforms—such as the 2020 law banning legal gender recognition—have undermined the capacity of transgender individuals to access labor rights. In Bangladesh, despite the symbolic recognition of a third gender in 2013, transgender persons continue to face legal ambiguity, lack of enforceable rights, and institutional discrimination. This divergence between *de jure* recognition and *de facto* exclusion underscores the need for methodological tools that can critically assess the performative and symbolic dimensions of law, rather than assuming legal texts inherently produce justice.

The research was conducted with careful attention to ethical considerations, given the vulnerability and social marginalization of the target population. Informed consent was obtained from all participants, with the purpose, scope, and voluntary nature of the study clearly explained in accessible language. Participants were assured that they could withdraw at any time without consequence. Anonymity and confidentiality were strictly maintained; all identifying information was removed or coded to protect participants' privacy. The researcher also employed a culturally sensitive approach throughout data collection, recognizing the different social meanings and risks attached to transgender identity in Hungary and Bangladesh. For instance, interview locations and communication methods were adjusted according to participant comfort and safety. Furthermore, the research design included a reflexive element, where the researcher maintained reflective memos to monitor positionality, potential biases, and ethical dilemmas encountered during the fieldwork process.

Altogether, this methodology provides a solid and ethically grounded foundation for the dissertation's inquiry. By combining rigorous qualitative data collection and analysis with a critical socio-legal lens, the study illuminates the multifaceted barriers transgender individuals face in accessing dignified work. It reveals how exclusion is not merely a matter of individual prejudice or legislative absence, but the result of institutional inertia, symbolic policies, and the everyday failures of legal systems to protect those at the margins. Through this approach, the dissertation offers a nuanced and human-centered understanding of transgender labor exclusion, contributing both empirically and theoretically to socio-legal studies, labor rights discourse, and the broader field of gender and sexuality research.

3 Objectives and Research Questions

The dissertation is structured around three overarching research objectives, each aimed at addressing a distinct but interrelated dimension of transgender individuals' labor market experiences in Hungary and Bangladesh. These objectives are designed to guide both the empirical and legal analyses of the study and to facilitate a comparative understanding of inclusion, exclusion, and the role of law in shaping occupational realities.

The first objective is to examine the employment status of transgender individuals in Hungary and Bangladesh. This objective seeks to uncover the nature and extent of labor market participation among transgender populations in both contexts, taking into account the types of employment available to them, the sectors in which they are most commonly engaged, and the socioeconomic barriers they encounter.

To address this objective, the following research questions are posed:

- What types of jobs are available to transgender individuals in Hungary and Bangladesh?
- How do transgender individuals perceive and evaluate their employment experiences?

The second objective is to explore how national legislative movements influence mainstream societal perceptions of transgender occupational inclusion. This involves analyzing the discursive and practical impact of legal reforms, declarations, and state policies on the public's understanding of transgender rights, particularly in the domain of work and employment. The research question associated with this objective is:

- How do legal reforms shape societal attitudes and behaviors toward transgender individuals in the labor market?

The third objective is to assess the consequences of both international and national legal initiatives on the labor market status of transgender persons. This includes examining the practical efficacy of legal instruments in protecting transgender individuals' right to equal and dignified work, and identifying any disjuncture between the existence of formal legal protections and their enforcement or lived application. The corresponding research questions are:

- What gaps exist between formal legal rights and the lived labor market realities of transgender individuals?

- How effective are current international and national legal protections in ensuring transgender labor inclusion?

By articulating these objectives and questions, the study positions itself to critically interrogate both the normative aspirations of legal frameworks and the empirical experiences of those subject to them. This approach ensures a comprehensive examination of transgender labor market participation that accounts for legal texts, institutional practices, and the everyday realities of marginalized individuals.

4 Structure of the Dissertation

The dissertation is structured into seven interrelated chapters, each contributing to a comprehensive analysis of transgender individuals' participation in the labor markets of Hungary and Bangladesh. The organization of the chapters follows a logical progression, beginning with the conceptual foundation and culminating in empirical synthesis and policy-oriented conclusions.

Introduction, chapter one, sets the stage by presenting the background and rationale of the study. It introduces the research problem concerning transgender labor market exclusion and outlines the socio-legal significance of the comparative study. The chapter articulates the dissertation's central research questions and objectives, situating them within broader global discourses on gender, labor rights, and legal recognition. It also presents a justification for the selection of Hungary and Bangladesh as comparative cases, highlighting the legal, political, and cultural contrasts that make such a comparison analytically valuable.

At the chapter two, the Methodology details the philosophical and methodological choices guiding the research. It explains the adoption of critical realism and interpretivism as foundational epistemological approaches and discusses the rationale for employing a comparative socio-legal framework. The chapter elaborates on the qualitative research design, including sampling strategies, data collection techniques (particularly semi-structured interviews), and analytical procedures using NVivo 14. Ethical considerations, such as informed consent, anonymity, and cultural sensitivity, are thoroughly discussed, emphasizing the researcher's commitment to respectful and responsible engagement with marginalized populations.

Chapter Three consists of the Review of International Legal Instruments examines global legal frameworks related to labor rights and gender identity. This chapter critically engages with key international documents. It analyzes the normative aspirations of these

instruments and assesses their interpretative flexibility, limitations, and the challenges of national implementation. Particular attention is given to how these global standards inform or fail to influence domestic legal systems in Hungary and Bangladesh.

Similarly Chapter Four designed with the Literature Review and Conceptual Framework surveys existing scholarly work on transgender labor exclusion, legal recognition, and socio-economic marginalization. The chapter introduces and contrasts two key theoretical models—the classical model of discrimination, which focuses on economic and employer-based biases, and the contextual model, which incorporates cultural, institutional, and legal factors. This dual framework is later used to interpret empirical findings, offering a multidimensional lens through which to understand exclusionary mechanisms.

Chapter Five represents Findings presents the empirical data collected from 46 in-depth interviews with transgender individuals and stakeholders. The chapter reports on employment status, access to job opportunities, public perceptions, institutional discrimination, and legal awareness. Data are analyzed thematically, revealing patterns of exclusion, resistance, and adaptation across both countries.

Discussion, chapter six, synthesizes the empirical findings with the theoretical and legal frameworks developed earlier. It identifies key cross-cutting themes, including the disconnect between legal recognition and enforcement, the persistence of structural discrimination, and the failure of institutions to implement inclusive policies. The chapter offers theoretical insights and refines the integrated model of transgender labor exclusion.

Lastly Chapter Seven consists of Conclusion which draws together the main arguments of the dissertation, summarizing key findings and their implications for law, policy, and practice. It offers grounded legal and policy recommendations for improving transgender labor inclusion, emphasizing the need for enforceable legal protections, institutional accountability, and social transformation beyond symbolic recognition.

5 Legal Synthesis

The legal synthesis in this dissertation undertakes a critical examination of the legal frameworks that shape the labor market experiences of transgender individuals in Hungary and Bangladesh. Drawing upon international, regional, and national legal sources, this analysis moves beyond mere textual interpretation to interrogate the efficacy, accessibility, and real-world implications of laws purported to protect gender-diverse populations. The legal analysis is grounded in a socio-institutional perspective, which recognizes that the existence of legal rights does not necessarily translate into practical inclusion or protection. Instead, law

is understood as a living institution—interpreted, enforced, or neglected within specific political and cultural contexts.

At the international level, key reference is made to the ILO Conventions No. 100 (Equal Remuneration) and No. 111 (Discrimination in Respect of Employment and Occupation). While these instruments are foundational to global labor standards, they are critiqued for their binary framing of gender, which assumes a male-female dichotomy and does not explicitly account for gender-diverse identities. Although interpretive guidance from the ILO's Committee of Experts on the Application of Conventions and Recommendations (CEACR) has extended these protections to include sexual orientation and gender identity in recent years, this flexibility remains largely rhetorical. The practical enforceability of these conventions is limited, particularly in jurisdictions where national governments resist the broadening of gender categories or fail to implement gender-inclusive labor policies. As such, the ILO framework offers only partial protection and remains dependent on the political will and administrative capacity of individual states.

In the context of Hungary, the European legal framework has historically provided a relatively progressive foundation for gender equality and anti-discrimination. However, recent legal developments have significantly undermined transgender rights. The most prominent example is Article 33 of 2020, a legislative amendment that effectively bans legal gender recognition by fixing one's "sex at birth" in the civil registry, thereby nullifying the possibility of official gender transition. This legal regression institutionalizes transphobia and contradicts European Union directives that mandate member states to ensure equal treatment irrespective of gender identity. Despite these directives, Hungary's implementation remains politically compromised and administratively hostile. The judiciary and administrative bodies have increasingly aligned with illiberal political narratives, further eroding institutional trust and legal accessibility for transgender individuals. The symbolic and procedural exclusion created by this legal reversal not only affects documentation but also restricts access to employment, healthcare, and public services, rendering transgender persons structurally invisible within legal and labor systems.

In Bangladesh, the situation is marked by symbolic legal recognition without substantive rights. The state's 2013 declaration recognizing a "third gender" was hailed as a progressive step; however, this gesture remains largely formalistic. There is a profound absence of follow-up legislation, policy implementation, and institutional capacity to ensure the enforcement of third-gender rights in employment and social protection. Administrative confusion persists over who qualifies for third-gender status, and bureaucratic procedures for

documentation remain unclear and inconsistently applied. Moreover, transgender individuals in Bangladesh continue to face systemic discrimination in education and healthcare, which in turn limits their qualifications for formal employment. As a result, many are relegated to informal or stigmatized sectors such as begging, sex work, or ceremonial performances, where labor protections are virtually nonexistent. The lack of targeted anti-discrimination provisions in the labor law and the absence of dedicated institutional mechanisms to address complaints of workplace exclusion further exacerbate their marginalization.

This juxtaposition between Hungary and Bangladesh reveals two divergent legal trajectories—one of legal erosion and the other of symbolic formalism. While Hungary demonstrates a shift from legal recognition to active legal suppression of transgender identities, Bangladesh exemplifies a scenario where legal acknowledgment is not backed by enforceable rights or institutional accountability. Despite these differences, both legal regimes converge in producing similar outcomes: the effective exclusion of transgender individuals from formal, dignified, and protected labor. The analysis underscores that legal visibility, in the absence of structural support and political commitment, does not automatically translate into meaningful inclusion. Law, when stripped of enforceability, becomes a symbolic apparatus rather than a transformative force.

Overall, the legal synthesis in this dissertation illustrates that legal instruments—whether international, regional, or national—must be understood in relation to their institutional embeddedness and sociopolitical context. It calls for a shift from symbolic recognition to enforceable rights regimes and highlights the urgent need for legal reform grounded in the lived experiences of transgender individuals. Only by aligning legal commitments with practical mechanisms of inclusion can transgender labor rights move from aspiration to reality.

6 Findings and conclusion

6.1 *Key findings*

The empirical investigation into transgender individuals' access to and experiences within labor markets in Hungary and Bangladesh has revealed a pattern of consistent exclusion, structural inequality, and systemic neglect. Drawing upon in-depth interviews with 46 transgender individuals and stakeholders, the study has identified several interlocking dimensions that have shaped the social, legal, and economic marginalization of transgender persons. These findings have reflected the lived realities of individuals who have existed at the intersection of legal invisibility, socio-cultural stigma, and institutional apathy. Although

the two countries have differed significantly in legal infrastructure, cultural context, and administrative capacity, they have converged in producing similar exclusionary outcomes.

The employment status of transgender individuals in both countries has underscored the chronic inability of labor markets to accommodate gender diversity. Despite Hungary's relatively advanced labor infrastructure and European Union membership, transgender people have been systematically excluded from formal employment. Legal reversals—most notably the 2020 amendment that prohibits legal gender recognition—have exacerbated this exclusion, reinforcing institutional barriers and legitimizing transphobia at the state level. As a result, transgender individuals in Hungary have found themselves pushed out of conventional employment pathways. Even those who have been qualified, educated, and willing to work have faced outright rejection or have been forced to conceal their identity to secure employment. For many, informal sectors or precarious jobs have become the only available means of livelihood.

In Bangladesh, although the state has officially recognized a “third gender” category since 2013, this symbolic gesture has not translated into improved labor market inclusion. Rather, the vast majority of transgender persons have remained locked out of formal employment systems, with limited access to dignified or secure work. Many participants have reported being automatically disqualified from jobs in both the public and private sectors solely due to their gender identity. Even government initiatives that have been designed to support third-gender individuals—such as reserved quotas or vocational training programs—have been poorly implemented or have remained inaccessible due to administrative confusion, lack of awareness, or outright discrimination. Consequently, transgender individuals have been disproportionately represented in informal, stigmatized, or survival-based occupations, including begging, sex work, and ceremonial performance roles. These forms of work have offered little to no protection under labor law and have frequently exposed individuals to abuse, violence, and further marginalization.

Underlying these employment barriers have been deeply entrenched social attitudes that have perpetuated discrimination. In Hungary, the rise of right-wing populism and nationalist politics has fostered an increasingly hostile environment for gender-diverse individuals. State-sponsored narratives around “traditional family values” and “gender ideology” have emboldened public expressions of transphobia. Participants in Hungary have described being targets of ridicule, suspicion, and exclusion in everyday settings, ranging from the workplace to healthcare services. This cultural hostility has been compounded by

media representations that have pathologized or caricatured transgender individuals, further entrenching stigma and normalizing exclusionary behavior.

In Bangladesh, religious conservatism and cultural taboos surrounding gender non-conformity have played a central role in shaping public perception. Transgender individuals have frequently been regarded as deviants or spiritual outcasts, a perception that has been reinforced by familial rejection and community-level ostracization. Many interviewees have recounted being disowned by their families at an early age, which in turn has disrupted their access to education, housing, and employment. Within the workplace, where employment has been obtained, transgender persons have often been subjected to harassment, isolation, or coercion. Some have reported being forced to work under false identities or to accept exploitative conditions simply to retain employment. Others have experienced microaggressions or overt hostility from coworkers and supervisors, with little institutional recourse.

The study also has found a concerning lack of legal awareness among participants in both countries. Most transgender individuals have remained unaware of their labor rights or of the existence of legal protections against discrimination. In Hungary, where some anti-discrimination laws technically apply to gender identity, few participants have expressed confidence in their enforceability. Several individuals have recounted failed attempts to access justice through formal channels, citing experiences of bureaucratic delay, administrative indifference, or outright dismissal by legal authorities. In Bangladesh, legal awareness has been even lower. Participants often have conflated legal recognition of third-gender status with comprehensive rights, only to discover that such recognition has not been accompanied by enforceable legal safeguards. In both contexts, transgender individuals have displayed a profound distrust in legal institutions. Law enforcement agencies, in particular, have frequently been described as unresponsive or hostile. Some participants in Bangladesh have reported being extorted or harassed by police, while those in Hungary have feared being misgendered, disbelieved, or retraumatized during legal proceedings.

The distrust of institutions has extended to bureaucratic processes such as documentation and identity verification. Where legal recognition has existed, it has often been described as inconsistent, conditional, or inaccessible. In Hungary, changes to civil registration laws have made it impossible for transgender individuals to change their legal gender, effectively erasing their identity in state records and barring access to rights tied to documentation, such as social security, banking, and formal employment. In Bangladesh, although some transgender individuals have obtained third-gender identity cards, these

documents have frequently not been accepted or recognized by employers, banks, or government offices. This disconnect between documentation and institutional recognition has undermined the purpose of legal recognition and has left transgender individuals in a legal limbo, unable to claim entitlements or protections.

Finally, the research has underscored the persistent gap between formal legal recognition and the lived experience of law. Where legal frameworks have existed, they have often been symbolic in nature—projecting an image of inclusivity without the corresponding institutional mechanisms needed to make rights real. Participants have overwhelmingly described the law as distant, alienating, and irrelevant to their daily struggles. Some have viewed legal recognition as a façade designed to appease international observers or fulfill political agendas without any genuine intent to enforce protections. For many, engaging with the legal system has not been seen as a pathway to justice, but rather as a source of further harm. This perception has been particularly strong among those who have previously attempted to lodge complaints or seek redress, only to encounter institutional neglect or secondary victimization.

The overarching finding of this study has been that legal inclusion, in both Hungary and Bangladesh, has failed to translate into labor market inclusion for transgender individuals. Whether through legal regression, as observed in Hungary, or symbolic formalism, as seen in Bangladesh, the outcome has remained strikingly similar: transgender persons have continued to be excluded, vulnerable, and structurally disadvantaged. Their experiences have illuminated the limitations of rights-based legal frameworks when these are not supported by political will, institutional commitment, and cultural transformation. Rather than functioning as mechanisms of protection, legal systems have often acted as boundaries—demarcating the limits of citizenship, dignity, and opportunity for those who fall outside normative gender categories. This study therefore has called for a reconceptualization of inclusion—one that is rooted not merely in formal legal change but in the complex, everyday realities of individuals whose lives are shaped at the intersection of identity, law, and labor.

6.2 *Legal Contribution*

This dissertation makes a significant contribution to the field of legal scholarship by critically examining the gap between formal legal recognition and the lived realities of transgender individuals within the labor markets of Hungary and Bangladesh. It situates transgender labor exclusion within a broader socio-legal framework, challenging conventional assumptions that legal rights, once codified, automatically ensure substantive equality. By focusing on two

contrasting legal and cultural environments—Hungary, a European Union member state with recent legal regressions, and Bangladesh, a South Asian country with symbolic gender recognition—the research offers a comparative lens through which the limitations and potential of legal systems can be interrogated.

One of the key legal contributions of this study lies in its critique of symbolic recognition and its consequences. In both case studies, the dissertation reveals how the mere existence of legal categories or declarations (such as “third gender” status in Bangladesh or anti-discrimination clauses in Hungary) fails to produce tangible rights or protections in the absence of effective implementation mechanisms. This insight challenges the formalist tendency in legal analysis that equates legislative progress with actual empowerment. The dissertation introduces the concept of “symbolic legalism” to describe situations where legal texts exist primarily as rhetorical devices—serving to signal inclusivity without imposing enforceable obligations on the state or institutions. This concept has broader applicability for legal systems worldwide where marginalized groups receive nominal legal recognition but remain structurally excluded.

Furthermore, the study advances legal understanding by foregrounding the role of bureaucratic institutions as mediators of law. It demonstrates how administrative discretion, lack of procedural clarity, and institutional inertia often undermine access to justice for transgender individuals. Legal protections are rendered ineffective when individuals are unable to obtain gender-affirming documents, access grievance redressal mechanisms, or navigate legal systems without fear of secondary victimization. In this regard, the dissertation contributes to socio-legal studies by emphasizing that legal exclusion is not solely a product of legislative absence or judicial failure, but also of institutional environments that are not equipped to translate law into lived rights.

The dissertation also offers a timely contribution to international human rights and labor law discourse by questioning the adequacy of global legal instruments in addressing the specific needs of transgender populations. It critically evaluates instruments such as ILO Conventions No. 100 and 111 and the Yogyakarta Principles, identifying their limitations in explicitly addressing non-binary and gender-diverse identities. This critique supports ongoing calls for the revision and expansion of international legal standards to better reflect contemporary understandings of gender and labor equity.

Finally, by integrating empirical findings with legal critique, the dissertation models a methodology that is both doctrinally informed and grounded in lived experience. It contributes to queer legal theory by arguing that legal systems must shift from a formalist

orientation toward one centered on experiential legalism—where the effectiveness of law is judged not by its presence in statute books, but by its accessibility, responsiveness, and impact on the lives of marginalized individuals. This reconceptualization of legal efficacy encourages scholars, practitioners, and lawmakers to evaluate law through a more inclusive and justice-oriented lens. Overall, this dissertation contributes to legal theory and practice by revealing the disconnect between law’s promise and law’s performance, and by proposing conceptual and practical pathways toward a more inclusive and enforceable legal order for transgender individuals in the labor market.

6.3 *Theoretical Contributions*

This dissertation makes an original theoretical contribution by constructing an integrated model of transgender labor exclusion that draws upon and synthesizes multiple strands of legal, sociological, and gender-theoretical thought. Through this model, the study captures the complex and layered nature of exclusion that transgender individuals face in the labor markets of Hungary and Bangladesh. Rather than relying solely on existing frameworks, the research offers a multidimensional conceptualization that situates exclusion at the intersection of economic, legal, institutional, and sociocultural factors. This model is constructed from three primary analytical components: the classical model of discrimination, the contextual model of exclusion, and an intersectional lens that accounts for compounding forms of marginalization.

The first pillar of the model is the classical model of discrimination, drawn from labor economics and mainstream social theory. This approach conceptualizes discrimination as a rational or irrational bias held by employers or market actors, often operationalized through either taste-based discrimination or statistical discrimination. Taste-based discrimination refers to employers’ personal prejudice against transgender individuals, leading them to avoid hiring or promoting them regardless of merit. Statistical discrimination, by contrast, emerges when employers rely on group-based generalizations to make assumptions about individual productivity or behavior. While these classical formulations are useful for explaining certain observable patterns—such as consistent underemployment or wage disparities—they are limited in scope. They tend to frame discrimination as an individual or market anomaly, failing to account for broader institutional structures or historical processes that sustain inequality. Nonetheless, the dissertation retains this model as a foundational component of the integrated framework, as it reflects real patterns of employer bias reported by participants in both countries.

The second analytical layer is the contextual model, which significantly expands the explanatory scope by incorporating legal, institutional, and cultural dimensions. This model recognizes that discrimination is not only the product of individual bias but also of systemic failures and institutional neglect. In both Hungary and Bangladesh, transgender individuals face exclusion not simply because of discriminatory employers, but because legal frameworks are either regressive or symbolic, administrative procedures are inaccessible or incoherent, and public institutions are structurally unprepared to accommodate gender diversity. The contextual model therefore includes factors such as legal inaccessibility, policy ambiguity, bureaucratic discretion, and social stigma as central drivers of exclusion. It situates transgender labor marginalization within a broader matrix of power relations that shape access to resources, recognition, and rights. This perspective aligns with critical socio-legal scholarship, which views law not merely as a set of rules but as a field of struggle, interpretation, and contestation embedded within socio-political realities.

The third and most critical layer of the model is grounded in intersectionality, a framework that highlights how multiple axes of identity—such as gender identity, class, education level, ethnicity, and geography—interact to produce unique configurations of disadvantage. The dissertation demonstrates that transgender exclusion cannot be understood in isolation from other social markers. For instance, in Bangladesh, a poor, rural, third-gender individual with no formal education is far more likely to experience compounded exclusion than a highly educated, urban-based transgender person. Similarly, in Hungary, legal exclusion is often intensified for those from marginalized ethnic backgrounds or rural areas, who face multiple layers of institutional disengagement. Intersectionality allows for a more precise and just understanding of how power operates in the labor market, and how different transgender individuals navigate systems of oppression in varied and uneven ways.

By synthesizing these three conceptual strands, the dissertation contributes to the development of a holistic model of transgender labor exclusion that is both theoretically robust and grounded in empirical realities. This integrated framework allows for the analysis of exclusion as both a structural and experiential phenomenon—rooted in law, refracted through institutions, and realized in daily life. In doing so, the study also advances broader debates within queer legal theory and socio-legal studies. It challenges the dominant paradigm of legal formalism, which assumes that the mere presence of laws or policies is sufficient to produce equality. The findings of this dissertation reveal that legal recognition, when not coupled with implementation, accountability, and institutional reform, often functions as a form of symbolic inclusion that masks ongoing exclusion. The concept of experiential

legalism, introduced in this study, advocates for centering the lived experiences of marginalized individuals in legal analysis. It calls for evaluating law not simply by its text or intent, but by its impact—how it is accessed, interpreted, and experienced by those it purports to protect.

This theoretical shift has significant implications for both academic inquiry and policy practice. It encourages scholars and practitioners to move beyond narrow legal diagnostics toward more comprehensive, context-sensitive approaches to inclusion. By integrating classical economic insights, institutional critique, and intersectional awareness, the dissertation offers a powerful lens through which future research and policy can engage more meaningfully with the structural conditions of transgender labor exclusion.

6.4 Conclusion

The findings of this study highlight that legal recognition, while an important step toward visibility and acknowledgment, does not automatically translate into meaningful inclusion for transgender individuals in the labor market. In both Hungary and Bangladesh, despite differences in political context, institutional structures, and socio-cultural settings, transgender people continue to face systemic barriers to accessing formal employment opportunities. These barriers are not merely isolated instances of discrimination but reflect deeper, structural shortcomings in legal frameworks, administrative procedures, and public attitudes.

In Hungary, recent legislative changes have contributed to a regression in transgender rights, effectively removing mechanisms for legal gender recognition and thereby reinforcing exclusion. The absence of legal recognition creates a ripple effect, limiting access to formal employment, social protection, and essential services. In Bangladesh, although the state officially recognized a third gender identity over a decade ago, this recognition remains largely symbolic. The absence of comprehensive legal protections and the lack of institutional mechanisms to support inclusion have left transgender individuals vulnerable to marginalization and economic precarity.

Across both national contexts, the study reveals a consistent disconnect between the formal existence of legal provisions and the actual experiences of those the laws are intended to protect. Many transgender individuals remain unaware of their rights or face significant barriers when attempting to assert them. Even when legal mechanisms exist, enforcement is often weak, inconsistent, or inaccessible. This disconnect underscores the need to move beyond a purely formalistic approach to legal recognition and toward a more holistic

understanding of inclusion—one that considers the lived realities, institutional interactions, and socio-cultural dimensions that shape everyday life for transgender individuals.

Moreover, the study emphasizes the importance of centering transgender voices in legal and policy reform processes. Transgender individuals are not passive recipients of law and policy but are active agents navigating and resisting systems of exclusion. Their lived experiences offer crucial insights into how exclusion operates and where interventions are most needed. By listening to and incorporating these perspectives, policymakers, practitioners, and scholars can develop more effective, responsive, and inclusive strategies that move beyond symbolic gestures.

Moreover, the dissertation contributes to a growing body of research that calls for a shift in how inclusion is conceptualized and pursued. Inclusion should not be confined to the realm of formal legal acknowledgment but should encompass the conditions that enable individuals to live, work, and participate fully and with dignity. This requires not only legal reform but also administrative coherence, public education, and cultural change. As such, the journey toward transgender labor inclusion is not only a legal challenge but also a societal one—demanding sustained commitment, empathy, and a willingness to transform institutions in ways that reflect the diversity and dignity of all people.



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List of publications related to the dissertation

Articles, studies (3)

1. **Sony, M. M. A. A. M.**: Navigating ethical and methodological challenges: lessons from data collection among non-binary gendered people in Hungary and Bangladesh.
Qualitative Research Journal. Epub ahead of print, 1-11, 2025. ISSN: 1448-0980.
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2. **Sony, M. M. A. A. M.**, Rashid, M. M.: Status of Gender Literacy in Academia: A Critical Analysis of Secondary School Students in Bangladesh.
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3. **Sony, M. M. A. A. M.**: Different Gender Priorities Amid EU Labor Laws and Practice.
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List of other publications

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4. Chowdhury, S., Rashid, M. M., Amin, M. B., Roy, T., **Sony, M. M. A. A. M.**, Rahaman, M. A.:
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9. Level of HAS Committee on Legal and Political Sciences: A Roy, T., Nasreen, M., Kamrul, H. M., **Sony, M. M. A. A. M.**: Community Priorities in Disaster Risk Reduction Interventions: A Critical Perspective from Bangladesh.
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