

## A.D. against Georgia and A.K. against Georgia

<u>Case Law, Legal Protection, European Court of Human Rights, Georgia, Legal Gender Recognition, Strategic Litigation</u>

## Gender reassignment treatment required prior to LGR

(Applications nos. 57864/17 and 79087/17), 14 mars 2019

Find here the communicated case.

A.D. and A.K. v Georgia Download

## Communicated case:

- The present case concerns the Georgian authorities' refusal to recognise the applicants' gender identity unless they agreed to undergo gender reassignment treatment.
- In their joint submission ILGA-Europe and TGEU submitted :
  - Gender identity is a basic attribute of self-determination, which is protected under the right to
    respect for private life (Article 8 ECHR). As acknowledged by the ECtHR, lack of accurate
    identification causes suffering. The right to gender self-determination has been affirmed by the
    Parliamentary Assembly and the Commissioner for Human Rights; and a clear European consensus
    to regulate LGR is emerging in Council of Europe member States.
  - The diagnosis requirement is based on the pre-conceived idea that trans identities are inherently disordered. Pathologisation subverts an essential aspect of human personality and leads to serious human rights violations. In A.P, Garçon and Nicot v. France, the Court ruled that the requirement to undergo sterilisation or treatment involving a very high probability of sterility as a precondition to LGR was in breach of the right to respect for private life under Article 8 and engaged Article 3. Other recent regional developments suggest that the scope of the discretion available to States in the area of LGR is becoming narrower.
  - Gender identity emerges as a protected ground under international anti-discrimination law.
     Research consistently indicates that trans people suffer from disproportionately high levels of violence, harassment and discrimination in all fields of life. For this reason they should qualify for heightened protection under Article 14 ECHR. Gender identity is protected under Article 14, although the language used by the Court to date has been inconsistent.