

## X. v. the FYR of Macedonia

[Case Law](#), [Legal Protection](#), [European Court of Human Rights](#), [Legal Gender Recognition](#), [North Macedonia](#), [Strategic Litigation](#)

### Legal gender recognition

(Application no 29683/16), 28 July 2017

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- The applicant, who is transgender man, complained of the lack of a regulatory framework for the **legal recognition of his gender identity** and about the requirement, which had no basis in domestic law, that he undergoes genital surgery as a precondition for having his gender identity recognised.
- The European Court of Human Rights delivered its judgement on 17 January 2019:
  - In its judgement, the Court referred to the submission, in particular the relevant case-law of the Court with respect to transgender individuals' rights to have their gender identity legally recognised. It referred to the comparative information about the situation in different Council of Europe member States, which given the recent developments, indicated a clear trend towards greater autonomy of individuals in legal gender recognition procedures. The reforms that were underway reflected the fact that the European standard of **"quick, transparent and accessible" legal gender recognition procedures "based on self-determination"** were implemented in practice. Referring to the case of [A.P., Garçon and Nicot](#), the interveners submitted that legal gender recognition should not be dependent on gender reassignment surgery or hormonal treatment. The lack of statutory regulation of legal gender recognition procedures in the respondent State created a state of **uncertainty for transgender people**, which mitigated in favour of inconsistent practice being created and applied by the domestic authorities. Furthermore, there was limited access to trans-specific health care, which impeded any medical treatment (not available in the respondent State) in order to have gender identity recognised (paras 61-62).
  - The Court found that the case revealed **legislative gaps and serious deficiencies** that left the applicant in a situation of distressing uncertainty vis-à-vis his private life and the recognition of his identity, causing long-term negative consequences for his mental health. Thus there was a violation of Article 8 of the Convention.