Czech Court Maintains Mandatory Sterilisation for LGR

statement & call to action, legal gender recognition, sterilisation

TGEU is deeply disappointed with Czechia's Constitutional Court decision of 31 March 2022 to reject the complaint of a trans person seeking legal gender recognition (LGR) without undergoing surgery.

In 2018, the European Committee of Social Rights found the Czech Republic to violate the right to health guaranteed in the European Social Charter by requiring sterilisation in LGR. The Czech Republic has not implemented the decision till this date.

Previously, in 2017, the European Court of Human Rights had found that sterilisation and any medical treatment with a high likelihood of causing sterility as a precondition for legal gender recognition is in breach of human rights.

Yet, despite these findings, Czechia has failed to remove the requirement for trans people to undergo sterilisation in order to have their gender legally recognised. It remains one of only a few countries in Europe left to have such a sterilisation requirement.

"This is about the human rights of real people. The Czech government must act now to remove this cruel requirement for trans people seeking legal gender recognition", says Richard Köhler, TGEU Advocacy Director.

> "Today's decision is a great disappointment to us. It is a scandalous human rights violation."
>
> Lenka Králová, Trans*parent

"To make [legal gender recognition] conditional on a risky, and for many impossible, intervention in an otherwise healthy body, and to force people to make an extremely difficult personal choice, is a very hurtful legal requirement", says Maroš Matiaško, attorney and lawyer at the Forum for Human Rights, who represented the complainant before the Constitutional Court.

TGEU urges Czechia to remove the legal requirement for surgery and sterilisation, and to establish legal gender recognition procedures that are quick, accessible, transparent, and based solely on self-determination.

Further information

Read the statement by Trans*parent association on their website.

For more information about legal gender recognition in Europe see the TGEU website.

Find out more about trans rights in Czechia and other countries in Europe and Central Asia in TGEU's Trans Rights Map.