Lithuanian Case Still Under Supervision of the CoE

article, legal gender recognition

The case L v Lithuania is still under supervision of the Committee of Ministers (CM) at the Council of Europe.

In June 2022, the Committee of Ministers reviewed the implementation again and came to the conclusion that the criteria set in the judgement to provide for a robust legal framework for gender reassignment surgery (as a precondition to accessing legal gender recognition) has not been met yet.

Inter alia, the Committee of Ministers:

5. **Encouraged the authorities to step up their engagement with civil society** to finalise the diagnostic and health care protocol as soon as possible and adopt the Order which would allow coordinated uniform diagnosis, treatment and more flexible access to medical services for transgender persons;
6. Reiterated that for full execution of this judgment, the **Lithuanian authorities must ensure the adoption of a clear legal framework regulating the conditions and procedures for gender reassignment and legal recognition in line with Convention principles** as established in the Court's case law as well as the Committee of Ministers Recommendation CM/Rec(2010)5 and the Parliamentary Assembly Resolution 2048 (2015) on discrimination against transgender people in Europe;
7. **Exhorted therefore the authorities to step up their efforts to finalise the draft legislation to ensure that it can be presented to Parliament and adopted without further delay**; and strongly encouraged continued co-operation with SOGI and civil society to this end;
8. Invited the Lithuanian authorities to submit all relevant developments in a consolidated action plan by 1 March 2023.

In April 2022, TGEU, TransAktija, LGL and ILGA-Europe had made a submission to the Committee of Ministers on the state of the (lacking) implementation of L v Lithuania.

March 2015

Last week the Committee of Ministers (CM) published its annual report on the Execution of Judgements of the European Court of Human Rights (ECtHR). The report also includes CM assessments of number of SOGI cases. On the execution of L v. Lithuania (p. 166) the CM "noted with concern that all efforts in view of enacting the necessary legislation have been unsuccessful. It has consecutively urged the Lithuanian authorities to complete the legislative process initiated and to adopt the sub-statutory legislation on the conditions and procedures relating to gender reassignment medical treatment, in view of ensuring the necessary "legal certainty" and transferred the case to enhanced supervision.

Read this and other LGBT related updates here.