Third Party Intervention in Y.T. v. Bulgaria Case

article, legal gender recognition

ILGA Europe and Bilitis Resource Center Foundation submitted to the European Court of Human Rights joint written comments in Y.T. v. Bulgaria case (Application no. 41701/16).

The case involves a trans man who had been denied the legal recognition of his gender identity at the national level, on the basis that gender reassignment treatment was not capable of resulting in a change of sex. This case raises the issue of the scope and contents of the positive obligation under Article 8 of the Convention to have in place an adequate procedure affording trans people the possibility of changing their legal gender.

Our comments examine the contents of the positive obligation to adopt legislation allowing trans people to have their gender legally recognised. We also discuss the implications of the judgment in the case A.P, Garçon and Nicot v. France, handed down on 6 April 2017, where the Court held that the sterilisation requirement as precondition to legal gender recognition was in breach of Article 8 of the Convention.

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