



THE EUROPEAN COURT LAUNCHED MERITS HEARING INTO THE LEGAL RECOGNITION OF TRANSGENDER MAN'S GENDER

On December 4, 2019, the European Court of Human Rights began a merits hearing on the legal recognition of Nikolo Gviniashvili's gender. In particular, the Court sent to the Government of Georgia, a respondent state, questions relevant to the case of Nikolo Gviniashvili.

The applicant, Nikolo Ghviniashvili, is a transgender man who identifies himself as a man from an early age. Despite this, state authorities refused to indicate his desired

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gender in the identification documents with the argument that he had not submitted any document verifying the change of the anatomical sex. Nikolo Gviniashvili, with the support of GYLA and the European Center for Human Rights (EHRAC), [appealed](#) the decision of public authorities refusing him to have the desired gender indicated in the ID documents at the European Court on October 18, 2019. In his complaint, the applicant argued that, despite the absence of legal provisions, the national authorities considered sex altering surgery as a prerequisite for changing the data in ID documents, violating the applicant's right for private life (Article 8) and the prohibition of inhuman treatment (Article 3 of the Convention). Besides, the treatment placed him in an unequal condition compared with other groups, which contradicted Article 14 of the Convention.

The European Court requested Georgia to provide answers to the questions concerning every item of the application. According to the questions raised by the Court, the state has to present its position to the Court on the issue whether the rights referred to by Nikolo Ghviniashvili were violated through the state's refusal to recognize the gender.

In addition, the State has to answer, in particular, which medical procedures and legal regulations the national authorities relied on while refusing to recognize the applicant's gender without changing the biological sex. Furthermore, the State will be required to substantiate to what extent the request for changing the biological sex is equivalent to the "irreversible change in appearance", regarding which the Court already established violation in the case against France ([A.P., GARÇON AND NICOT v. FRANCE](#)) in 2017.

According to the new case law of the European Court of Human Rights, the parties have been given a 12-week deadline until March 4, 2020, to settle the dispute amicably. If the agreement is not reached between the parties within the time period set by the Court, the Government shall submit its opinion concerning the questions referred to by the Court within a further twelve-week period.

The Georgian Young Lawyers' Association is handling the case with the support of USAID / PROLoG.

Photo: Radio Liberty