

A.D. against Georgia and A.K. against Georgia

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

Gender reassignment treatment required prior to LGR

(Applications nos. 57864/17 and 79087/17), 14 mars 2019

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[A.D. and A.K. v Georgia](#)Download

Communicated case:

- The present case concerns the Georgian authorities' refusal to recognise the applicants' gender identity unless they agreed to undergo gender reassignment treatment.
- In their joint submission ILGA-Europe and TGEU submitted :
 - Gender identity is a basic attribute of **self-determination**, which is protected under the right to respect for private life (Article 8 ECHR). As acknowledged by the ECtHR, lack of accurate identification causes suffering. The right to gender self-determination has been affirmed by the Parliamentary Assembly and the Commissioner for Human Rights; and a clear European consensus to regulate LGR is emerging in Council of Europe member States.
 - The **diagnosis requirement** is based on the pre-conceived idea that trans identities are inherently disordered. Pathologisation subverts an essential aspect of human personality and leads to serious human rights violations. In *A.P., Garçon and Nicot v. France*, the Court ruled that the requirement to undergo sterilisation or treatment involving a very high probability of sterility as a precondition to LGR was in breach of the right to respect for private life under Article 8 and engaged Article 3. Other recent regional developments suggest that the scope of the discretion available to States in the area of LGR is becoming narrower.
 - Gender identity emerges as a protected ground under international **anti-discrimination** law. Research consistently indicates that trans people suffer from disproportionately high levels of violence, harassment and discrimination in all fields of life. For this reason they should qualify for **heightened protection** under Article 14 ECHR. Gender identity is protected under Article 14, although the language used by the Court to date has been inconsistent.