

A.P. v. France, Garçon v. France, and Nicot v. France

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

Legal gender recognition

A.P. v. France (App. no. 79885/12),

Garçon v. France (App. no. 52471/13)

Nicot v. France (App. no. 52596/13), 24 July 2015 (Key case according to the classification of the ECHR HUDOC database)

[Find Court's judgment here.](#)

[A.P. Garçon and Nicot v. France](#)Download

- The cases concern the validity of **medical requirements** imposed by the French authorities on those seeking **legal gender recognition**, including most prominently **permanent sterilization**.
- ILGA-Europe together with Amnesty International and TGEU submitted the following:
 - The informed consent rule has been linked by the ECtHR to the “inalienable right to self-determination” and “the right to personal autonomy” which come within the scope of the right to respect of private life and the fundamental notions of human dignity and human freedom underpinning the Convention. The flip side of consent is the **right to refuse medical treatment**.
 - The Court has described gender identity as “one of the most basic essentials of self-determination,” linking it to a “right to sexual self-determination,” itself an aspect of the right to respect for private life. Denying a trans person the legal recognition of their gender identity has a severe impact on their daily lives. In Europe there has been a clear trend recently towards simplifying legal gender recognition procedures, including by abandoning sterilization and/or other medical prerequisites.
- The European Court of Human Rights delivered its judgement 6 April 2017.
- The Court held that the refusal for a change in civil status, on the grounds that the applicants had not provided proof of the irreversible nature of the change in their appearance – that is to say, demonstrated that they had undergone sterilisation surgery or medical treatment entailing a very high probability of sterility – amounts to a failure by the respondent State to fulfil its positive obligation to secure their right to respect for their private lives. There has therefore been a **violation of Article 8 of the Convention**.