

O.H. and G.H. against Germany

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

Legal gender recognition

(Apps. nos. 53568/18 and 54741/18), 25 June 2019

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- The case concerns a transgender man who gave birth and applied to be registered as father to his child. The German authorities refused his request and registered him instead as mother under his former female forename.
- ILGA-Europe together with TGEU submitted the following:
 - **Restrictive LGR procedures** hinder the ability of trans people to enjoy their **family life**. The law is often not adapted to their situations, as trans parents are frequently forced to disclose their trans identity because of a mismatch between public records and the children's birth certificate.
 - In 2018, the Parliamentary Assembly adopted a resolution asking States to provide for transgender parents' gender identity to be correctly recorded on their children's birth certificates. The *Yogyakarta Principles* specify that "States shall issue birth certificates for children upon birth that reflect the self-defined gender identity of the parents."
 - In Germany, the state de facto dictates a single possible parenting structure, enforces gender norms (a pregnant person is always a mother) and erases the lived reality of other possibilities. Consequently, **birth certificates are often contradictory to the reality**, forcing trans parents to reveal their trans identity, thus leading to frequent **discriminatory and degrading treatments** against trans parents and their children in their daily life.
- The Court made [its decision](#) on 4 April 2023, which found that it is within the State's discretion to list a trans parent on their child's birth certificate using a "deadname" and sex assigned at birth.