

P. v. Ukraine

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

Intersex (Legal gender recognition)

(Application no. 40296/16), 14 November 2017

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

[Find Court's decision here.](#) (non-exhaustion of domestic remedies)

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- The applicant, an **intersex** person, was registered as male, but identifying herself as female. She complains of the absence of any procedure in Ukraine for changing gender and name records for intersex persons.
- ILGA-Europe together with OII Europe submitted the following:
 - There is **lack of awareness** about intersex people in Ukraine and the issues they face in their everyday lives. This results in a **lack of non-pathologising information** on intersex and **lack of administrative procedures** to reflect the person's gender identity which may be wrongfully assigned after birth. As a result, intersex people are wrongfully precluded from name change and legal recognition procedures that are available to trans people.
 - According to the ECtHR, imposing a restriction on one's right to bear or change a name without justified and relevant reasons is incompatible with the purpose of Article 8, which is to protect individuals' **self-determination and personal development**. Therefore, restrictions on name change should be analysed very critically and even more so where they are seeking to prevent conformation with an individual's gender identity.
 - International and European bodies have emphasized the need for quick, transparent and accessible legal gender recognition and name change procedures based on the principle of self-determination. There is a growing international consensus at the national, European and international level of the need to recognise and protect their rights.