

R.L. against Russia and P.O. against Russia

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

Restricted access to LGR

(Applications nos. 36253/13 and 52516/13), 19 March 2018

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[RL and PO v. Russia](#)Download

- The applicants are Russian transgender men. Due to the absence of a transparent and accessible procedure for changing their names and gender markers, the Russian authorities refused to recognise their gender identity unless they agreed to undergo various medical procedures.
- ILGA-Europe together with TGEU, ILGA and the Human Rights Centre “Memorial” submitted the following:
 - The ECtHR has described gender identity as “a fundamental aspect of the right to respect for private life” and as “one of the most basic essentials of self-determination,” linking it to a **“right to sexual self-determination”**.
 - The ECtHR held in *A.P., Garçon and Nicot v. France* that the requirement to undergo sterilisation or treatment involving a very high probability of sterility in as a precondition to LGR was in breach of the right to respect for private life under **Article 8**. Several United Nations Treaty Bodies and Special Procedures consider that LGR should not be based on gender reassignment surgery.
 - In Russia, trans persons still face considerable **difficulties in access to LGR** because of the lack of clarity in Russian legislation.
 - **Gender identity** emerges as a protected ground under international **anti-discrimination law**. UN Treaty Bodies consistently mention gender identity among the protected characteristics of anti-discrimination clauses in Universal Treaties. 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 of the Convention. Gender identity is protected under Article 14, although the language used by the Court to date has been inconsistent. This area of jurisprudence would benefit from some clarity.