

X. v. Russia

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

Name change request by transgender woman

(Application no. 60796/16), 4 August 2017

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- The applicant, a transgender woman, complained of a violation of her right to respect for her private life on account of the Russian **authorities' refusal to change her name** and remove her patronymic name **without a change of gender**.
- ILGA-Europe together with TGEU, Transgender Legal Defence Project and Human Rights Centre "Memorial" submitted the following:
 - Both the ECtHR and the Court of Justice of the European Union ("CJEU") have recognised that a person's name is a fundamental part of their identity and thus fall within the scope of the protection conferred by Article 8 of Convention.
 - Under Russian law, there are no substantial requirements for a change of name, and the procedure should be quick, accessible and transparent. However, there is no consistent practice, and courts have refused to permit the change of name without a corresponding change of legal gender marker. The trend in other Contracting Parties is to allow anyone to change their name with no, or very minimal, pre-conditions.
 - There is also **considerable disparity in Russia** between the procedure for legal gender recognition described in law and the steps that transgender people must take to achieve it in practice. Legal gender recognition cannot be accessed in practice without a diagnosis of "transsexualism", although this isn't required by the law. Gender reassignment surgery is often an additional requirement. This practice is entirely arbitrary and at odds with ECtHR case *AP, Garçon and Nicot v France*, where the Court found that medical interventions which lead with a high probability to sterility and are mandatory requirements in legal gender recognition are not compatible with Article 8.
 - Transgender people in Russia who are unable to obtain documents reflecting their gender identity face considerable inconvenience in their daily lives, including discrimination in employment and various services due to the mismatch between their gender identity and their legal name and legal gender marker.
 - If the name change procedure entails more requirements or is limited compared to the procedure applicable to a person whose gender identity is in accordance with their gender assigned at birth ("cisgender"), it must be considered **discrimination on grounds of gender identity**. Name and gender identity are essential aspects of a person's private life so the State should have only a narrow margin of appreciation in applying any restrictions to procedures that disproportionately affect transgender people.