



Judgments and decisions of 17 January 2019

The European Court of Human Rights has today notified in writing 15 judgments¹ and 87 decisions²: one Chamber judgment is summarised below; a separate press release has been issued for one other Chamber judgment in the case of *X and Others v. Bulgaria* (application no. 22457/16); a separate press release has also been issued for one decision, in the case of *Mehmedovic v. Switzerland* (no. 17331/11); 13 Committee judgments, concerning issues which have already been submitted to the Court, including excessive length of proceedings, and the 86 other decisions, can be consulted on [Hudoc](#) and do not appear in this press release.

The judgment below is available only in English.

X v. ‘the former Yugoslav Republic of Macedonia’ (application no. 29683/16)

The applicant, X, is a Macedonian national who was born in 1987 and lives in Skopje.

The case concerned administrative proceedings in which the applicant, who is transgender, had sought to have the sex/gender marker on the birth certificate changed.

At birth X was registered as a girl, with a clearly female name. From an early age X became aware that he was male rather than female. In 2010 X went to a specialist clinic in Belgrade, where a psychologist and sexologist diagnosed him with “transsexuality”. X started taking hormones to increase his testosterone levels, as recommended by the clinic. In June 2011 X applied for a change of his first and family name. The Ministry of the Interior allowed that application, registering X under a clearly male forename and issued X with a new identity card. However, the sex/gender marker and numerical personal code remained the same, identifying X as a female. In July 2011 X requested to have the sex/gender marker and the numerical personal code on his birth certificate corrected to indicate that he was male. However, the Ministry of Justice (“the Ministry”) dismissed X’s application on the grounds that there was no official document showing the applicant had changed gender.

X appealed to the Ministry, alleging that there was no statutory provision that regulated the matter. Sex reassignment surgery was unavailable in his home country and unjustified in his case. Furthermore, such a requirement would subject him to unwanted medical treatment and sterilisation. He argued that he had already been diagnosed as transsexual, which was sufficient to obtain legal gender recognition. In October 2011 the Ministry dismissed the appeal, but in February 2013 the Administrative Court quashed the Ministry’s decision.

In June 2013 X underwent a double mastectomy (breast removal) in Belgrade and continued his hormone therapy. In the resumed proceedings, the authorities instructed the Forensic Institute to examine X and it found that he should be provided with a document attesting to his new sex. However, in December 2014 the Ministry again dismissed his request to alter the sex/gender marker

¹ Under Articles 43 and 44 of the Convention, Chamber judgments are not final. During the three-month period following a Chamber judgment’s delivery, any party may request that the case be referred to the Grand Chamber of the Court. If such a request is made, a panel of five judges considers whether the case deserves further examination. In that event, the Grand Chamber will hear the case and deliver a final judgment. If the referral request is refused, the Chamber judgment will become final on that day. Under Article 28 of the Convention, judgments delivered by a Committee are final.

Once a judgment becomes final, it is transmitted to the Committee of Ministers of the Council of Europe for supervision of its execution. Further information about the execution process can be found here: www.coe.int/t/dghl/monitoring/execution

² Inadmissibility and strike-out decisions are final.

in the birth register as it had still not obtained “evidence of an actual change of sex”. Fresh proceedings before the Administrative Court are still ongoing.

X submitted reports from 2012 and 2016 showing that the protracted procedure on the legal recognition of his gender identity has had negative consequences on his mental health and life.

Relying in particular on Article 8 (right to respect for private and family life), X complained of the absence of a regulatory framework for legal gender recognition and the arbitrary imposition of a requirement for genital surgery.

Violation of Article 8 - on account of the lack of a regulatory framework ensuring the right to respect for the applicant’s private life.

Just satisfaction: 9,000 euros (EUR) for non-pecuniary damage

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The European Court of Human Rights was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.