

European Court rules that the Czech Republic violates human rights with forced sterilisation of trans people in a pivotal judgment

[press release](#), [legal gender recognition](#), [health & depathologisation](#), [sterilisation](#)

In a pivotal [judgment](#) delivered today, the European Court of Human Rights (ECtHR) has found that the Czech Republic violates the rights of trans people by requiring forced sterilisation as a legal requirement for legal gender recognition.

T.H., a non-binary person, has spent over a decade seeking legal gender recognition and a change of personal identification number in the Czech Republic, without being forced to undergo surgery. However, Czech authorities repeatedly denied the request, citing the legal requirement for surgical sterilisation. Today, the European Court ruled in T.H.'s favour, condemning the Czech government's stance and its courts' insistence on surgery as a breach of the right to private life, as protected by Article 8 of the European Convention on Human Rights.

The European Court of Human Rights based its ruling primarily on the previous decision of the Czech Constitutional Court and emphasised that the state has a duty to establish a clear legal framework allowing trans people to change their legal gender without undergoing surgery. However, Czech ministries are only preparing non-binding methodological guidelines, which are insufficient in light of this Court's judgment.

The European Social Charter Committee had already [ruled in 2018](#), in a case brought jointly by TGEU and ILGA-Europe, that the Czech Republic violates the right to the best attainable healthcare of trans people as guaranteed by Article 11 of the European Social Charter, by requiring forced sterilisation as a requirement for legal gender recognition.

A major legal change is already expected next month, as a result of a different case related to forced sterilisations in which the Czech Constitutional Court struck down the sterilisation requirement in 2024. From 1 July 2025, sterilisation will no longer be a legal obligation for gender recognition.

The Czech Constitutional Court gave the government one year to introduce a new legal framework for gender recognition, delaying the effect of its ruling. However, all proposed reforms have since collapsed after MPs failed to propose and discuss a viable bill and the government's refusal to bring a backbench bill to a vote. As a result, legal gender recognition is now expected to rely solely on ministerial statutory guidance, which is yet to be published and can easily be changed after elections later this year. While both the European Court of Human Rights and the Czech Constitutional Court, as well as the European Social Charter Committee, have affirmed the right to legal gender recognition without surgery, the EU Court of Justice [ruled](#) recently in *Deldits* (C?247/23), that legal gender recognition procedures can never request sterilisation. Still, trans people in Czechia will be left in legal limbo, without access to a safe, dignified, and timely process.

The T.H. Case

Taylor H. said:

“This is a great day for non-binary and trans people, one of the most marginalised groups, long oppressed by a majority that has sought to reinforce its unhealthy dominance in society. The verdict from the Council of Europe tribunal in Strasbourg marks a crucial step forward for all trans and non-binary people in Czechia. In the future, I believe it is up to the European human rights authorities to ensure that the rights of non-binary and trans people are permanently protected at the European level.”

“Especially now, amid growing tensions and efforts to roll back the rights of trans and non-binary individuals across the globe, it is essential that Europe takes a clear and different path, one of dignity, equality, and human rights for all.”

T.H. is a non-binary individual who has never identified with the male gender assigned at birth. T.H. identifies as primarily non-binary, leaning more towards female than male and using she/her pronouns. For personal and medical reasons, T.H. does not wish to undergo gender-affirming surgery or sterilisation. Nonetheless, she has sought to amend her legal gender and obtain a personal identification number reflecting a gender-neutral or female identity.

Since 2012, T.H. has repeatedly petitioned the Czech Ministry of the Interior for this change. Each time, her request was denied for not providing proof of surgical sterilisation, as required by law. After exhausting all administrative channels, including an appeal to the Public Defender of Rights (Ombudsperson), who acknowledged the human rights implications of the case, T.H. took the matter to court.

Both the Municipal Court in Prague and the Supreme Administrative Court dismissed her claims, arguing that the sterilisation requirement was appropriate and constitutionally compliant. In 2019, T.H. lodged a constitutional complaint challenging the requirement under the Civil Code. Despite broad consultation with Parliament, the government, the Ombudsperson, and medical experts — who were divided on the issue — the Constitutional Court upheld the sterilisation condition in 2021, with several judges expressing dissent.

Czech Constitutional Court

Last year, in 2024, the Constitutional Court, with a substantial number of newly appointed judges, received a constitutional complaint in another case, this time involving a trans man, G. N. The Constitutional Court has already granted this request because it found the condition of so-called disabling of reproductive function to be contrary to human dignity and removed the sterilisation requirement from the Czech legal system altogether.

Impact of the European Court of Human Rights’ decision

Maroš Matiaško, representing lawyer (he/him) said: *“The Court’s judgment marks the conclusion of a powerful story that has shaped the public debate on trans rights in the Czech Republic. With its decision, the European Court puts an end to the sterilisation of trans people, one of the most serious human rights issues of the last decade in the Czech Republic. In addition to providing closure, it is also a judgment that brings hope. The Strasbourg Court noted the expectation that the Czech Government will ensure adoption of a dignified, accessible and safe legal framework for legal gender recognition. The new law thus becomes necessary.”*

According to recent research by the National Institute of Mental Health, 90% of trans people in the Czech Republic are dissatisfied with the sterilisation requirement for legal gender recognition and have long wanted a change.

Despite the Czech government’s pro-European rhetoric, it continues to lag behind on fundamental human rights. The EU, [Council of Europe](#), UN, and World Health Organisation all recommend a model of legal gender recognition based on self-determination as the most effective, least invasive, cost-effective and most respectful approach. It

reduces bureaucratic and financial barriers and ensures that trans people can live their lives with dignity.

By now, 12 countries in Europe, including Ireland, Denmark, and most recently Germany have already successfully implemented self-determination models.

Viktor Heumann, Chair of Czech trans, intersex and nonbinary charity Trans*parent (he/him), said: *“It’s heartwarming to hear the ECHR decision that drives forward progress in the status and living conditions of trans people in Czechia. The sterilisation requirement is outdated and inhumane. For too long, the Czech Republic has been one of the last countries in Europe clinging to this harmful practice. Countries like the Netherlands have even offered compensation for such past violations.*

“Sadly, our government has failed to act even after the Czech Constitutional Court ruling, leaving trans people uncertain about what steps they must take for legal gender recognition. Without a clear law, decisions will depend on ministerial guidelines that can easily change in a whim with every new minister or administration. Trans voices must be at the centre of any decisions about their rights. It is essential that political leaders listen to lived experience rather than outdated stereotypes or media distortions.”

Marie-Hélène Ludwig, Senior Strategic Litigation Officer at ILGA-Europe said: *“We welcome this judgment that reiterates the need for all Council of Europe Member States to establish a legal framework allowing for a quick, transparent and accessible legal gender recognition procedure, without any requirements violating the right to privacy and bodily integrity of trans persons. This judgment yet again reminds the Czech Government of its obligation to put an end to this ongoing human rights violation. We call on the Czech Government to implement the ECtHR and Constitutional Court judgments swiftly by bringing the necessary legal changes.”*

Richard Köhler, TGEU Expert Advisor & Senior Policy Advisor

“The Czech Republic has long prided itself as a nation of science and progress, yet its government continues to ignore overwhelming legal standards. This is fundamentally a rule of law issue. When all European top courts and the national Constitutional Court reach the same conclusion, governments must act.

Trans people in Czechia have waited over a decade for basic dignity and legal recognition. They deserve better. TGEU stands ready to support the Czech government in implementing a modern, rights-complaint legal framework that brings the country’s laws into line with its progressive values.”

ILGA-Europe, TGEU and Trans*Parent filed a third-party intervention in the ECtHR *T.H. v. the Czech Republic* case.

Notes to Editors:

- The full court decision can be viewed [here](#).
- For privacy purposes, the claimant is described through her initials T. H.
- The claimant wishes to be referred to preferably as a non-binary person using neutral pronouns, alternatively as a female person using female pronouns, and it should be reflected as such in any reporting, despite the official European Court of Human Rights documents using male pronouns.

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