Groundbreaking decision: Czech Constitutional Court condemns sterilisation as a requirement for legal gender recognition

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On Tuesday, (7 May 2024), the Czech Constitutional Court ruled against the requirement of sterilisation for legal gender change, calling it a severe violation of human rights. Lawmakers in Czechia now have until the middle of next year to update legislation to reflect the ruling.

Activists and civil society organisations in Czechia have been working tirelessly to call on the government to update its Legal Gender Recognition (LGR) laws and remove this outdated requirement. Czechia is one of the four remaining countries in the EU that demands sterilisation before a person can change their gender. Latvia, Romania and Slovakia also still have this requirement.

The case heard in the Constitutional Court revolves around G.N., a trans man seeking legal recognition of his gender without undergoing mandatory surgical procedures. In 2019, G.N. requested changes to official records including his name and gender. Administrative authorities blocked his requests because he had not been sterilised. Despite appeals and lawsuits, G.N. was not permitted to change his gender on official documents. He argued that laws requiring him to be sterilised before changing his gender violated his rights to dignity, equality, health, privacy, and parenthood.

Recent changes to Legal Gender Recognition in Europe

Last month, Germany voted for gender self-determination and Sweden made a move to simplify the oldest Legal Gender Recognition law in Europe. Currently, 11 states in Europe (eight in the EU) base their gender recognition laws on the self-determined gender identity of a person. This procedure is swift and does not require approval by a third party.

What’s next

Czechia has yet to implement a decision by the Committee of the European Social Charter (ESC). TGEU and ILGA-Europe brought the complaint in 2015, requesting the country to end the practice as violating the right to best attainable standard of healthcare, Article 11 ESC. The case of T.H., a non-binary trans woman, is pending before the European Court of Human Rights. T.H. challenges the sterilisation requirement. Alongside ILGA-Europe and Czech NGO Trans*parent, TGEU submitted observations to the Court in the case.

At the same time, a legislative reform on the Czech gender recognition rules is underway. The decision by the Constitutional Court is likely to positively support this process.

TGEU congratulates G.N, the legal team, our friends at Trans*parent and the trans community in Czechia on this important victory.

More info

Find out more about the situation for trans people in Czechia on the Trans*parent website

Paradigm shift with mixed feelings: Germany finally adopts gender self-determination law