



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

Communicated on 21 June 2017

FOURTH SECTION

Application no. 40888/17
Jafarizad Barenji RANA
against Hungary
lodged on 29 May 2017

SUBJECT MATTER OF THE CASE

The application concerns a recognised Iranian refugee who is transsexual. The applicant applied in vain to the Hungarian Immigration and Citizenship Office to have the legal status of name and gender changed. The Office rejected the application explaining that such measures would in principle belong in the competence of the Office of Registrar of Births/Marriages/Deaths. However, since the applicant had been born in Iran, he had no Hungarian birth registration whatsoever which consequently could not possibly be amended. The applicant sought judicial review.

On 25 November 2016 the Budapest Administrative and Labour Court dismissed the case, pointing out that the administrative authority had been in essence right to hold that there was no Hungarian administrative jurisdiction in the case (service: 9 December 2016). It added that the judicial procedure undertaken could not be meant to substitute for a dedicated legal provision that would cover the applicant's situation – which is however currently non-existent.

QUESTION TO THE PARTIES

Has there been a violation of the applicant's right to respect for private life, contrary to Article 8 of the Convention?