



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

Communicated on 10 March 2017

## FIRST SECTION

Application no. 29683/16

X

against the former Yugoslav Republic of Macedonia  
lodged on 23 May 2016

### STATEMENT OF FACTS

The applicant is a Macedonian national who lives in Skopje. The applicant's request for his identity not to be disclosed to the public was granted (Rule 47 § 4). The applicant is represented before the Court by Ms N. Boškova and Mr C. Cojocariu, lawyers practising in Skopje and in Orpington, United Kingdom respectively.

### COMPLAINTS

The applicant complains under Article 8 of the Convention about the absence of statutory provisions regulating the procedure for recognition of his gender identity and the requirement to undergo genital surgery as a necessary precondition for having his gender identity recognised. He alleges that such a requirement had no basis in the domestic law; it was arbitrary and contrary to medical opinion and the applicant's personal choice. Furthermore, it did not serve any of the aims specified in Article 8 § 2. Under Article 13 of the Convention, the applicant alleges a lack of an effective remedy in respect of the complaints under Article 8 of the Convention.

### QUESTIONS TO THE PARTIES

1. Has there been a violation of Article 8 of the Convention in view of the alleged absence of any law regulating the conditions and procedure for registering the new identity of a transsexual? Reference is made in this respect to the applicant's statement that, regardless of the new identity card issued in 2011, he continues to be exposed to daily difficulties as he is still

considered to be of female gender under the domestic law, as attested by his sex/gender marker and personal code. Furthermore, has the applicant been required to undergo complete sex reassignment surgery as a precondition for having his new sex/gender identity recognised? If so, was that requirement lawful and necessary in terms of Article 8 § 2?

2. Did the applicant have at his disposal an effective domestic remedy for Convention complaints under Article 8, as required by Article 13 of the Convention?