



Transgender Persons should be allowed to change records of gender

Today, transgender man appealed to the Supreme Court against the ruling of Tbilisi Court of Appeals, according to which he was refused to change records of gender in the official documentation. GYLA defends his interests.

GYLA believes that requirement for gender change through surgical intervention and relevant confirming medical certificate to change records of gender violates transgender persons' rights to respect for private life, prohibition of inhumane treatment, free personal development and independent decision making on medical interference. Such practice serves no legitimate purpose; it establishes artificial barriers to transgender persons and creates a possibility of discrimination against a person with many grounds. According to the European Court of Human Rights, if the state **requires prior obligation to undergo sex reassignment surgery or drug therapy for recognition of gender identity of transgender persons, which very likely will result in infertility and which are contrary to the person's will, it violates right to private life (Article 8 of the European Convention) and also physical integrity, that is protected by Article 3 of the Convention**

. [1].

Unfortunately, till now the Court does not take the international standards of human rights into account and does not contradict the approach of the Public Service Development Agency, according to which transgender person can only change records of gender after the surgery. According to the Court, interference in the area protected by a right to the self-feeling (self-identification) of transgender person will occur if the person will be hindered from his own feelings on any grounds, from any side, as for the refusal to change protected information in a public institution, it cannot be considered as interference with a person's protected right, because in this case a person is not restricted to his own feelings by the public institute.

GYLA hopes that the Supreme Court will recognize the submitted complaint admissible and make a decision based on respect for human rights and change the inhumane restrictions imposed for transgender persons.