



COMMISSIONER FOR HUMAN RIGHTS
COMMISSAIRE AUX DROITS DE L'HOMME



Ref: CommHR/LS/sf 007-2013

Ms Nansi TIRELI

Chairperson of the Gender Equality Committee
Croatian Parliament

Strasbourg, 5 April 2013

Dear Ms Tireli,

It has been brought to my attention that the ongoing reform of the Croatian State Registries Act offers a good opportunity for clarifying the legal framework for the official recognition of trans persons' preferred gender. I am also aware of your plans to hold a thematic assembly on the issue in the Croatian Parliament. In line with the jurisprudence of the European Court of Human Rights (e.g. the cases of *Christine Goodwin v. United Kingdom* and *L. v. Lithuania*), the Committee of Ministers of the Council of Europe has urged member states "to guarantee the full legal recognition of a person's gender reassignment in all areas of life, in particular by making possible the change of name and gender in official documents in a quick, transparent and accessible way" (CM/Rec(2010)5).

It is my position that legal gender recognition should not require infertility or compulsory medical treatment which may seriously impair the autonomy, health or well-being of the individuals concerned. Any requirement of a medical diagnosis should be reviewed with a view to eliminating obstacles to the effective enjoyment by trans persons of their human rights, including the right to self-determination concerning one's gender. Moreover, divorce should not be a necessary condition for gender recognition as it can have a disproportionate effect on the right to family life. The report "Discrimination on grounds of sexual orientation and gender identity in Europe" published by my Office in 2011 and enclosed to this letter provides further guidance and recommendations on the matter.

I strongly encourage your efforts to bring the Croatian legislation in this field in line with European standards and look forward to a constructive dialogue on the issue. I have addressed a letter on the question to Mr Arsen Bauk, the Minister of Public Administration, as well.

Yours sincerely,

Nils Muižnieks

Enc.

- Report "Discrimination on grounds of sexual orientation and gender identity in Europe"
- Summary of the Report in Croatian