

‘The Year in Review’

Law

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Rome, 12 April 2019

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Outline of Presentation

- Case Law
- Statutes
- Monographs
- Articles / Chapters
- Reports / Soft Law



Case Law: I

European Court of Human Rights

- *AP, Garçon and Nicot v France*, App No. 79885/12, 52471/13 and 52596/13 (6 April 2017)
- *SV v Italy*, App No. 55216/08 (11 October 2018)
- *X v “the former Yugoslav Republic of Macedonia”*, App No. 29683/16 (17 January 2019)

Case Law: II

Court of Justice of the European Union (CJEU)

- *MB v Secretary of State for Work and Pensions*, Case C-451/16 (26 June 2018)

Case Law: III

United Nations Human Rights Committee

- *G v Australia*

[Communication No. 2172/2012, CCPR/C/119/D/2172/2012 (15 June 2017)]

Case Law: IV



Domestic Case Law: I

Non-Binary Gender Recognition

- **Constitutional Court of Germany**, 1 BvR 2019/16 (10 October 2017) (*Germany*)
- **Constitutional Court of Austria** (15 June 2018) (*Austria*)
- **R (On the Application of Christie Elan-Cane) v Secretary of State for the Home Department** [2018] EWHC 1530 (Admin) (*England and Wales*)
- **Cour of Cassation of France**, N° 16-17189 (4 May 2017) (*France*)
- **Rechtbank Limburg**, C/03/232248/FA RK 17-687 (28 May 2018) (*Netherlands*)

Case Law: V



Domestic Case Law: II

Legal Gender Recognition

- **Constitutional Court of Italy**, Decision No. 180 (13 July 2017) *(Italy)*
- **Supreme Court of Bulgaria**, 4th Civil Division, No. 2316/2016 r (30 May 2017) *(Bulgaria)*

Case Law: VI



Domestic Case Law: III

Family Law (Parental Status)

- **Federal Court of Justice**, Case XII ZB 660/14 (September 2017) *(Germany)*
- **Federal Court of Justice**, XII ZB 459/16 (29 November 2017) *(Germany)*
- **Tribunal of Trento** (21 March 2018) *(Italy)*
- **Re M (Children)** [2017] EWCA Civ 2164 *(England and Wales)*

Case Law: VII



Domestic Case Law: IV

Equality and Non-Discrimination

- **College voor de Rechten van de Mens**, opinion 2017-20 (22 February 2017) (*Netherlands*)
- **Souza v Primark Stores**, Employment Tribunal, Case No 2206063/2017 (2017) (*England and Wales*)
- **Civil Court in Antwerp**, Nieuw Juridisch Weekblad ((31 May 2017) (*Belgium*))
- **Equality Board of Denmark**, Case 10023/2017 (31 October 2017) (*Denmark*)
- **Intervention of the Ombudsman** (28 August 2018); **Yearly report of the Ombudsman** (referring to 231564/2017, 233918/2017) (*Greece*)
- **Equal Treatment Authority of Hungary**, ETA: EBH/36/2018 (2018) (*Hungary*)

Statute / Legal Reform

- Act 4491/2017, Art. 1 (*Greece*)
- Law of 10 August 2018 (*Luxembourg*)
- Decree XIII 3 105, 2018 (*Portugal*)
- Lag (2018:162) om statlig ersättning till personer som har fått ändrad könstillhörighet fastställd i vissa fall (*Sweden*)

Monographs

- **Alex Sharpe**, *Sexual Intimacy and Gender Identity 'Fraud': Reframing the Legal & Ethical Debate* (Routledge 2018)

- **Damian A Gonzalez-Salzberg**, *Sexuality and Transsexuality Under the European Convention on Human Rights: A Queer Reading of Human Rights Law* (Hart 2019)

Articles / Chapters: I

- ✓ Anniken Sorlie, *Governing (Trans)Parenthood: The Tenacious Hold of Biological Connection and Heterosexuality*, in Dianne Otto (ed.), *Queering International Law: Possibilities, Alliances, Complicities, Risks* (Routledge 2018)
- ✓ Chris Dietz, *Governing legal embodiment: on the limits of self-declaration* (2018) 26(2) *Feminist Legal Studies* 185
- ✓ Jens T. Theilen, *Beyond the gender binary: rethinking the right to legal gender recognition* (2018) 3 *European Human Rights Law Review* 249

Articles / Chapters: I

- ✓ Peter Dunne, *Transgender Sterilisation Requirements in Europe* (2018) 25(4) *Medical Law Review* 554
- ✓ Pieter Canoot, *The Pathologisation of Trans* Persons in the ECHR's Case Law on Legal Gender Recognition* (2019) 37(1) *Netherlands Quarterly of Human Rights* 14

Reports / Soft Law

- ❖ ***Trans and Intersex Equality Rights in Europe – A Comparative Analysis*** (European Commission, DG Justice and Consumers, 2018)
- ❖ ***Violence and Discrimination based on Gender Identity*** (Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, A/73/152, 12 July 2018)
- ❖ ***Yogyakarta Principles Plus 10*** (2017)

Thank you!

Any Questions?

Feel Free to Get in Touch:

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