

### **Summary:**

Non-recognition for legal purposes of a post-operative transsexual's new sexual identity.

### **Article 8**

1. Extent of positive obligations inherent in an elective respect for applicant's private life - area where little common ground between the Contracting States, which therefore enjoy a wide margin of appreciation - fair balance to be struck between general interest of the community and interests of the individual, in achieving which balance the aims mentioned in paragraph 2 of Article 8 may be of a certain relevance.
2. Respondent State had endeavoured to meet applicant's demands as far as possible under its existing system; striking of fair balance does not require introduction of a new type of documentation showing and constituting proof of current civil status, a change that would have important administrative consequences and would impose new duties on rest of the population - neither does striking of this balance require that existing register be the object of an amendment or annotation kept secret from third parties, a course that would involve difficult problems in various areas of public interest, which could be overcome only by detailed legislation. Conclusion: no violation - for the time being a certain latitude must be left to the State but, since the Convention has always to be interpreted in the light of current circumstances, the need for appropriate legal measures should be kept under review.

### **Article 12**

1. The right to marry in Article 12 refers to traditional marriage between persons of opposite biological sex.
2. Limitations on this right must not restrict or reduce it in such a way or to such an extent that its very existence is impaired, but the legal impediments in the United Kingdom on the marriage of persons who are not of the opposite biological sex cannot be said to have an effect of this kind. Conclusion: no violation