

# **Legal aspects of gender reassignment**

## **Abstract**

This thesis deals with legal aspects of gender reassignment, especially with legal conditions of gender reassignment which are required by the Czech law. Furthermore, the thesis provides a general introduction to the issue of transsexuality, deals with the etiology of transsexuality, and defines its two fundamental types, namely the MtF and the FtM transsexuality. This thesis also recalls the position of transgender people in society, as transgender people continuously face various forms of discrimination. In particular, the text of the thesis is focused on the legal analysis of the issue of gender reassignment. The thesis deals with all legal regulations that contain provisions concerning gender reassignment. In this manner, it deals with all relevant legal provisions included in the Czech Civil Code, in the Act on Specific Health Services, and in the Registry Act. The thesis also deals with the possible future legal regulation of gender reassignment using the *de lege ferenda* considerations. This bill could adapt the Czech legal regulation of gender reassignment to the case-law of The European Court of Human Rights as well as the legal standards in other European countries. In the thesis, there is also the whole process of gender reassignment including both the medical and legal aspects described. Especially, the attention is brought to the phase after the legal recognition of gender reassignment. In this part, the thesis focuses on the legal status of a person who has undergone gender reassignment, specifically on his right to marry, enter into a registered partnership, and the possibility of starting a family, which the Czech legal system provides to transsexuals. The diploma thesis includes also the analysis of legal regulations concerning a gender reassignment in selected European countries as well as the comparison of these regulations with the Czech legislation on gender reassignment. The following chapters are focused on relevant case-law concerning the rights of transgender people and gender reassignment, both at the international level and the national level. This part of the thesis emphasizes the tendency of increasing the level of human rights, and therefore also the rights of transgender people. This progression is well reflected in the case-law of The European Court of Human Rights.

## **Keywords:**

- Gender reassignment
- Transgender
- Sterilization

