

Gender reassignment in the context of human rights

Abstract

The thesis deals with the issue of gender reassignment in the context of human rights. From a marginal topic affecting only a small part of the population, it has become a phenomenon discussed by the entire society in the present time. The thesis deals with the issue of gender reassignment in the context of human rights. In the introduction, it provides an insight into the human rights related to gender reassignment, such as bodily integrity, the right to self-determination or the right to human dignity and the related prohibition of torture, then an introduction to the issue of persons affected by gender reassignment, an explanation of basic concepts, such as the concept of gender itself in its individual levels, the difference between trans and intersex persons, an excursion into the issue of normalization procedures and an excursion into the issue of surgical gender reassignment itself and the consequences it brings with it. It also analyses the legal regulation of gender reassignment in individual legal regulations that is still valid. The following section deals with the interpretation of European human rights standards, especially through the analysis of individual decisions of the European Court of Human Rights in matters of gender reassignment and the decision of the European Committee of Social Rights in the case of Transgender Europe and ILGA - Europe against the Czech Republic. Last but not least, the thesis analyzes the groundbreaking ruling of the Constitutional Court, which annulled selected provisions of the current gender reassignment legislation, and finally, the thesis is devoted to the parliamentary proposal for a new gender reassignment legislation in individual legal regulations affected by the change and evaluates whether this proposal sufficiently reflects the aforementioned decisions and the ruling of the Constitutional Court and thus meets the requirements of current human rights standards.

Key words: gender reassignment, trans, human rights