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Failure to implement European Court of Human Rights judgment on access to gender reassignment treatment prolongs inhuman treatment of transgender persons in Lithuania

Written declaration No. 549

This written declaration does not reflect the position of the Assembly; only of those members that have signed it. It will not be considered further by the Assembly.

In 2007, in *L v. Lithuania*, the European Court of Human Rights found that Lithuania's failure since 2001 to implement legislation making possible gender reassignment treatment violated Article 8 of the Convention. It appears that in the intervening six years the Lithuanian authorities have failed to take any concrete steps towards implementation of the judgment. Thus, for 12 years, transgender persons have been unable to undergo gender reassignment treatment in Lithuania, and in consequence, to obtain a change of civil status.

This prolonged and grave interference in the right to private life amounts to inhuman treatment of all transgender persons in Lithuania needing a change of civil status.

On 23 May 2013, in open defiance of the Court's judgment in *L v. Lithuania*, the Lithuanian Parliament gave initial support to a proposal that the Civil Code be amended to prohibit gender reassignment surgery.

We call upon the Lithuanian authorities to implement the above judgment of the Court, and on the Committee of Ministers to pursue execution of this judgment urgently, including through transferring the case from the standard to the enhanced monitoring procedure.

Signed (see overleaf)



*Signed*¹:

GUNNARSSON Jonas, Sweden, SOC
ACKETOFT Tina, Sweden, ALDE
AXELSSON Lennart, Sweden, SOC
BIEDROŃ Robert, Poland, SOC
BİLGEHAN Gülsün, Turkey, SOC
GIANNAKAKI Maria, Greece, NR
GUZENINA-RICHARDSON Maria, Finland, SOC
HÄGG Carina, Sweden, SOC
HAUGLI Håkon, Norway, SOC
JENSEN Mogens, Denmark, SOC
KARLSSON Ulrika, Sweden, EPP/CD
LOKLINDT Lone, Denmark, ALDE
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OSBORNE Sandra, United Kingdom, SOC
POURBAIX-LUNDIN Marietta, de, Sweden, EPP/CD
SCHEMBRI Deborah, Malta, SOC
SYDOW Björn, von, Sweden, SOC
TAKTAKISHVILI Chiora, Georgia, ALDE
TRETTEBERGSTUEN Anette, Norway, SOC

Total = 20

1. ALDE: Alliance of Liberals and Democrats for Europe
EPP/CD: Group of the European People's Party
SOC: Socialist Group
NR: Representatives not belonging to a Political Group