Transsexuality in law

Abstract

Gender reassignment is a topical issue that concerns only a relatively small number of people and is not given the necessary attention in the Czech legal environment, although the legislation is insufficient for a long time and does not comply with internationally recognized human rights standards. The legal system is based on the binary concept of gender and trans people are often unable to place themselves within it. The title of the thesis reflects the legal situation of trans people in the Czech Republic, as the legislation pays attention only to transsexuals and allows them to achieve life in the official gender they identify as. The law forgets other trans people who, for various reasons, do not wish to undergo surgical gender reassignment and, due to unfavorable legislation, have to deal with unpleasant and humiliating situations and discrimination. The thesis provides an explanation of the terminology of the issue, a description of the process of gender reassignment and an analysis of the legal status of transgender people in the Czech Republic with an emphasis on a critical analysis of key aspects of gender reassignment. In addition, the provisions of the Czech legislation in the Civil Code, the Act on Specific Health Services, the Act on Registries and the Act on Population Registration are subject to comparison with German legislation and German case law, which may be interesting especially with regard to the similarity of both legal cultures. At the end of the thesis, it contributes to the social discussion with some possible proposals for solutions in connection with the discussed amendment to the Civil Code and the Act on Registries. Since 2012, when the Act on Specific Health Services came into effect and the Civil Code came into force, the number of applicants for gender reassignment has increased more than tenfold in the Czech Republic. The law should thus reflect the growing number of trans people in order to effectively protect their guaranteed human rights.