



European network of legal experts in gender equality and non-discrimination

FLASH REPORT

Country:	Greece
Title:	First Greek judgment on the recognition of a non-binary person
Date:	24 November 2020
Expert:	Panagiota Petroglou
<u>Context</u>	
Issue at stake:	First Greek judgment on the recognition of a non-binary person
Grounds of discrimination:	Transgender
Field of application:	Other field (recognition of gender identity as a non-binary person)
Source:	Judgment No. 153/2020 of the Justice of the Peace of Kallithea

Content

Case law: For the first time in Greece judgment No. 153/2020 of the Justice of the Peace of Kallithea has completely upheld the petition of a non-binary person for the recognition of their gender identity and the change of their surname.

Key points of analysis: In the case, the petitioner was registered as female at birth and asked for the change of their first name from a female name to a neutral name and of the existing surname which in Greek had a female ending to one with a male ending.

By its judgment No. 153/2020, the Justice of the Peace of Kallithea found the petition to be legally founded on the provision of Article 5(1) of the Greek Constitution on the protection of the free development of the personality,¹ which comprises of, *inter alia*, the individual right to self-determination of a person's identity, the individual right to a name and a surname (as fundamental aspects of a person's identity) the individual freedom to appear in public as one wishes, the right to sexual orientation and the freedom of sexual relations (safeguarded also by Article 8(1) of the European Convention of Human Rights). According to the Court, the concept of 'good usages' in Article 5(1) of the Constitution refers to the prevailing social perceptions and the admittedly socially acceptable standards of right and good behaviour. Therefore, it varies according to the historic context allowing the legislator and, next, the competent judicial authority the possibility to estimate to which extent the limitation of the individual autonomy is constitutionally legitimate. The Court also found the petition to be legally founded on Article 14(1) Act 344/1976 on the certificates of registration² and on Act 4491/2017, OJ A 152/13.10.2017 on the legal recognition of gender identity.

¹ Article 5(1) of the Greek Constitution stipulates that '1. All persons shall have the right to develop freely their personality and to participate in the social, economic and political life of the country, insofar as they do not infringe the rights of others or violate the Constitution and the good usages'.

² Article 14(1) Act 344/1976, OJ A 143/11.06.1976, as amended by Article 7(1) Act 4491/2017, OJ A 152/13.10.2017, stipulates that 'Modifications related to the situation of a natural person due tochange

In this context, the Court found that the petitioner, registered at birth as a woman, since the adolescence was attracted to persons of both genders without wishing to experience such a relation as a bisexual woman but rather as a man and a woman at the same time, i.e. as a non-binary person. Thus, by a stable and specific choice, the petitioner since 2017 has asked their friends, family and social environment to address them with the gender neutral name '...'. and the surname '...'. This has become an indispensable and stable characteristic of the petitioner's personality by which exclusively the petitioner is known and addressed to by the family and the social environment. At the same time, it facilitates the petitioner's social relations and is in line with the petitioner's psyche and the free development of the personality of the petitioner. It also ensures security in the petitioner's transactions with the State and with individuals. According to the Court, eventual rejection of the claim would create undesirable consequences for the petitioner in reference to their personal and social situation and image.

Internet link source: <https://avmag.gr/129455/anagnorisi-non-binary-taytotitas-fyloy-apo-to-eirinodikeio-kallitheas/>.

of name, surname...or due to the correction of the registered gender are registered in the field 'Modifications' of the information system of Article 8A within one month since they took place, upon submission of ... a certificate of irrevocability of the relevant judicial judgment... Especially in the case of the correction of the registered gender, the judicial judgment may be final'.