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Meeting: 1563<sup>rd</sup> meeting (June 2026) (DH)

Item reference: Action Report (11/03/2026)

Communication from the Czech Republic concerning the case of T.H. v. the Czech Republic (Application No. 33037/22)

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Réunion : 1563<sup>e</sup> réunion (juin 2026) (DH)

Référence du point : Bilan d'action (11/03/2026)

Communication de la République tchèque concernant l'affaire T.H. c. République tchèque (requête n° 33037/22) (*anglais uniquement*)

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**Execution of the judgment of the European Court of Human Rights  
in case no. 33037/22 – *T.H. v. the Czech Republic***

**Action Report submitted by the Czech Government on 11 March 2026**

In its judgment in case of *T.H. v. the Czech Republic* of 12 June 2025, which became final in accordance with Article 44 § 2 (b) of the Convention, the European Court of Human Rights (“the Court”) held that there was a violation of Article 8 of the Convention because the applicant’s request for legal gender change was refused due to non-fulfilment of the requirement of a surgical operation involving sterilisation.

The present action report is intended to inform the Committee of Ministers of both individual and general measures that have been adopted to properly execute the above judgment.

## **I. INDIVIDUAL MEASURES**

Just satisfaction awarded by the Court in the amount of EUR 2,000 was paid to the applicant on 2 December 2025.<sup>1</sup>

The Government recall that the Constitutional Court Act offers the possibility to request the reopening of the proceedings before the Constitutional Court following the judgment of the Court.<sup>2</sup> The applicant has not used this opportunity.

Finally, as indicated below in part II.B of this action plan, since 1 July 2025, it has become possible for the applicant (as well as for all other trans people in the Czech Republic) to apply for legal gender change without having to undergo a surgical operation or sterilisation. It means that should the applicant wish to obtain a new gender recognition, the quickest and easiest way for her to do so after 1 July 2025 would not be to request the reopening of her proceedings before the Constitutional Court, but to file a request to this effect directly to the competent administrative authorities.

In view of the above, the Government believe that no other individual measures need to be adopted in the applicant’s case.

## **II. GENERAL MEASURES**

### *A. RAISING AWARENESS AND ANALYSIS OF THE JUDGMENT*

The Ministry of Justice has informed the public about the judgment immediately after its delivery in the form of a [press release](#). It has further published the Czech translation of the judgment and its summary in its online database of the international human rights case law

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<sup>1</sup> Details about the payments could be requested from the Office of the Czech Government Agent.

<sup>2</sup> Section 119 of the Constitutional Court Act as amended by Act no. 404/2012 provides, *inter alia*, that if the Constitutional Court has previously ruled in a case in which an international court finds a violation of human rights or fundamental freedoms guaranteed by an international treaty, it is possible to file a request for reopening of the proceedings in which the ruling was given. Section 119b provides, *inter alia*, that if Constitutional Court’s previous judgment (*nález*) was inconsistent with the decision adopted by the international court, it must set it aside. If the Constitutional Court sets aside its judgment, it deals anew with the original constitutional appeal and the new judgment should be based on the legal opinion of the international court.

([mezisoudy.cz](https://mezisoudy.cz))<sup>3</sup> and the summary also in the Government Agent's Newsletter [no. 4/2025](#). In addition, both the translation of the judgment and its summary have been sent to all the public authorities involved in the case.

### *B. CHANGES IN CZECH LAW SUBSEQUENT TO THE JUDGMENT*

As pointed out by the Court itself in the above judgment, there has been a new development in the case-law of Czech courts after the domestic proceedings instituted by the applicant. In particular, the Czech Constitutional Court, in its plenary judgment no. Pl. ÚS 52/23 of 24 April 2024, decided to annul the first sentence of Section 29 § 1 of the Civil Code and the first sentence of Section 21 § 1 of the Specific Health Services Act, i.e. the statutory provisions requiring a surgical operation involving sterilisation in order to obtain a legal gender change. The Constitutional Court, referring *inter alia* to the Court's case-law, considered that this requirement amounted to a significant interference with the bodily integrity of trans people and with their right to self-determination and personal autonomy. At the same time, the Constitutional Court suspended the enforceability of the annulment until 30 June 2025 in order to provide the legislature with sufficient time to adopt new legal regulations on gender recognition. It also specified that the relevant provisions would cease to apply on the above date, even if no new legislation was adopted by that date; in that case, legal gender change will be governed on a statutory level only by the remaining part of the relevant provision of the Civil Code, according to which this change is conditioned by a "certificate of a health service provider" (see § 23–24 of the Court's judgment).

As for further domestic development, the Government note that the respective statutory provisions indeed ceased to apply on 30 June 2025. Given that in the meantime, no political consensus has been reached in Parliament to adopt a new regulation of this area by law, since 1 July 2025, the conditions for legal gender change are newly specified in the following two regulations:

- *first*, a methodological guideline issued by the Ministry of Health, available [here](#); and
- *second*, a methodological guideline issued by the Ministry of Interior, available [here](#).

According to these regulations, the process of gender change in the Czech Republic consists of the following three stages (the first two of them being mandatory and the last one being optional):

- ***First stage: beginning of the treatment for gender change.*** A trans person comes to a doctor with a specialisation in sexology. The doctor issues them an official document titled "certificate of a health service provider on beginning of treatment for gender change". On the basis of this document, the trans person may ask the registry office of citizens ("*matriční úřad*") to change their name into a neutral form. This has no consequences for the legal gender of the person concerned.

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<sup>3</sup> In June 2024 the Ministry of Justice officially launched a new website (<https://mezisoudy.cz/>) dedicated to international protection of human rights. The website is run by the Government Agent's Office. It includes a database, which provides access to the case-law of the Court. The database contains all the judgments of the Court in the language in which the Court issued them. Above that, the database contains translations of all judgments of the Court against the Czech Republic, hundreds of translations of the most important judgments of the Court delivered against other States and more than 1 700 legal summaries compiled in the Czech language of other relevant and significant judgments and decisions of the Court. The database also connects the case-law of the Court with the case-law of the Constitutional Court of the Czech Republic and the jurisprudence of the European Committee on Social Rights and United Nations Treaty Bodies.

- **Second stage: confirmation of a diagnosis of gender dysphoria.** The sexologist examines the trans person in order to confirm the diagnosis of gender dysphoria. The recommended duration of this stage is between 6 and 12 months and can involve further specialized examinations of the trans person concerned, e.g. by a clinical psychologist, psychiatrist or endocrinologist. Once the diagnosis of gender dysphoria is confirmed, the sexologist issues an official document titled “certificate of a health service provider on termination of treatment for gender change”. After submitting this certificate to the registry office of citizens, the office makes an additional entry to record the legal gender change of the person concerned. In other words, on the basis of the new regulations, the only condition of legal gender change is to obtain an official medical diagnosis of gender dysphoria.
- **Third stage: additional medical treatment.** This stage can involve surgical interventions, hormonal treatment, voice therapy, psychological or psychiatric counselling, or other relevant treatment. According to the new regulations, this whole stage is **entirely optional**, i.e. any of these interventions are carried out only in case – and to the extent – that the person in question wishes to undergo them, and they no longer represent a requirement for legal gender change under Czech law.

In January 2026, the Ministry of Interior provided following data concerning the number of cases in which a legal gender change was carried out in the registry offices of citizens in the Czech Republic:

- year 2022: **172** cases
- year 2023: **188** cases
- year 2024: **164** cases
- year 2025: in the period from 1 January until 30 June – **90** cases; in the period from 1 July until 31 December – **955** cases

The statistics of the Ministry of Interior do not differentiate between cases of legal gender change on the basis of a medical diagnosis, and cases following a surgical operation. However, they clearly show that there has been a very sharp increase of cases of legal gender change after 1 July 2025, i.e. after the new regulation entered into force. This indicates that after the above date, the cases of legal gender change do not cover only trans people after a surgical operation, but also – and mainly – people issued with a diagnosis of gender dysphoria who did not undergo a surgical operation.

The Government are of the opinion that the above data prove that the new system of legal gender change, which, in addition to succinct legal regulation, is based on detailed methodological guidelines, and which subjects this change solely to the condition of a medical diagnosis, is **effective in practice**.

In the light of this development of domestic jurisprudence and regulatory framework, the Government are of the opinion that after 1 July 2025, the situation in the Czech Republic is no longer in contradiction with the requirements stemming from the Court’s judgment in the case at hand.

### III. CONCLUSION

On the basis of the above, the Government of the Czech Republic are of the opinion that the individual and general measures taken are sufficient and propose to the Committee of Ministers to close its supervision of the execution of the above judgment.