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Winds of change, let the courts decide.

Equal Eyes (20.09.2020) - <https://bit.ly/2Sfj4f9> - For the first time in the jurisprudence, non-binary gender identity is recognized, something that, as mentioned, was rejected 3 years ago by the Magistrate's Court of Maroussi in the case of Jason Antigone .

The news comes from the lawyer Vassilis Sotiropoulos and the text published on t-zine, where, among other things, it informs about the recognition of non binary gender identity in a person by the Magistrate Court of Kallithea.

Read in detail what he mentions:

IN A CASE OF OUR OFFICE, WHICH REPRESENTED A PERSON WHO WAS NOT BINARY IN TERMS OF GENDER, THE MAGISTRATE COURT OF KALLITHEA WITH DECISION 153/2020 UPHELD THE APPLICATION FOR RECOGNITION OF GENDER IDENTITY AND THE CHANGE OF THE PERSON'S NAME. THIS IS THE FIRST DECISION BY WHICH THE REQUEST OF A NON BINARY PERSON IS FULLY ACCEPTED , AS THERE WERE TWO PREVIOUS DECISIONS OF THE MAGISTRATE'S COURT OF MAROUSSI THAT HAVE ALREADY BEEN APPEALED AND THE RELEVANT DECISIONS ARE PENDING BY THE SINGLE MEMBER COURT OF FIRST INSTANCE OF ATHENS. FOR THE FIRST NON BINARY DECISION CONCERNING JASON ANTIGONE, THE MAGISTRATE'S COURT OF MAROUSSI HAD ACCEPTED THE NON-BINARY GENDER IDENTITY AND THE ADDITION OF "ANTIGONE" TO JASON, BUT HAD REJECTED THE DELETION OF GENDER, A REASON FOR WHICH THE CASE WAS APPEALED. IN FACT, AS THE JUDGE ASSIGNED TO HEAR THE APPEAL EXCEEDED THE LEGALLY PRESCRIBED PERIOD OF EIGHT (8) MONTHS FOR A DECISION, WE HAVE ALREADY APPEALED TO THE COMPETENT AREOPAGITIS FOR DISCIPLINARY REVIEW AND WE ARE AWAITING HIS EXAMINATION FOR THE REASONS OF THE DELAY. IN THE SECOND DECISION OF THE MAGISTRATE'S COURT OF MAROUSSI, THE REQUEST FOR GENDER DELETION WAS ALSO REJECTED AND AN APPEAL HAS BEEN SUBMITTED. THE MAGISTRATE'S COURT OF KALLITHEA ADJUDICATED A REQUEST FOR RECOGNITION OF THE GENDER IDENTITY OF A PERSON WHO AT HIS BIRTH WAS GIVEN THE FEMALE SEX AND REQUESTED THE CHANGE OF THE FIRST NAME FROM A WOMAN'S NAME TO A NEUTRAL NAME AND THE SURNAME ENDING IN THE OPPOSITE SEX (MALE).

According to the decision:

'The provision of article 5 par. 1 of the current Constitution guarantees the right of everyone to free development of their personality, as long as the rights of others are not violated and the Constitution or good morals are not violated. Also, according to the provision of article 5 par. 5 of the Constitution, everyone has the right to the protection of his health and his genetic identity. The breadth of this constitutional wording, which refers to the general principle "what is not forbidden is allowed" and the relationship between the

general and the specialist (Raikos 2008: 335) with individual provisions that guarantee private and public manifestations of autonomy (eg the private life in Article 9 S., freedom of expression in Article 14 S. etc.) does not mean, however, that this constitutes a guiding principle for the legislator or a "rule of interpretation" (Manesis 1982: 119),

The meaning of this constitutional requirement extends to the freedom of action of every subject, both as a right of defense, as a claim of the State's abstention from interventions in the "free development of personality", and as an active and participatory right, as a positive freedom, in the sense of "participation in the social, economic and political life of the place." In a nutshell, it is the "right of the individual to decide for himself and to make his own choices, the ability of everyone to shape his life as he wishes (ECtHR *Pretty v. United Kingdom, Laskey, Jaggard and Brown v. United Kingdom*). The free development of the personality means first of all the individual right (self) of identification. This typically determines,

Thus, the right of the individual to his name (first and last name) is a statutory element of his identity. The field of personal identity, and in particular the identification of the individual, but also of his personal narrative unit, includes the freedom of the subject to present himself publicly as he wishes, which goes beyond the traditional field of privacy and the spatial criterion of its determination (Akrivopoulou 2012), to specialize as the first protection of the image of the face from the unwanted exposure (Chrysogonos 2006: 184, Karakostas 2000: 284), but also of its "cultural" self-determination.'
