**CASE OF VAN KÜCK v. GERMANY[[1]](#footnote-1)**

(Application no. 35968/97)

JUDGMENT STRASBOURG

Sentencia 12 June 2003

**Antecedentes**

The applicant was born in 1948 and lives in Berlin. At birth, she was registered as male, with the forenames Bernhard Friedrich.

In 1990 the applicant instituted proceedings before the Schöneberg District Court, asking it to change her forenames to Carola Brenda.

On 20 December 1991 the District Court granted the applicant’s request. The court found that the conditions under section 1 of the Transsexuals Act (Gesetz über die Änderung der Vornamen und die Feststellung der Geschlechtszugehörigkeit in besonderen Fällen) were met in the applicant’s case.

The District Court, having heard the applicant and having regard to the written opinions of the psychiatric experts Prof. R. and Dr O. of 28 August 1991, and of the psychological expert Prof. D. of 1 September 1991, considered that the applicant was a male-to-female transsexual. It noted that, although Prof. R. and Dr O. had indicated that the applicant was not a typical transsexual, the Transsexuals Act required only that the condition of transsexuality be met, irrespective of the particular form it took. Moreover, the court found that the experts had convincingly shown that the applicant had been for at least the last three years under the constraint of living according to these tendencies and that there was a high probability that the she would not change these tendencies in the future.

**Sentencia**

1. Holds by four votes to three that there has been a violation of Article 6 § 1 of the Convention;

2. Holds by four votes to three that there has been a violation of Article 8 of the Convention;

3. Holds unanimously that no separate issue arises under Article 14 of the Convention taken in conjunction with Articles 6 § 1 and 8;

4. Holds by four votes to three

(a) that the respondent State is to pay the applicant, within three months from the date on which the judgment becomes final according to Article 44 § 2 of the Convention, the following amounts:

(i) EUR 15,000 (fifteen thousand euros) in respect of non-pecuniary damage;

(ii) EUR 2,500 (two thousand five hundred euros) in respect of costs and expenses;

(b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amounts at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points;

5. Dismisses unanimously the remainder of the applicant’s claim for just satisfaction.

1. Anexo JU/HUDOC/06 Para ver la norma in extenso, también puede utilizar el siguiente link http://hudoc.echr.coe.int/eng#{"fulltext":["van kuck"],"documentcollectionid2":["GRANDCHAMBER","CHAMBER"],"itemid":["001-61142"]} [↑](#footnote-ref-1)