

## Social Equality Law

Professor Helena Pereira de Melo

26 June 2012 – 17.00 / 19.30

### I

Miss B. was born in 1935 at Sidi Bel Abbès, Algéria. He was registered with the civil status register as of Malé sex, with the names Norbert Antoine. He adopted female behavior from a early age. In 1963 he settled in Paris, working in cabaret under an assumed name. He underwent a surgical operation in Morocco in 1972, consisting of the removal of the external genital organs and the creation of a vaginal cavity.

She is now living with a man whom she met before her operation and is no longer working on the stage. She is unable to find employment due to the hostile reactions she arouses.

She asked the *Court of Libourne* to order the rectification of her birth certificate: she would bear the names Lynne Antoinette. Her application was not granted because of the inalienability of the status of the individuals.

She appealed to the *Court de Cassation*, that considered that even after the hormone treatment and surgical operation that she had underwent, she continued to show the characteristics of a person of male sex.

She complained to the European Court of Human Rights (ECHR) of the refusal of the French authorities to recognize her true sexual identity and to allow her to change her civil status. She relied her complaint on articles 3, 8 and 12 of the European Convention on Human Rights.

1. If you were a judge in the ECHR what would be your position in this case?
2. If Miss B. was Portuguese and wanted to change her birth certificate nowadays in our Country would that be possible?

### II

**Choose one – and only one – of the following themes and develop it in no more than 3 pages:**

1. Female Genital Mutilation as a discriminatory issue
2. Religious anti-discrimination law in the European Union

