

US National Challenges UK Gender Law in Strasbourg

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A US citizen living in London has taken a gender recognition dispute to the European Court of Human Rights (ECtHR) after UK courts declined to legally recognise a nonbinary gender identity under existing legislation.

Ryan Castellucci, who arrived in the UK in 2019 on a Tier 1 Global Talent visa, is seeking a Gender Recognition Certificate (GRC) to align UK documentation with their nonbinary status,

already recognised in official US records. In 2022, they applied for a GRC under the UK's Gender Recognition Act 2004 (GRA), which permits individuals recognised in another country to apply for legal recognition in Britain.

The Gender Recognition Panel acknowledged that Castellucci met the basic requirements for the certificate. However, the application was refused because UK law currently only recognises male and female categories. As a result, nonbinary individuals remain excluded from legal recognition under the GRA.

Castellucci contested the decision through a judicial review and escalated the case to the Court of Appeal. In July 2025, the Supreme Court rejected a further appeal, concluding there was no arguable point of law, effectively closing the door on further legal options within the UK.

Their legal representatives, senior associate solicitor Kate Egerton and associate solicitor Anna Dews of the firm Leigh Day, have now applied with the ECtHR. The case is being brought under Article 8 of the European Convention on Human Rights, which guarantees the right to respect for private and family life.

Speaking after the UK's highest court dismissed the appeal, Castellucci said: "I was not surprised by the decision, but now the case will proceed to the ECtHR."

In a joint statement, Egerton and Dews said: "This case could be an important step for nonbinary people seeking legal recognition of their gender, and we look forward to advancing the application."

If the ECtHR rules in Castellucci's favour, the UK may be asked to comply with the ruling through the Council of Europe's Committee of Ministers, which oversees the enforcement of European human rights judgments. However, any change to domestic law would remain a decision for Parliament.

Success at Strasbourg could also have broader implications for similar cases across Europe. Still, the outcome will depend on how the ECtHR interprets the UK's obligations under the Convention.