

See Explanatory Note

File-number \_\_\_\_\_

## EUROPEAN COURT OF HUMAN RIGHTS

Council of Europe  
Strasbourg, France

### APPLICATION

Under Article 34 of the European Convention on Human Rights  
And Rules 45 and 47 of the Rules of Court

**IMPORTANT:** This application is a formal legal document and may affect your rights and obligations.

**I. THE PARTIES**

**A. THE APPLICANT**

(Fill in the following details of the applicant and the representative, if any)

- 1. Surname.....ALLMAN..... 2. First name(s) John William  
Sex: male/~~female~~
- 3. Nationality...BRITISH..... 4. Occupation Software Developer
- 5. Date and place of birth 7 May 1953, Northampton, England
- 6. Permanent address 98 High Street, Knaresborough, N Yorks. HG5 0HN. United Kingdom
- 7. Tel. No. +44 1423 797693 (home landline) +44 7930 519793 (cellphone)
- 8. Present address (if different from 6.) Not applicable
- 9. Name of representative\* To be instructed later
- 10. Occupation of representative
- 11. Address of representative
- 12. Tel. No..... Fax No.

**B. THE HIGH CONTRACTING PARTY**

(Fill in the name of the State(s) against which the application is directed)

- 13. The United Kingdom of Great Britain and Northern Ireland

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1

If the applicant appoints a representative, attach a form of authority signed by the applicant and his or her representative.

## II. STATEMENT OF THE FACTS

(See Part II of the Explanatory Note)

14.

1. The response of the British government to the judgment delivered by **The European Court of Human Rights** (EctHR) in the case of **Goodwin -v- United Kingdom** was to pass **The Gender Recognition Act 2004** ("the UK Act"). The UK Act received Royal Assent on 1 July 2004.
2. It is not disputed that *some* sort of legislation was needed in response to the Goodwin judgment, in *every* jurisdiction bound together in treaty by the convention. It is merely defects in the particular UK Act passed upon which this application is founded.
3. Unlike legislation introduced by other parties to the convention, most notably France, the UK Act goes considerably beyond what was needed merely to right the wrongs justly identified in the Goodwin judgment. It created, as avoidable side effects of the drafting adopted, infringements of the applicant's *own* convention rights, as explained below. These are British human rights infringements which the far more sensible *French* legislative response to the Goodwin judgment happily managed to *avoid*.
4. By law, throughout the UK, one male and one female birth certificate are ordinarily required to be produced, before a marriage can be solemnised.
5. Unlike the more measured French legislation used to address the Goodwin judgment, the UK Act *failed* to provide for the lawful production of *annotated* birth certificates needed for the purposes of enabling marriage. An annotated birth certificate for present purposes is defined as one which shows both the true biological birth gender of the party concerned, and (in the cases of a transgendered party) the "acquired" gender, generally the opposite of his or her birth gender. Despite vigorous attempts to rectify this flaw during Parliamentary debate during the passage of the UK Act, the UK Act, as finally passed, provided only for *falsified* birth certificates, even in the case of birth certificates destined to be used for the purposes of enabling marriages to be solemnised. For present purposes, "falsified" birth certificates are here defined as birth certificates which show, as though it was the party's birth gender, only the *acquired* gender of any transgendered party to a proposed marriage, which acquired gender is usually the *opposite* of that party's original birth gender.
6. Many British citizens, including the applicant, are perfectly willing to accept a transgendered person's true gender as being his or her acquired gender for *most* legal purposes. But many who are (hereinafter implicitly defined) "determinedly heterosexual" people, including members several different and quite large cultural

minorities, are people who find themselves simply unable to accept a transgendered person's true gender as his or her acquired gender *for certain limited purposes*.

7. The limited purposes for which determinedly heterosexual people (like the applicant) find themselves unable to accept a transgendered person's acquired gender as being his or her true gender are as follows.
  - Purposes that touch upon the determinedly heterosexual person's express convention right for respect of his private and family life
  - Purposes that touch upon the determinedly heterosexual person's express convention right to marry
  - Purposes that touch upon the determinedly heterosexual person's express convention right to found a family
  - Purposes that touch upon the determinedly heterosexual person's convention right to freedom of thought
  - Purposes that touch upon the determinedly heterosexual person's express convention right to freedom of religion
  
8. Some of the minorities whose members are typically determinedly heterosexual include:
  - Followers of Orthodox Judaism
  - Followers of Reformed Judaism
  - Followers of Roman Catholicism
  - Followers of Eastern Orthodox Christianity
  - Followers of Christianity that is variously described as "protestant", "reformed", "evangelical" and/or "pentecostal"
  - Followers of most variants of the worldwide faith of Islam
  - Heterosexually-oriented people who dissent from any pseudoscientific or politically correct notion that there exists a "mental illness" called "gender dysphoria", for which the most appropriate medical treatment is often so-called "gender reassignment surgery"
  - Heterosexually-oriented people who dissent from any pseudoscientific or politically correct notion that there exists a "mental illness" called "gender dysphoria", for which an appropriate medical treatment can *possibly* be a merely *bureaucratic* procedure that reassigns gender (on paper) for all legal purposes (including those listed in Paragraph 7 above), *absent any gender reassignment surgery whatsoever*
  - Those sceptical that either bureaucracy or surgery can *really* change the true gender of people with the mental illness of gender dysphoria in a sense adequate for the sceptics becoming (in effect) obliged to recognise such purported gender change *even for the expressly convention-protected purposes listed in Paragraph 7 above*.
  
9. The applicant wanted to testify under oath in a relevant UK court that he was a member of several of the minorities mentioned in Paragraph 8 above. He was denied

this opportunity in the UK, because leave to apply for judicial review on grounds founded upon The Human Rights Act 1998 was refused. Any right to appeal against that refusal of leave to apply for judicial review was also expressly refused, at the same hearing, thus exhausting the applicant's access domestic remedies.

10. The applicant is prevented almost completely by the UK Act from expressing his heterosexuality in a manner consistent with his beliefs. His beliefs are common to several quite large cultural minorities, including several separate minorities to *all* of which the applicant belongs himself. In particular, the applicant cannot even safely express his heterosexuality within newly contracted wedlock to a British subject. This infringement arises solely because of the provisions of the UK Act. That is because Parliament, in passing that Act, elected to provide only for the issue of *falsified* birth certificates. This measure cannot be considered proportionate, or, in the alternative, the applicant is entitled to argue that it is *disproportionate*. The good example set by France and others demonstrates amply that legislation that permitted the production merely of *annotated* birth certificates was perfectly capable of meeting completely the requirements that the Goodwin judgment imposed upon convention signatory states. The judgment delivered in the UK denied the applicant a hearing of the substantive issues, or a right of appeal against this refusal of a hearing, both being contrary to Article 13 of the convention. The wording of the judgment delivered in the UK actually contains passages which (it will be argued) amount to nothing less than an attempt on the part of the learned judge to *mock* the applicant's strongly held, and *convention-protected*, beliefs.

### III. STATEMENT OF ALLEGED VIOLATION(S) OF THE CONVENTION AND/OR PROTOCOLS AND OF RELEVANT ARGUMENTS

(See Part III of the Explanatory Note)

15.

To all practical intents and purposes, the decision of Mr Justice Sullivan prevents the applicant from ever safely "dating" or marrying almost anybody. This is because the falsifying of *some* official documents ensures that the applicant cannot safely rely upon *any* such official documents. He cannot therefore "date" or marry anybody whom he might wish to "date" or to marry, were it not that he cannot rely upon an official document to verify that prospective partner's birth gender, *as his beliefs, conscience and religion require*.

This amounts to:

1. degrading treatment of the applicant, contrary to Article 3
2. a disproportionate infringement of the applicant's right to respect for his private and family life, contrary to Article 8
3. an infringement of the applicant's right to freedom of thought, conscience and/or religion, contrary to Article 9, insofar as it seeks to impose upon the applicant the abandonment of his beliefs if he is unwilling to accept celibacy
4. an infringement the applicant's right to marry, contrary to Article 12
5. an infringement the right to found a family, contrary to Article 12
6. discrimination against the applicant on grounds of religion, political or other opinion, contrary to Article 14

Moreover, the commonplace British practice of denying permission to apply for judicial review, and leave to appeal therefrom, amounts to an infringement of the applicant's Article 13 convention rights. In the instant case, the learned judge, during the hearing that exhausted the applicant's domestic access to remedies, heard *no testimony whatsoever*, and admitted, in one passage of his judgment, having made an "assumption" about the applicant's actual religious beliefs that actually hearing his testimony would have controverted.

#### **IV. STATEMENT RELATIVE TO ARTICLES 35 § 1 OF THE CONVENTION**

(See Part IV of the Explanatory Note. If necessary, give the details mentioned below under points 16 to 18 on a separate sheet for each separate complaint)

16. Final decision (date, court or authority and nature of decision)

Monday 27 June 2005, The Administrative Court, London

Case number CO/746/2005

Before Mr Justice Sullivan

The Queen on the application of Allman -v- Secretary of State for Constitutional Affairs

Permission refused to apply for judicial review. Permission refused to appeal against this decision. Costs awarded against the applicant.

17. Other decisions (list in chronological order, giving date, court or authority and nature of decisions for each of them)

None.

18. Is there or was there any other appeal or other remedy available to you which you have not used? If so, explain why you have not used it.

No.

## **V. STATEMENT OF THE OBJECT OF THE APPLICATION**

(See Part V of the Explanatory Note)

19.

Declaration(s) that the applicant's convention human rights are infringed, as contended when the case comes to trial in the European Court of Human Rights.

A declaration that the United Kingdom is in breach of its convention obligations.

Financial compensation commensurate with the costs order made against the applicant in the Administrative Court and the cost and inconvenience of incurred and suffered by the applicant up to the date of the European Court of Human Rights judgment.

Just satisfaction.

Such other remedies as the European Court of Human of Rights sees fit to grant.

## **VI. STATEMENT CONCERNING OTHER INTERNATIONAL PROCEEDINGS**

(See Part VI of the Explanatory Note)

20. Have you submitted the above complaints to any other procedure of international investigation or settlement? If so, give full details.

No.



**VII. LIST OF DOCUMENTS**

**(NO ORIGINAL DOCUMENTS,  
ONLY COPIES,  
DO NOT STAPLE, TAPE OR BIND DOCUMENTS)**

(See Part VII of the Explanatory Note. Include copies of all decisions referred to in Parts IV and VI above. If you do not have copies, you should obtain them. If you cannot obtain them, explain why not. No documents will be returned to you.)

21. a) The judgment delivered by Mr Justice Sullivan on 27 June 2005

## VIII. DECLARATION AND SIGNATURE

(See part VIII of the Explanatory Note)

I hereby declare that, to the best of my knowledge and belief, the information I have given in the present application form is correct.

Place Knaresborough

Date 19 December 2005

John William Allman

(Signature of the applicant or of the representative)