

Ecuador: Court Affirms Adolescents' Right to Gender Recognition

Landmark Ruling Strengthens Dignity, Identity, Progressive Autonomy



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A woman exits the Constitutional Court building, in Quito, Ecuador, February 7, 2024. © 2024 Dolores Ochoa/AP Photo

(Washington, DC, March 12, 2026) – [Ecuador's](#) Constitutional Court's [ruling](#), made public on March 10, 2026, that people under 18 cannot automatically be refused a request to modify their gender on identity documents is an important victory for the rights of transgender youth, Human Rights Watch said today. The ruling affirms that constitutional protection cannot rest on rigid assumptions about age while ignoring adolescents' lived realities, evolving capacities, and right to be heard.

The case arose after Ecuador's civil registry denied a request by the parents of a 15-year-old to change the gender marker in his identity documents. The registry relied on article 94 of the Organic Law on Identity and Civil Data Management and, by extension, article 32 of its regulations, which require applicants to reach the age of majority for gender recognition. In [Judgment 4-24-CN/26](#), the court held that applying that rule automatically is unconstitutional in a case like this one, where the adolescent had the support of his guardians and psychosocial evaluations showing sufficient maturity to make a free, informed, and voluntary decision regarding his gender identity.

"This ruling makes clear that dignity and identity cannot be postponed until adulthood," said [Cristian González Cabrera](#), senior researcher at Human Rights Watch. "The court rightly recognized that transgender youth are rights holders with progressive autonomy, not mere objects of protection."

The court anchored its reasoning in the rights to identity and to the free development of personality, as well as the principles of the best interests of the child, progressive autonomy, and the right of adolescents to be heard. It stressed that gender identity is "an essential dimension" of those rights and that timely recognition of gender identity is closely linked to adolescents' integral development.

The judgment contains remarkably clear language in defense of trans youths' rights, Human Rights Watch said. The court found that conditioning rectification of the gender marker on reaching adulthood can negatively affect adolescents. It also warned that the age requirement rests on "a static and homogenizing conception of adolescence," one that assumes all adolescents lack the capacity to understand the consequences of their decisions.

The court went further, recognizing the real harm caused by bureaucratic refusal to acknowledge a young person's lived identity. It found that the restriction, when applied automatically, may "generate adverse effects on the emotional, social, and psychological well-being" of adolescents with the maturity to decide, and that it gives to the civil registry the power to deny "identity that has already been constructed, lived, and recognized in other spaces of social life."

At the same time, the court emphasized that it was not eliminating safeguards. Rather, it required a more tailored approach, which could include individualized assessment, psychosocial support, family accompaniment, and effective listening to the person concerned. The court made clear that "age cannot be required as the determining and sole criterion" for evaluating an adolescent's capacity for understanding, discernment, or autonomy, and that less restrictive alternatives exist to protect adolescents without sacrificing their rights.

International human rights standards increasingly recognize that requiring medical or psychological evaluations as a condition for legal gender recognition can violate the rights to privacy, autonomy, and self-determination, and many countries have moved toward procedures based primarily on a person's self-declared gender identity.

The ruling does not strike down the statutory provisions but will change their application in similar cases. The court ordered the civil registry and the Judiciary Council to broadly disseminate its ruling among registry officials and judges nationwide.

The decision builds on a [significant ruling](#) made public in January 2025 in favor of a transgender student whose rights had been violated when their school refused to recognize their gender identity. The court held that the student's rights to equality, free development of personality, education, and the best interests of the child had been violated, and ordered the education authorities to develop and disseminate a mandatory protocol on respecting the rights of lesbian, gay, bisexual, and transgender children in schools within six months. The protocol was required to include guidance on the use of a child's chosen name, dress, and bathroom access consistent with their gender identity.

Implementation of that decision has been uneven and [controversial](#). [Reporting](#) in Ecuador [has documented](#) that the [updated protocol issued in 2026](#) still leaves important questions unresolved, including guidance for evaluating a student's evolving capacity and the lack of a clear procedure for resolving disagreements.

That gap between formal legal recognition and practical implementation matters, Human Rights Watch said. In a 2024 [report](#), Human Rights Watch research documented that sexual violence remains endemic in Ecuador's education system and that protective measures have progressed too slowly and unevenly to keep all children safe. The researchers underscored the need for stronger institutions, clearer protocols, and effective follow-through.

The ruling also comes at a critical moment for Ecuador's democratic institutions. Human Rights Watch [reported](#) that the government organized demonstrations against the Constitutional Court and that senior officials called its judges "enemies of the people," prompting concern from international human rights bodies about threats to judicial independence and security. Respect for the court's authority is essential, particularly when it is protecting the rights of groups that often face discrimination and political hostility.

"Ecuadorian authorities should carry out the gender recognition judgment promptly by issuing clear guidance to civil registry officials, training judges, and administrative personnel, and bringing all relevant legislation in line with the constitutional standards the court has articulated," González said. "Officials should respect and faithfully carry out Constitutional Court rulings and refrain from attacks that undermine the court's role in safeguarding human rights."

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