

**LARA AGUADO, Ángeles, *La identidad de las personas transgénero, transexuales e intersex en situaciones de movilidad internacional*, Aranzadi La Ley, Madrid, 2025.**

Published under the auspices of the Project I+D+I “El derecho al respeto a la vida familiar transfronteriza en una Europea compleja: cuestiones abiertas y problemas de la práctica”, Project PID2020-113061GB-I00, directed by Professor María Victoria Cuartero Rubio, a project that has also resulted in the magnificent and essential work *El derecho de familia a la luz del derecho fundamental europeo al respeto a la vida familiar*, published by Aranzadi (2025) and co-directed with José Manuel Velasco Retamosa, in which Professor Lara Aguado contributes “Identidad sexual y de género y derecho a la vida privada y familiar en la jurisprudencia del TEDH”, the monograph we are reviewing is a very valuable result of this Research Project.

This is absolutely relevant, not only because the approval in Spain of *Law 4/2003, of February 28, for the real and effective equality of trans people and for the guarantee of the rights of LGBTI people*, the so-called “Trans Law”, is recent, but also because the need to provide a response to the mobility situations of these people who need to have their personal identity recognized wherever they move is becoming increasingly urgent, without the recourse to international public order being used as a barrier on that recognition.

This has been demonstrated, for example, in the context of the European Union, by its Court of Justice, which in its judgment of 4 October 2024, Case C-4/23, *Mirin* [ECLI:EU:C:2024:845], held that it contravenes the right to free movement of persons within the European Union for Romania to require a new determination of gender identity under its legal system from a transgender man with dual Romanian-British nationality who had legally changed his name and gender identity in the United Kingdom. This represents an incipient development of the principle of mutual recognition as a premise for consolidating the European judicial area, which has been affected by other issues that impact on people’s identity in a context of increasingly pronounced cross-border mobility. First came the names of the natural persons, which Professor Lara Aguado has worked on extensively (see judgments of 30 March 1993, Case C-168/91, *Konstantinidis* [ECLI:EU:C:1993:115]; of 2 October 2003, Case C-148/02, *García Avelló* [ECLI:EU:C:2003:539]; of 14 October 2008, Case C-353/06, *Grunkin-Paul* [ECLI:EU:C:2008:559]; of 22 December 2010, Case C-208/09, *Sayn-Wittgenstein* [ECLI:EU:C:2010:806]; of 12 May 2011, Case C-391/09, *Runevič Vardyn* [ECLI:EU:C:2011:291]; of 2 June 2016, Case C-438/14, *Bogendorff* [ECLI:EU:C:2016:401] and of 8 June 2017, Case C-541/15, *Freitag* [ECLI:EU:C:2017:432]), then the need to interpret the concept of spouse autonomously (see judgment of 5 June 2018, Case C-673/16, *Coman* [ECLI:EU:C:2018:385]), later came questions on parentage (see judgment of 14 December 2021, Case C-490/20, *Pancharevo* [ECLI:EU:C:2021:1008] and of 24 June 2022, Case C-2/21, *Rzecznik* [ECLI:EU:C:2022:502]) and, finally, gender identity has arrived with the *Mirin* case. The Case C-713/23, *Wojewoda Mazowiecki*, is currently pending, raising the question of whether it is contrary to EU law for a Member State, in this case Poland, to refuse to recognize and register in its national civil registry

a marriage certificate for a marriage between a Polish national and another EU citizen (of the same sex) celebrated in another Member State (Germany) under the latter's law, thereby preventing the two individuals from residing in the first Member State with that civil status and the same surname, because the law of the host State does not recognize same-sex marriages. The Advocate General, Richard de la Tour, delivered his opinion on 3 April 2025 [ECLI:EU:C:2025:235], concluded that EU law obliges a Member State to recognize a same-sex marriage celebrated in another Member State, but not to register the marriage certificate in its civil registry.

Professor Lara Aguado's monograph is of great value, as it is the first work on the identity of transgender, transsexual, and intersex people from an international perspective published in Spain. Rigorously and with a rich analysis of all the issues and concepts involved – some of which are not always used correctly in academic circles – the work meticulously dissects the subject, offering the reader a clear narrative and a wealth of insightful ideas for approaching the topic.

Thus, the monograph is divided into four chapters, seasoned with a necessary introduction, which, as a contextualization, clarifies the concepts that will be used throughout the work, and ends with clear and precise conclusions that are very useful in order to fully appreciate this exceptional work.

Chapter I, entitled "Identity in the Context of Human Rights," addresses sexual identity and gender identity as emerging human rights, as the author describes them. She analyzes the distinction between sex and gender, referencing the controversial opinions of a certain sector of feminism that advocates a clear biological determinism and, consequently, denies the appropriateness of using the category of gender. This chapter also addresses the need to reconcile the continuity of sexual/gender identity with respect for human rights, which we consider one of the main goals and a unique challenge of our time.

Chapter II, entitled "Sexual and gender identity in the jurisprudence of the European Court of Human Rights and the Court of Justice of the European Union", provides a thorough and necessary analysis of the main jurisprudential milestones of these courts, highlighting the need to address them jointly, since although both base their premises of action on different realities, in the end, guaranteeing the unique identity of the person transcends and unifies the results of both judicial instances.

Chapter III begins the analysis of positive law, specifically from a comparative law perspective. This chapter is of paramount importance because it provides insights into the various models of recognition of sexual and gender identity in different countries in Latin America, Asia, Oceania, Africa, and Europe. It is undoubtedly one of the most significant chapters in the book.

Finally, Chapter IV, entitled "Sex, name and their changes linked to sexual identity and the subjective feeling of gender (gender identity) in Spanish private international law" represents an effort to draw consequences from the perspective of Spanish Private International Law of the "Trans Law", whose regulation in this sense is scarce, highlighting the shortcomings and proposals for integration in a very rich analytical exercise.

In short, this is a rigorous and solid work, well-documented, with a detailed analysis, typical of a top-level jurist such as Professor Lara Aguado. It is an essential book, whose mere existence deserves high praise, since until now, and in our country, this topic has not been extensively addressed. From now on, and for all who will come after, as is certain, this work will be required reading.

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