German Self-determination Bill Passes Cabinet

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Today, Germany's Cabinet passed the bill for a new self-determination law, following a year of heated discussions. TGEU applauds this important step in the much awaited shift to self-determination. But there are also some concerns. These include some harmful new additions.

What's in the self-determination bill?

The self-determination law is an important shift away from treating being trans as a diagnosis. Self-determination recognises that people determine their own gender. The bill would enable them to change official records accordingly. This gives trans and intersex people more control over their identity. This is a significant change from the outdated Transsexuellengesetz.

However, the law contains several points that are concerning. In light of this, TGEU calls for the following changes:

1. Remove the three month waiting period.
2. Enable minors 14 years and older to use the same procedure as adults without parental consent.
3. Ensure the procedure is free or very cheap.
4. Remove the one year blocking period (Sperrfrist) that means only one change can be made per year.
5. Ensure that disclosing a person's gender identity is punishable as neglect.
6. Remove the possibility to revoke declarations for refugees.
7. Remove Articles 6(2) & 6(3) and its "clarification" on contractual freedom, domiciliary rights, freedom of association, sports competition, and women's saunas. It has no legal value and invites anti-trans discrimination.
8. Reinstate the possibility to only adapt one's name without changing one's gender marker.
9. Remove legal text on parenting as preempting a bigger reform of German parenthood law. This text closes off paths for recognition of nonbinary parents, and relies on definitions of mother- and fatherhood that would continue to misgender many trans parents.
10. Remove the clause on military tension that would make it impossible for people with a male gender maker to change their gender marker.
11. Ensure an implementation period for the law of three months max after Parliament adopts the law.

All of these changes would address areas of concern for the trans community. Many aspects in the bill as it is now are guided by common arguments against self-determination.

These changes would also reflect statements from a wide variety of civil society actors, from Deutscher Frauenrat to AWO to the public consultation (Verbändebeteiligung).

> "We are relieved that the German Cabinet has finally approved the proposed self-determination bill. Trans people in Germany are a step closer to get recognition for who they know they are. However, we remain concerned over anti-trans narratives in the public debate and in the bill. The bill has further deteriorated from the first public draft.
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> "We call upon democratic lawmakers in the German parliament to ensure legal gender recognition is

accessible for anyone who needs it without a waiting time and from age 14 without parental consent. Article 6 with clauses on contractual freedom, domiciliary rights, sports and women-saunas does not have any legal value, but unnecessarily feeds into anti-trans narratives. It needs to be removed."

TGEU Expert Advisor, Richard Köhler

Does self-determination have a negative impact?

We surveyed nine European countries that already have self-determination laws in place. Based on government reports, self-determination does not negatively affect others. In fact, the results are overwhelmingly positive.

We asked:

- Have there been cases of "regret"? Have people made repeat applications and returned to their birth sex?
- Have people used the law for fraud or with a criminal intent?
- Are there negative effects from the law? Are single sex services for women affected?
- Are there positive effects from the self-determination law?

Women's rights, gender equality, safety, and security did not suffer in any of the nine countries. In fact, the study revealed that self-determination strengthens the rights of:

- Trans and non-binary people
- People with a migration background
- Minors.

Read the full report

What's next?

The law passed the Cabinet. After this, it will go to the Bundesrat (chamber of federal states) for information and debate. In autumn it is expected to reach Parliament. The Parliament has the power to change the legal text before adopting it.

"It's alarming that the ministries have ignored civil societies representing trans people. Other countries provide clear examples that consulting these organisations as experts often leads to positive outcomes. In this case, the German government continues a long tradition of talking about trans people, but not with them. TGEU will continue to work towards a true self-determination law", adds Richard Köhler.

TGEU calls on:

- German parliamentarians to carefully listen to the lived experiences of those concerned: trans people themselves.
- Lawmakers to look to other countries with self-determination for evidence.