OII Europe & TGEU Criticise Third Gender Marker Proposal (Germany)

article, legal gender recognition

OII Europe and TGEU have written a joint submission to the propsal from the German Ministry of Interior regulating the introduction of a Third Gender Marker in Germany. The two European networks welcome that the Federal Ministry of the Interior aim at a timely implementation of the Federal Constitutional Court judgment of 10 October 2017. The designed procedure will be a simple administrative procedure at the the competent registry office, without a limitation due to age or the number of applications per person. The proposed procedure will be accessible for people with residence status
accessible, regardless of nationality. These aspects are to be welcomed.

From a human rights point of view, however, there are fundamental questions regarding the right to self-determination; who gets to enjoy the law; privacy protection; compliance with international and European developments, as well as missing subsequent regulation in the wider legal framework. We see especially the requirement of a medical certificate on the variation of sexual development extremely critical. A medical admission in a civil status procedure keeps the medicalization upright. This counters efforts to reduce abuse, shame and stigmatization associated with gender diversity.

These issues in their complexity require a more thorough proposal. Intersex and transgender advocacy groups need to be central to these discussions. OII Europe and TGEU suggest to take up elements of the draft bill (e.g. administrative procedure) in a proper reform of the Transsexual Law. The aim should be to create a modern law for the protection and recognition of the gender diversity of all people.

OII Europe – TGEU joint submission here (in German): OII Europe_TGEU_Stellungnahme_FINAL

Proposal from the Ministry of Interior from 05. June 2018 (in German): 180605 Entwurf Geschlechtsänderungsgesetz