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Self-Determination Act passed German Parliament After more than 40 years, the so-called Transsexual Act has been abolished

The time has finally come: On this Friday, 12th of April 2024, the Self-Determination Act was passed by the German Bundestag. From 01.11.24, it will be possible for individuals to change their gender marker and first name by self-disclosure to the registry office.

Kalle Hümpfner of Bundesverband Trans* explains: "The introduction of a self-determination law is one of our core demands. We have been campaigning for this since the founding of our association in 2015. The fact that it will soon be possible to change one's gender marker on the basis of self-disclosure is a milestone for the equal recognition of gender diversity. After 40 years, the so-called Transsexual Act is finally being abolished. For the first time, there has been a proactive legislative effort regarding the rights of trans, inter and nonbinary people that isn't preceded by a disciplinary warning by the Federal Constitutional Court. This must be positively acknowledged."

The vote in the Bundestag was preceded by months of negotiations. At the end of November 2023, the authorised experts invited to a hearing in the Family Affairs Committee voiced clear criticism of the government draft and called for improvements.

"The Self-Determination Act, as passed today, is the product of political negotiation. It realizes self-determination regarding the official gender marker, but falls short of human rights standards in some aspects. We are particularly concerned about the possible after-effects of the accompanying social debate, which has repeatedly fueled anti-trans narratives", Kalle Hümpfner continues.

The MPs took up some of the points of criticism voiced by self-advocacy groups and civil society. For example, the controversial Section 13 (5) SBGG-E, which provided for the automatic forwarding of data to a long list of law enforcement and security authorities following a change to the gender marker, was deleted without replacement.

In the context of trans parenthood, the worsening of the recognition of transfeminine persons as parents, which had been introduced in previous drafts, was withdrawn.



Exemptions for close relatives from the so-called “prohibition of disclosure” were removed if they disclose the previous gender or first names of their relatives with harmful intent.

The law has not improved in other areas: compared to the previous government draft, a passage has been added that obliges minors to make a declaration on having received counseling.

Vigilance is required here: this regulation must not become the first step towards a backdoor introduction of psychiatric assessment for minors.

Still included is the controversial domestic rights paragraph (e.g. regarding access to gendered spaces, like saunas), and regulations stating that changes to the gender marker will be ignored in national states of tension or defense. Both paragraphs are symbols of the anti-trans* disinformation campaigns that have been conducted since the publication of the key points of the law in summer 2022. They have portrayed trans feminine people and trans women in particular as a danger and associated them with discriminatory ideas.

High hurdles for legally incompetent persons, and the exclusion of persons without a permanent or renewable residence permit, remain.

For all persons of legal age, submitting the declaration of changing the gender marker will be preceded by a three month registration period, and followed by a one-year blocking period before being allowed to change the marker again. The former regulation is planned to come into effect as early as 01.08.24, allowing the submission of declarations to the registry office in time for 01.11.24.

"It is difficult to put into words what this law means for individuals who have waited years for it to be passed. Finally having the opportunity to change their gender marker without an examination is an immense relief. The legislative process for the Self-Determination Act was an emotional rollercoaster ride and a test of endurance - for every person waiting for the new regulation, but also for the queer communities in general. Without broad civil society alliances, it would not have been possible to combat the disinformation campaigns and move the law forward. On this day, we would like to thank everyone who has worked tirelessly alongside us for the rights of trans, intersex and non-binary people and will continue to do so," concludes Kalle Hümpfner.

Following today's passing of the law in the Bundestag, it will be forwarded to the Bundesrat (Federal Assembly). The Self-Determination Act is a law that does not require approval, meaning that the Bundesrat can only raise an objection with an absolute majority. This is considered very unlikely.