

Thank you, Chair, very much for the opportunity to participate in this UPR Info Pre-session on the Federal Republic of Germany. Dear delegates. My name is Frank Kruger, and I am Co-chair of ver.di's RainbowGroup.

NEXT slide, please.

ver.di trade union in Germany is committed to gender equality and minority rights, with the RainbowGroup focussing on anti-discrimination regarding sexual orientation, gender identity, gender expression and sex characteristics (SOGIESC); or in other words the rights of e.g. lesbian, gay, bisexual, trans, intersex and queer persons, lgbtiq, in the workplace and in general.

NEXT please

Together with the Federal Trans Organisation, BVT, ver.di RainbowGroup filed a submission for the 4th UPR cycle in April.

We are very grateful for all the recommendations made during the 3rd cycle on lgbtiq issues by countries like Australia, Greece, Israel, the Netherlands, Sweden or Uruguay. Thank you.

NEXT slide please.

Regarding lgbtiq-rights a lot of progress has been made since the last UPR. A third positive gender marker „diverse“ was introduced in December 2018, although only available to people with a specific medical diagnosis. The current government has promised a queer-political time of change and consequently installed a Commissioner for the Acceptance of Sexual and Gender Diversity at the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (BMFSFJ).

Nevertheless there still is room for improvement for the HR situation of lgbtiq persons.

NEXT slide please.

I will only point out three issues:

- LGR for trans, non-binary and/or intersex persons
- Trans parenthood
- Compensation fund for IGM survivors, trans divorce and sterilization

NEXT slide please.

- LGR

For decades HR defenders have urged legislators to introduce LGR based on self determination. Currently, depending on status, people can change their gender markers and also first names with a medical certificate on a variance of sex-development under §45b of the Personal Statute Law (PStG) at little cost at the registrar's office.

Trans and non-binary people without an „intersex-diagnosis“ still need to follow the regulations of the outdated „Transsexual Law“ TSG. A court has to decide whether LGR is granted after obtaining two expert opinions and a hearing in court. This can easily take more than a year and cost up to 8,000 Euros.

The present government in 2021 promised to scrap the TSG and allow LGR based on self-determination. Last week on Wednesday the government decided on a draft to become law as late as November 2024. And although called „self determination law“ this ‚SBGG‘-draft unfortunately limits self-determination (e.g. court cases for teenagers aged 14 to 17 if parents disagree) and it also opens doors to discriminate against trans, intersex and non-binary persons (e.g. possible exclusion by goods and services providers based on appearances).

—> We recommend the government amend the law accordingly and rather strengthen than weaken anti-discrimination laws.

NEXT slide please.

- Trans parenthood

The problem is that under current law the child of a trans parent is issued with a birth certificate in which a parent is listed with their so-called ‚dead name‘. That is the former first name or first names of a person who changed gender marker and first name/s. This poses the problem that the ID card of the parent doesn't match the name on the birth certificate of the child. So, when traveling abroad or even within Germany that leads to problems when trying to prove that one is indeed the parent of that child. And that affects a lot of trans parents with children.

You can meet Ole who has been facing this problem for years to give you more information first hand here today.

—> We recommend the government to reform the law of decent and parenthood to acknowledge trans parenthood. We also recommend that same sex couples with children are legally recognized as parents, and no longer need to adopt their spouse's child.

NEXT slide please

It's about setting up a compensation fund for trans people who underwent unwanted medical procedures to obtain LGR between 1981 and 2011, as recommended by Sweden in the UPRs 3rd cycle.

The then government noted that recommendation, saying there was no need for such a fund. Since then persons who suffer(ed) from these medical interventions have come out to make this need visible, and the present government promised to set up such a fund, also for those - and hopefully

their families ? - who had to divorce to obtain legal gender recognition, as well as persons who are victims of IGM. We are afraid that no such draft bill has been presented so far.

Instead, we learn of more and more people who suffer from the old legislation. - To give an example, we know of a case, where a loving couple with a child got divorced only to fulfill the then prerequisite for the spouse to be not married to get their gender marker altered. Then the trans woman died and as an „ex“wife her ‚widow` was not entitled for a pension. In 20 years she lost pensions worth some 156.000 Euros.

—> We recommend to speed up the process of setting up an easily accessible compensation fund.

NEXT slide please.

Thank you all. And please meet Ole, Karin and myself. We are here all afternoon.

You can also contact us via E-Mail: bak@verdi-queer.de