



EUROPÄISCHE GESELLSCHAFT FÜR
GESCHLECHTERGERECHTIGKEIT

Bonn, 5 April 2023

Stakeholder Submission

Universal Periodic Review Germany

We are a newly founded grassroots NGO that has the objective of ensuring that the approach to sex and gender enshrined in laws and practised by societal institutions are based on the objective and lived reality of women, men, girls and boys. In particular, this includes the protecting of the sex-based rights of women and girls. Another focus of our association is the evidence based treatment of boys and girls with gender dysphoria. We are concerned that boys and girls who are not adhering to gender stereotypes and may feel uncomfortable with their body are currently being medicalised instead of supported.

Unfortunately, the sex-based rights of women and girls are currently under threat in Germany by the intention of the German government to pass the so-called **Self Determination Act (*Selbstbestimmungsgesetz*)** in parliament.

We share all concerns of the UN Special Rapporteur Reem Alsalem regarding such so-called Self-ID laws¹ and support her general statements regarding the situation of women's rights in Germany².

While Alsalem's detailed letter refers to the situation in Scotland, the legislation announced for this year in Germany is very similar to the one pushed through in Scotland. In the meantime, the then prime minister of Scotland, Nicola Sturgeon, had to resign after male rapists demanding, and in at

¹ <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=27681>

² <https://lasst-frauen-sprechen.de/brief-an-un-sonderberichtersteratterin-reem-alsalem-zum-deutschen-selbstbestimmungsgesetz/>



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least one case achieving, their transfer to a women's prison on the basis of an alleged trans identity³.

Even without such a law, male inmates are already being transferred to women's prisons in Germany, for example in Berlin and Hamburg^{4 5}. As UN Special Rapporteur on Torture, Alice J. Edwards, wrote on Twitter back in January, women in women's prison have a right to be protected from violent sex offenders - no matter how they identify themselves⁶. The presence of male inmates in women's prisons constitutes a violation of the rights of the female inmates⁷. These women are extremely vulnerable and can hardly protect themselves or even complain about such transfers. Figures from the latest referendum in the United Kingdom show that males who have declared a transgender identity are more likely than average to be sex offenders⁸. The common argument that those men are not really transgender, but only trying to get lesser sanctions and an easier time in prison, points out the problem with Self-ID laws precisely: These laws are open to anyone for any reason. No diagnosis, no dysphoria, no medical expert opinion required. There is no reason to assume that German sex offenders would behave any different than British ones.

This planned "Self Determination Act" is supplemented by an "**Action Plan Queer Living**" (**Aktionsplan Queer Leben**) of the Federal Ministry of Family Affairs, Senior Citizens, Women and Youth, which is based entirely on gender identity, not sex.^{9 10}

The action plan provides, among other things, for the concept of gender and gender identity to be taught not only in schools but also in daycare centres to children as young as three years old. No regard has been given to the mounting evidence that this can contribute to a social contagion of gender dysphoria¹¹ or the lack of evidence for the benefits and the well-documented harmful effects of the "affirmation only" approach when dealing with gender dysphoric children and young people. It seems, that the "Action Plan Queer Living" is aiming to introduce measures in Germany, comparable

³ <https://europeanconservative.com/articles/news/nicola-sturgeon-resigns-as-scottish-leader-after-trans-rapist-scandal/>

⁴ <https://www.tagesspiegel.de/berlin/drei-transgeschlechtliche-personen-von-manner-ins-frauengefangnis-verlegt-8604604.html>

⁵ <https://www.hamburg.de/pressearchiv-fhh/16431024/2022-08-23-bjv-geschlechtervielfalt-in-justizvollzugsanstalten-wird-staerker-beruecksichtigt/>

⁶ <https://twitter.com/DrAliceEdwards/status/1619579182245347330?lang=de>

⁷ Rule 11, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N15/443/41/PDF/N1544341.pdf?OpenElement>

⁸ <https://sex-matters.org/posts/updates/what-did-we-learn-from-the-census/>

⁹ <https://www.welt.de/politik/deutschland/plus244070171/Sven-Lehmann-Der-umstrittene-Aktionsplan-des-Queer-Beauftragten.html>

¹⁰ <https://lasst-frauen-sprechen.de/aktionsplan-queer-leben-beteiligung-nicht-fuer-feministinnen/>

¹¹ <https://link.springer.com/article/10.1007/s10508-023-02576-9>



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to the ones now common e.g. in Canada and the United States, where children are “socially transitioned” in school without the consent or even knowledge of their parents¹².

Moreover, the “**Rainbow portal**” of the German government¹³ has recommended so-called “puberty blockers” (in fact: drugs leading to a chemical castration¹⁴) for dysphoric children uncritically and without mentioning any side effects until being faced with strong criticism from the general public and the media. This language has now been softened and is encouraging the readers to discuss this possibility with their doctor¹⁵ but it still fails to mention the severe side effects and lack of evidence for dysphoria or associated mental health problems being improved by those blockers. It also does not mention that almost all children who are put on puberty blockers proceed to cross-sex hormones and surgery. Instead, it uses the outdated “time to think” reasoning that has been disproved with the result of the use of puberty blockers being almost completely abandoned in Sweden¹⁶ and Finland¹⁷ and severely restricted in the United States¹⁸ and France¹⁹. Also, on the basis of such evidence, a few member states of the United States have or are in the process of enacting legislative bans of such treatments of minors.

Furthermore, the Association of German Engineers (*Verband Deutscher Ingenieure*) has developed a new draft technical standard for toilets in public spaces that provides for **unisex toilets**. While the standards issued by such organization do not have the status of binding laws, they have a normative function by defining what the state of the art is regarding the construction and layout of public buildings. A builder and operator abiding by such standards is for example generally shielded from any tort claims on the basis of negligence regarding such construction or layout. It is known from the United Kingdom that unisex toilets and changing rooms pose a danger to girls and women and in particular enable sexual offences, that take place on a much higher rate in unisex than in single sex changing rooms²⁰. It also seems absurd that the German Federal Ministry for Economic Cooperation

¹² <https://www.dailymail.co.uk/news/article-10775329/Mother-sues-school-helps-daughter-transition-without-parental-consent.html>

¹³ <https://www.regenbogenportal.de/>

¹⁴ <https://www.svt.se/nyheter/granskning/ug/vart-femte-barn-som-fatt-stopp-hormoner-har-behandlats-for-lange>

¹⁵ <https://www.stern.de/gesellschaft/pubertaetsblocker--regierung-laesst-passagen-auf-regierungsseite-aendern-32813000.html>

¹⁶ https://segm.org/Sweden_ends_use_of_Dutch_protocol

¹⁷ <https://bioedge.org/uncategorized/policy-shift-in-finland-for-gender-dysphoria-treatment/>

¹⁸ <https://www.telegraph.co.uk/news/2022/07/28/nhs-faces-crackdown-giving-puberty-blockers-children-tavistock/>

¹⁹ <https://segm.org/France-cautions-regarding-puberty-blockers-and-cross-sex-hormones-for-youth>

²⁰ <https://fairplayforwomen.com/unisex-changing-rooms-put-women-in-danger/>



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and Development is funding safe (or safer) toilets for women and girls in developing countries²¹ while those facilities are more and more deemed obsolete in Germany's own territory.

We urge the UN to work to guarantee the sex-based rights and protections assured by CEDAW.

Sincerely,

Daniela Südekum

Chairwoman of the Board of the Association

²¹ <https://taz.de/Feministische-Aussenpolitik/15915972/>