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Germany's transgender rights law to take effect

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On November 1, a German law making it easier to alter gender markers and names on official documents will take effect. Transgender, intersex and nonbinary people welcome the recognition, but conservatives oppose it.



Lawmaker and transgender woman Nyke Slawik has hailed the law as a historic reform of international significance

Image: Political-Moments/IMAGO

Starting Friday, people aged 18 and older will be able to change official records to alter their names and genders or have the gender marker removed altogether, under Germany's new Self-Determination Act.

There is a mandatory three-month wait between applying and making a personal declaration. Yet the requirement for two psychiatric assessments and a court hearing have been scrapped.

Minors — over the age of 14 — can do so with parental approval, or seek legal recourse. Parents can act on behalf of younger children, but the child needs to be present at the register office and give their assent.

This is a purely bureaucratic procedure with no medical implications.

More accessible, less costly, far less intrusive

Kalle Hümpfner, policy officer for the German Trans* Association (BVT), welcomed the fact that gender self-recognition will now be much more accessible and less costly.

Hümpfner also stressed that the new law also made the process far less intrusive. "In the assessments, people were forced to divulge a lot of very personal information — information that was shared with the court. There have been many awful reports of people having to talk about their sexual preferences, about their masturbation practices, or their underwear choices."

Some 1,200 people in the capital Berlin with its thriving LGBTQI+ community have submitted applications up to now, according to the German press agency *dpa*. The Catholic news agency *KNA* reports there's a similar level of interest in other big cities.

German parliamentarian and transgender woman Nyke Slawik — who helped negotiate the bill for the Green Party — hailed the law as a historic reform of international significance. "I think it is a sign of hope in times where right-wing populist voices are getting louder again and where there is unfortunately a rollback in many countries in terms of the rights of queer people," she told DW.

Richard Köhler is an expert advisor for TGEU (Trans Europe and Central Asia), a non-profit advocacy group for trans and non-binary people. He said that the move brought Germany back into line with international human rights law and European developments of the last ten years. It is now the 12th country in Europe to introduce legal self-determination legislation.

"Let's face it, it's an issue affecting a small number of people in a very personal way and respecting their choices doesn't harm anyone else, but it does uphold the core values of dignity and freedom that we all share," he told DW. Köhler warned that in many other countries in the region, bans are being placed on legal and medical transition, including in Georgia and Russia.

Making the lives of a marginalized minority easier

The changes make the practical daily lives of transgender, inter-sex, and non-binary people much easier, as there is no longer a potential mismatch between appearance and official paperwork, which can make traveling abroad prohibitive or even just paying by credit card a serious headache.

Once someone has applied to change their gender and first name, no further applications can be made for a minimum of 12 months. Right-wing populists suggested that this would lead to people changing their gender marker annually.

Altering a birth certificate generates a huge volume of follow-through bureaucracy in changing official documents from your driving license to school exam certificates. "It's an enormous amount of work to make your documents match and no one does that just for fun," said Kalle Hümpfner of the German Trans* Association.

Inclusivity and gender politics have become hot-button topics in Germany. Germany's center-left government of [Social Democrats \(SPD\)](#), [Greens](#) and neoliberal [Free Democrats \(FDP\)](#) took over in late 2021 with a pledge to progress and modernize and included the change to the law in their coalition treaty. It was opposed by the largest opposition bloc, the conservative [Christian Democrats \(CDU\)](#) and Bavaria's [Christian Social Union \(CSU\)](#) and also by the far-right populist [Alternative for Germany \(AfD\)](#).

[The new Self-Determination law was passed in April 2024](#) after a hotly contested debate in which a number of restrictions were added.

A discussion framed by fear

Hümpfner expressed regret that anxiety and fear of abuse had framed the debate — with transgender people repeatedly cast in the role of potential perpetrators. "Time and time again during the entire legislative process it was forgotten that this is about the basic rights of a marginalized and still very disadvantaged group."

Changes included appearing to give proprietors the right to decide whether or not to refuse individuals access to their premises on the basis of their gender. "There was a lot of discussion about women's saunas. Our experience is that many transwomen rarely or never go into saunas because being in these places and being stared at a lot because of their physicality is regarded as unpleasant," Hümpfner said.

Another concern raised during discussions surrounding the passage of the bill was about the possibility of transwomen using women's shelters. The Association of Women's Shelters (FHK) told the German newspaper *Tagesspiegel* this was baseless: "We do not know of a single case from our membership of transgender women misusing a safe house or becoming violent there — and that although transwomen have been regularly using safe houses for many years and finding protection in them without great ado.

Richard Köhler also argued that the way the debate had been steered had poisoned public discourse and polarized the population. He said that people in the trans community were experiencing a rise in antagonism and harassment, as a result.

"We're seeing an orchestrated attack against democracy, against equality, against the diversity in our society. And it's deliberate and it's orchestrated and it's heavily financed." He said trans people were easy targets because they made up such a small minority and so few people had personal contact with them.

Women's fears being instrumentalized

Beate von Miquel, the chair of the National Council of German Women's Organizations (DF) and a gender researcher herself, told DW that the issue was being politically instrumentalized and had become part of a culture war by far-right groups not known for their advocacy of women's rights. "It is really bitter for the women's movement that this has become a very divisive issue. We should not allow ourselves to be divided," she added.

Von Miquel, whose umbrella organization represents 60 women's associations and groups, warned that the trans community and women's organizations should not be played off against one another.

"There is concern that the category woman or women will disappear and that it won't be about women anymore," Miquel added. "We will stay the German Women's Council. But there must be more freedom and diversity and individuality, there is more than one way of living gender and being a woman."

Edited by Rina Goldenberg

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