

# Federal Ministry for Family Affairs, Senior Citizens, Women and Youth

## – LGBTI measures –

as at 1<sup>st</sup> April 2020

### 1. Division 215: “Same-Sex Lifestyles, Gender Diversity”

In 2014, the division “Same-Sex Lifestyles, Gender Diversity” was set up at the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (*BMFSFJ*). Since then, the division has been active as the coordinating unit, within the Federal Government, for matters and tasks relating to sexual and gender diversity. In addition to that, it is also the point of contact for the *Länder*, for organisations and associations of persons concerned at national and international level.

To achieve gender equality for lesbian, gay, bisexual as well as transgender and intersex people, the Federal Ministry for Family Affairs has initiated a wide variety of measures covering different thematic areas.

### 2. Extending counselling skills on sexual and gender diversity

#### 2.1 Regenbogenportal.de (Rainbow Web Portal) – The knowledge network on same-sex lifestyles and gender diversity

An online information platform called “Rainbow Web Portal – The knowledge network on same-sex lifestyles and gender diversity” went online on 9<sup>th</sup> May 2019.

The portal is a source of information, a database and a knowledge network at the same time. It provides information on topics such as health, family and law and has provided practical guidance, thanks to its overview of about 400 points of contact nationwide. The Rainbow Web Portal provides a comprehensive knowledge network for lesbians, gays, bisexuals, transgender and intersex people, queer people and their families and dependants, but also for teachers and professionals of various sectors. Here everyone dealing with LGBTI\* on a private or on a professional level can find compact knowledge. As only with the help of knowledge prejudice can be overcome and social cohesion can be strengthened. It is an easily accessible service and can also be used on smart phones and tablets. In order to further enhance user friendliness of the online information portal, it is currently being expanded further.

## 2.2 Follow-up study on the current state of cosmetic surgery on 'ambiguous' genitalia in childhood

A study presented in 2016, "On the current state of cosmetic surgery on 'ambiguous' genitalia in childhood" (*Zur Aktualität kosmetischer Operationen "uneindeutiger" Genitalien im Kindesalter*), analysed a full census of the frequency of genital surgeries on children with a diagnosis from the spectrum of the so-named "Disorders of Sexual Development" in Germany for the first time. The study retrospectively analysed data from the DRG statistics (diagnosis-related groups – hospital statistics based on case rates) on "feminising" and "masculinising" genital surgeries performed in German hospitals between 2005 and 2014. Based on the current coalition agreement ("We want to clarify by law that medical interventions to adjust the sex of children are only permissible in cases that cannot be postponed and in order to avert danger to life"), the University of Bochum analysed in a follow-up study in 2018 how the frequency of feminising and/or masculinising genital surgery in childhood has developed over the last years. The Federal Ministry for Family Affairs funded this study by way of a government grant.

The study concludes that the number of in-patient feminising and masculinising surgeries performed on children under ten years of age who had been diagnosed with variations in sex characteristics (VSC) (*Variationen der körperlichen Geschlechtsmerkmale - VG*) (place of residence Germany) in German hospitals, compared to the number of diagnoses between 2005 and 2016, has remained relatively stable. The study has been published as bulletin text number 44 by the Centre for Transdisciplinary Gender Studies of the Humboldt-Universität zu Berlin.

## 2.3 Conducting a quantitative survey on the need for a non-binary gender option for transgender people

In its decision on a "third gender option" of 10<sup>th</sup> October 2017 (Federal Constitutional Court – *BVerfG*, 1BvR 2019/16, marginal number 62), the Federal Constitutional Court made it clear that "gender" in the sense of article 3 para. 3 Basic Law (*Grundgesetz - GG*) not only refers to the physical sex but also to gender identity. However, in 2018, there were only a few exemplary statements on why trans\* people also required or requested a third gender marker and in which fields of society, due to the binary way of registration, trans\* people were discriminated against or faced limitations when it came to shaping their way(s) of life. Therefore, in 2018, the Federal Association Trans\* (*BV Trans\**) examined in an online survey at which points the at that time practised binary registration of gender in the register of births led to direct discrimination against trans\* people. The results of the online survey by the

Federal Association Trans\* demonstrate that about a third of the people surveyed do not or do not exclusively describe themselves using the terms “female” or “male”, but that they use a wide range of terms. This proves that the range of persons whose gender identity could and should be recognised by way of a positive third gender specification under the Civil Status Act is a lot wider than the legal framework introduced in December 2018 allows for. The Federal Ministry for Family Affairs funded this study by way of a government grant.

## **2.4 Pilot project in the field of sexual diversity**

The nationwide pilot project “Counselling skills in respect of rainbow families – Requirements and potentials with professional support” by the Lesbian and Gay Federation in Germany (*Lesben- und Schwulenverband in Deutschland – LSVD*) received funding until 30<sup>th</sup> June 2018. With the three-year project, the Federal Ministry for Family Affairs has filled a gap so that members of rainbow families can receive counselling and assistance close to home and feel welcome at the existing counselling centres. Various services are available to help staff in counselling centres to familiarise themselves with the challenges and potentials of rainbow families and to lower the threshold for those seeking counselling. The project's mission was to roll out qualified support services for same-sex and transsexual and/or transgender parents – so-named rainbow families – and to give them visibility as natural parts of our society.

In addition to workshops and presentations around the life and counselling of rainbow families, the pilot project included further training programmes and a forum on a project-based web portal enabling professional exchange. The services were addressed to facilities, institutions, associations and professionals engaged in family-oriented counselling.

At the end of the project, a training manual was compiled for multipliers and professionals. It is available on the homepage of the project: (<http://www.regenbogenkompetenz.de/>).

## **2.5 “Developing suggestions for the further development of curricula for training courses and study programmes for social and health care professions in order to incorporate transgenderness and intersexuality into educational curricula”**

With the help of the project by Merseburg University, research is to be conducted to explore in what way sexual and gender autonomy regarding transsexuality and intersexuality is enshrined in terms of content in the health, medical, psychological, social and paedagogical training courses and study programmes. During the analysis, it will also be examined to what extent the current scientific position in the medical, legal and psychological fields on the topics of inter\* and trans\* is reflected in the curricula of the training courses and study programmes. Based on the outcome of this review or analysis, suggestions on how to incorporate trans\*/inter\* topics into the curricula of the corresponding training courses and study programmes are to be developed.

## **2.6 “Curriculum on qualified counselling of intersex people and their families”**

The curriculum currently being drawn up by the *Bundesverband Intersexuelle Menschen e.V.* (Federal Association of Intersex People) is to serve as a guideline and as a basis for qualifying the counselling landscape to help and support intersex people. Therefore, apart from an overview of the framework conditions and the general learning objectives, the curriculum will also contain the structure of further training modules as regards organisation and content.

## **2.7 Establishing a dialogue forum to strengthen the counselling and support landscape on topics of gender diversity**

Currently, the set-up of a dialogue forum is being prepared in order to expand counselling and support services for trans\* and inter\* people nationwide and to improve and safeguard the quality of the services. A first meeting at working level to plan the cooperation and to set up a service point supporting the initiative has already taken place. The start of the dialogue forum has been announced for the first semester of 2020.

### **3. Rehabilitation of victims pursuant to section 175 of the German Criminal Code (StGB) and pursuant to section 151 of the Criminal Code of the GDR (StGB-DDR)**

On 22<sup>nd</sup> July 2017, the Act on the Penal Rehabilitation of Persons Convicted for Consensual Homosexual Activity after 8<sup>th</sup> May 1945 (*StrRehaHomG*) entered into force.

The current understanding is that the prohibition of consensual homosexual activity under criminal law and the criminal prosecution resulting thereof constitute severe breaches of the German Basic Law and of human rights. The Act aims to free the persons concerned from the legal stigma which they had to bear up until now in consequence of a conviction of that kind.

In the light of the above-mentioned breaches of the German Basic Law and of human rights, the Federal Government is especially interested in making the legal provisions known to the target group and to inform it about the option of financial compensation.

In order to support the persons concerned, the Federal interest group of gay senior citizens (*BISS*), with the help of funding from the Federal Ministry for Family Affairs, established a counselling hotline. The hotline sorts out matters of concern and counselling needs to the point that referral to a specialised counselling centre is possible. Since 2019, the hotline has been funded jointly with the Federal Ministry of Justice and Consumer Protection.

### **4. Equal participation of older lesbian women and gay senior citizens**

The establishment of the two umbrella associations "umbrella association of lesbians in old age" (*Dachverband Lesben und Alter*) and the "Federal interest group of gay senior citizens" (*Bundesinteressenvertretung Schwuler Senioren – BISS*) is due to the differences in biographies and efforts at emancipation experienced by lesbian women and gay men. Two distinct umbrella associations are thus needed to achieve a balanced participation of both groups, as the separate paths of gay and lesbian emancipation movements are also down to society's unequal stance towards gender roles.

The Federal Ministry for Family Affairs has been funding both associations since 2016.

The project run together with the umbrella association of lesbians in old age aims at setting up and firmly establishing an effective and sustainable organisation as a champion of lesbian seniors/women with multiple discriminations. The umbrella association is to influence the policies for senior women and to actively lobby the large associations such as the German National Association of Senior Citizens' Organisations (*Bundesarbeitsgemeinschaft der Senioren-Organisationen e.V. – BAGSO*), welfare and women's associations as well as church organisations. This will counteract the structural disadvantages experienced by lesbian women and advance the actual equality of women/lesbians/women with multiple discriminations.

The project with the Federal interest group of gay senior citizens (*B/SS*) aims at expanding the networking structure and raising the profile of that association. At the same time, the participation and involvement of elderly gay men is to be mainstreamed in the policy for senior citizens and the awareness of this topic is to be raised at all levels.

It is the aim of both projects to visibly and sustainably improve the situation of lesbian and gay older people in Germany in order to achieve an equal and non-discriminatory societal participation of the target group. More information on the associations' work can be found at <http://lesbenundalter.de/de/> and <http://schwuleundalter.de/>.

In 2020 the funding of both associations will be continued by the Ministry's section for elder People.

## 5. Measures to eliminate discrimination

In the new funding period of the federal programme "Demokratie leben!" (Living Democracy!), eight model projects are being funded in the field of action "Diversity" in the thematic area "Homophobia and Trans\*phobia". The model projects in this field of action are intended to contribute to the acceptance of same-sex lifestyles, reduce prejudices and combat discrimination and violence based on sexual orientation or gender identity.

For the first time, funding is also being provided for a competence network on "Homophobia and Transgender Sensitivity", which bundles information nationwide, provides expert advice and aims to ensure the transfer of successful prevention approaches to federal, state and local structures. The network consists of the following sponsors: (1) Familien- und Sozialverein des Lesben- und Schwulenverbandes in Deutschland, LSVD e. V., Berlin, (2), Stiftung Akademie Waldschlösschen, Reinhausen/Gleichen, (3) Bundesverband Trans\* e. V., Berlin.

## 6. IDAHOBIT Declaration and Conferences

Since 2005, every year on 17<sup>th</sup> May, homosexuals, and later on also transsexual and bisexual people, have observed a day of action in order to raise media attention for people who are discriminated against and punished because they deviate from heteronormativity in their sexual orientation or in their gender identity. The date was chosen in memory of 17<sup>th</sup> May 1990 when the World Health Organisation (WHO) decided to delete homosexuality from its diagnosis codes for diseases. In 2019, on the occasion of the International Day Against Homophobia, Biphobia, Intersexism and Trans\*phobia, *BMFSFJ* participated in the annual conference which took place in Oslo. Minister Giffey conveyed a video message to the participants. The video message was also published on the Ministry's homepage.

Due to the international significance of the IDAHOBIT Day, the video message met with a very positive response in particular last year within EU countries, the video has got English subtitles.

Also, the video message by Minister Dr. Giffey on the occasion of the European Lesbian Conference in Kiev (April 2019) met with a very positive response.

## 7. Events within the framework of the German EU Council Presidency in the second half of 2020

An international conference on the questions "Quo Vadis Europe in relation to LGBTI\* / gender diversity with a focus on rainbow families, life situations of lesbian women" is being planned on the occasion of the German EU Council Presidency. In addition to that, the annual Focal Points Network Meeting – the annual meeting of LGBTI\* divisions of the countries represented in the Council of Europe – will be hosted.

For the purpose of content preparation for the international conference, a two-day expert workshop took place on 21<sup>st</sup> and 22<sup>nd</sup> November 2019.

With a view to the necessary coordination processes with the European Commission and the Council of Europe prior to the conference, the European Lesbian Conference is conducting a project in order to survey the current situation of the framework conditions and the current situation of lesbian organisations and movements as well as of life realities of lesbians within the EU and in accession countries. Additionally, the study "Necessary visibilities of LGBTI women for the (European) gender equality and anti-discrimination policies" (*Bedarf der Sichtbarkeiten von LGBTI-Frauen für die (europäischen) Gleichstellungs- und Antidiskriminierungspolitiken*) was commissioned by Dr Stefanie Boulila.

## 8. Involvement in proposed legislation

- a) Federal Ministry of the Interior, Building and Community (*BMi*): consulted on the Act on amending the information to be indicated in the register of births to comply with the judgement of the Federal Constitutional Court of 10<sup>th</sup> October 2017 (*Gesetz zur Änderung der in das Geburtenregister einzutragenden Angaben zur Umsetzung des Urteils des BVerfG vom 10. Oktober 2017*). The Act entered into force on 22<sup>nd</sup> December 2018.
- b) Federal Ministry of Justice and Consumer Protection (*BMJV*): consulted on the "draft law on the protection of children from gender-altering surgery" (*Entwurf eines Gesetzes zum Schutz von Kindern vor geschlechtsverändernden operativen Eingriffen*). The draft law is currently being prepared.

- c) Federal Ministry of the Interior, Building and Community/Federal Ministry of Justice and Consumer Protection: consulted on the "Act on the reform of the gender entry" (*Gesetz zur Neuregelung der Änderung des Geschlechtseintrags*)

During the last legislative term, the Federal Ministry for Family Affairs built up technical knowledge by hosting four expert conferences and it contributes to the proposed legislation by using its newly acquired expertise. The list of publications on the research results is published at the following link:

<https://www.bmfsfj.de/blob/119690/e0044f4ad423de9d1276f0d9f848ff98/liste-publicationen-geschlechtliche-vielfalt-data.pdf>