



QUEER LEBEN

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Die
Bundesregierung

Für Akzeptanz und Schutz
sexueller und geschlechtlicher Vielfalt.

“Queer leben”

**Action Plan of the Federal Government
for the Acceptance and Protection of
Sexual and Gender Diversity**

All people shall participate in society in an equal, free, safe and self-determined manner. In order for this to also be possible for lesbian, gay, bisexual, transgender and intersex people as well as other queer people (LGBTIQ+), the Federal Government recognises its responsibility for an active anti-discrimination policy and for the acceptance of sexual and gender diversity.

In pursuance of countering queerphobia, the Federal Government adopts the following nationwide Action Plan for the Acceptance and Protection of Sexual and Gender Diversity. It contains recommended measures in six fields of action (legal recognition, participation, security, health, strengthening of advisory and community structures, international affairs).

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Fields of action and recommended measures

1. Legal recognition

For the 20th legislative period, the Federal Government has set itself ambitious targets aimed at advancing equal opportunities, the legal recognition and acceptance of LGBTIQ+ people in all areas of society and eliminating discrimination.

1.1 Including the explicit prohibition of discrimination on the grounds of sexual identity (Article 3(3) Basic Law)

Fundamental values for living together are enshrined in the constitutional text. This also applies to the prohibition of discrimination. The coalition parties have agreed to amend the article on equal treatment of the Basic Law (Art. 3(3) Basic Law) by adding an explicit prohibition of discrimination on the grounds of sexual identity. A two-thirds majority is needed for amending the Basic Law, both in the *Bundestag* and the *Bundesrat*.

Proposed measure:

- *The Federal Government will advance the implementation of the coalition agreement with regard to this issue.*

1.2 Reform of parentage and family law

The current parentage law does not fully reflect the diverse family constellations that exist today. At present, it is exclusively the woman giving birth to the child who counts as the legal mother at birth. The father of the child is the man who is either married to the mother at the time of the birth of the child, has officially declared fatherhood or whose fatherhood has been determined by a court of law. For female couples, the legal parenthood of the “mother not giving birth” can currently only be achieved by (step-child) adoption. The Federal Government will modernise the parentage and family law and align it with the realities of society.

Proposed measures:

- *The Federal Government will propose legislation in this regard, containing the following aspects:*
 - *If a child is born into the marriage of two women, both automatically become the legal mothers of the child, unless otherwise agreed;*
 - *Expanding the limited rights of custody of step-parents (“kleines Sorgerecht”) to a separate legal concept, which, by mutual consent of the legal parents, can be granted to up to two additional adults;*
 - *Agreements regarding legal parenthood, parental custody, right of access and maintenance even before conception;*
 - *Declaration of parenthood should also be possible outside of marriage, regardless of the gender of the person declaring parenthood or a divorce procedure.*
- *The reform of the parentage law also regulates how parents are registered on the birth certificate of their children after a change of their registered gender. Until the entry into force of the law, the Federal Government will present an interim solution for the affected group of persons that prevents that a transgender parent presenting the birth certificate having to disclose that they are transgender.*
- *Professionals working in foster and adoption services are to receive specialist training so as to ensure that LGBTIQ+ people interested in adoption are not discriminated against.*

In addition, the coalition agreement provides for the introduction of the concept of a “*Verantwortungsgemeinschaft*”, a legal concept which allows two or more adults to assume legal responsibility for one another beyond love relationships or marriage. In this context, interests of LGBTIQ+ people are also considered.

1.3 Repeal of the Transsexuals Act / Introduction of a law on self-determination

The “Act on the change of first names and the determination of gender identity in special cases” (Transsexuals Act) is in need of reform. Thus, for example, the Federal Constitutional Court has declared Section 8

subsection 1 numbers 3 and 4 of the Transsexuals Act unconstitutional.¹ As set out in the coalition agreement, the Transsexuals Act is to be repealed and replaced by a law on self-determination. This includes a procedure at the registry office allowing for changes to one's civil status to be made based on self-disclosure, an advanced ban on disclosure backed by sanctions and strengthening information and advice services. A concept paper jointly drawn up by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth and the Federal Ministry of Justice has already been presented.²

Proposed measures:

- *The Federal Government will propose legislation.*
- *We will acknowledge and compensate for the wrong done by the Federation to transgender and intersex people who have been affected by bodily harm or forced divorce due to previous federal legislation.*

1.4 Reform of the General Equal Treatment Act

The 2016 evaluation report on the General Equal Treatment Act commissioned by the Federal Anti-Discrimination Agency contains proposals regarding the further need for reform of the General Equal Treatment Act³. In addition, in its fourth joint report⁴ to the *Bundestag*, the Federal Anti-Discrimination Agency identifies different approaches to the reform of the General Equal Treatment Act and the improvement of the protection against discrimination in Germany. It has been agreed in the coalition agreement to close gaps in the protection as well as to improve legal protection and to extend the scope of application.

Proposed measure:

- *The Federal Government will propose legislation in this regard.*

1.5 LGBTIQ+ refugees

The Federal Government has set itself the target of identifying and protecting vulnerable groups, in particular, from the start. LGBTIQ+ refugees are a group particularly affected by intersectional discrimination and violence. The asylum procedure for persecuted LGBTIQ+ people is to be reviewed (e.g. interpreters, gauging the likelihood of persecution upon return), special legal advice is to be established and accommodation made safer.

Proposed measures:

- *Review of the asylum procedures for persecuted queer people (e.g. interpreters, gauging the likelihood of persecution upon return / the “requirement for discretion”).*
- *Establishing asylum advice services that are independent of the public authorities and should also include special legal advice for queer refugees and other vulnerable refugees.*

2. Participation

For LGBTIQ+, equal participation in social life is not always possible everywhere. To this day, they still frequently face prejudice, ostracism, discrimination and violence in everyday life. The Federal Government will strengthen the rights and participation of LGBTIQ+ people and support the visibility and acceptance of the diversity of sexual orientation and gender in everyday life.

2.1 Developing research and the collection of data on the life situations of LGBTIQ+ people

In recent years, there have been some positive developments that have helped to improve the data set on research into the life situations of LGBTIQ+ people. Nevertheless, the available data remains incomplete. The aim is to support the research into and the collection of data on discrimination and the life situations of LGBTIQ+ people in order to broaden the knowledge base and thus to develop effective anti-discrimination

¹ BVerfG, Beschluss v. 11.01.2011 – 1 BvR 3295/07 [German]

² <https://www.bmfsfj.de/bmfsfj/aktuelles/alle-meldungen/eckpunkte-fuer-das-selbstbestimmungsgesetz-vorgestellt-199378> [German]

³ Antidiskriminierungsstelle des Bundes - Berghahn/Klapp/Tischbirek u.a.: Evaluation des AGG, erstellt im Auftrag der Antidiskriminierungsstelle des Bundes, 2016 [German]

⁴ https://www.antidiskriminierungsstelle.de/SharedDocs/downloads/DE/publikationen/BT_Bericht/gemeinsamer_bericht_vierter_2021.pdf [German]

measures within the remit of the Federation. The coalition government has agreed to strengthen research and has identified gender justice as a central future field.

Proposed measures:

- *Developing guidelines for the collection of data on LGBTIQ+ people and for non-binary data collection regarding gender.*
- *Research projects on the health and social situation of LGBTIQ+ people;*
- *The situation of transgender persons who, up until the decisions by the Federal Constitutional Court regarding unconstitutionality, have been subject to the requirement of being unmarried and unable to reproduce⁵ in order to change their civil status should be dealt with by historical research; the same applies to human rights violations perpetrated against intersex people;*
- *Research project on the life situations of transgender, intersex and non-binary young people;*
- *Developing proposals for improving the collection and use of data on equality in the EU Member States;*
- *Research project on improving the participation of lesbians;*
- *Research project for collecting data on the life situations of bisexual people;*
- *Research projects on the life situations of rainbow families;*
- *Research projects on the acceptance and situation of LGBTIQ+ people in the world of work (work and education);*
- *A stronger focus on the interests of LGBTIQ+ people and, in particular, lesbian and bisexual women and girls in reports by the Federal Government (in particular: Gender Equality Report, Family and Youth Report);*
- *Raising awareness at the Federal Statistical Office for gender diversity.*

2.2 Promoting social acceptance

Equal participation of LGBTIQ+ people in society requires dealing with hostility towards LGBTIQ+ people and intersectional discrimination. This necessitates increased efforts in terms of awareness raising and acceptance regarding LGBTIQ+ people.

Proposed measures:

- *Support for projects on the acceptance and visibility of LGBTIQ+ people, insofar as the Federation is responsible;*
- *Continued development of the Federation's work combating violence against and discrimination of LGBTIQ+ people, insofar as the Federation is responsible;*
- *Strengthening the dialogue with religious communities in order to promote the acceptance of LGBTIQ+ people.*

2.2.1 LGBTIQ+ topics in education facilities as well as in the initial and continuing training of educational staff

Part of the educational work in schools and in out-of-school settings is to prevent discrimination and to enable all children and young people to participate equally. Within the framework of its responsibilities, the Federation is tasked with supporting measures against structural and individual discrimination (e.g. on the grounds of sexual orientation or gender identity). Discrimination has been shown to decrease the chances of receiving good educational qualifications and must therefore be prevented. At universities, too, there is often a lack of specific contact points and comprehensive regulation regarding the protection against discrimination, in particular as regards students. The Federal Government will support measures of the *Länder* aimed at raising awareness of LGBTIQ+ matters in schools and in youth work.

Proposed measures:

- *Funding of projects aimed at combating hostility towards LGBTIQ+ people in educational settings, insofar as the Federation is responsible;*
- *Dialogue with the Länder on promoting the acceptance of family diversity in educational settings;*

⁵ BVerfG, Beschluss des Ersten Senats vom 27. Mai 2008 - 1 BvL 10/05 -, Rn. 1-76, [German]

- *Extending inclusion and diversity strategies to include sexual and gender diversity together with the Standing Conference of the Ministers of Education and Cultural Affairs of the Länder.*

2.2.2 Awareness raising in child and youth welfare services

In child and youth welfare services as well as in youth work, the acceptance of sexual and gender diversity must be taken into account. The Act to Strengthen Children and Youth adopted in 2021 contributes to this. It stipulates that the different life situations of transgender and intersex as well as non-binary young people have to be taken into consideration, discriminations have to be countered and gender equality has to be promoted when designing services and fulfilling tasks (see Section 9 number 3 of Book Eight of the Social Code [SGB VIII]). For its effective implementation, specific training and continued professional development opportunities are also needed so that a safe and non-discriminatory environment can be guaranteed for young LGBTIQ+ people. It has been agreed in the coalition agreement that the *Länder* will receive support by the Federation for youth work in the area of LGBTIQ+.

Proposed measures:

- *Knowledge sharing with the Länder for developing measures aimed at raising the awareness of diversity and discrimination in the training of coaches and youth leaders, further and continuing training for voluntary and full-time staff in the areas of youth work, culture and leisure;*
- *Developing a joint strategy of the Federation and the Länder for the implementation of Section 9 number 3 of Book VIII of the Social Code as well as for raising awareness in child and youth welfare services;*
- *Dialogue with the Länder on the development of projects by the Länder for young LGBTIQ+ people in rural areas;*
- *Knowledge sharing with the Länder for the development of a concept on raising awareness among educational staff in youth welfare services / advisory services / welfare services for people with disabilities, etc.*

2.2.3 Non-discriminatory environment in sport

In sport, incidents of hostility towards LGBTIQ+ people continue to occur. The aim is to combat group-related hostility in sport.

Proposed measures:

- *Supporting the anti-discrimination efforts as well as the prevention of racism, sexism and hostility towards LGBTIQ+ people in the agreed federal programme against right-wing extremism and hostility in sport, insofar as the Federation is responsible;*
- *Introducing the concept of “queerphobia” in prevention as a new focus within the National Committee for Sport and Security (NASS);*
- *Developing and evaluating, together with the German Olympic Sports Confederation (DOSB) and its member organisations, a joint strategy of the Federation and the Länder for sport and LGBTIQ+ people, based on the 2020 Bremen Declaration of the Conference of the Sports Ministers of the Länder;*
- *Place LGBTIQ+ people as a target group at the independent Centre for Safe Sport so as to improve the fight against physical, mental and, in particular, sexualised violence;*
- *Awarding and hosting of large-scale international sporting events should strictly be linked to compliance with the UN Guiding Principles on Business and Human Rights and Sustainability.*

2.2.4 Protection against hostility towards LGBTIQ+ people at work

Access to the labour market alone can be an obstacle for LGBTIQ+ people. Many in the LGBTIQ+ community have already experienced discrimination and hostility at work⁶⁷. Therefore, the aim is to advance diversity management in the working world. This is particularly true for the public sector, which acts as a role model.

Proposed measures:

- *Developing the topic area of diversity in the framework of the “New Quality of Work Initiative (INQA)” by the Federal Ministry of Labour and Social Affairs;*
- *Research projects on the situation/discrimination of LGBTIQ+ people in the working world as well as improving the support for projects promoting acceptance;*
- *Developing a guide for employers, which includes user-friendly information on the actions recommended in two studies⁸ on the topic of a “third option” in civil status law for use in everyday situations at work;*
- *Raising awareness of the interests of LGBTIQ+ employees and job applicants among employers, those providing training and employee representatives;*
- *Support for raising awareness of the topic of LGBTIQ+ in in-house vocational training;*
- *Establishing a dialogue process (Federal Government, Länder, social partners, church employers) on improving the working conditions of LGBTIQ+ people in facilities run by churches and religious communities;*
- *Supporting diversity management in federal government public services.*

Proposed measures for federal administration:

- *Developing an internal diversity strategy of the Federation (incl. creating continuing professional development offers, supporting the setting up and connecting of employee networks and a strategy for diversity-sensitive recruitment procedures);*
- *Implementing the topic of diversity (incl. LGBTIQ+ people / gender identity) in initial, further and continuing education (e.g. qualification measures by the Federal Ministry of Defence in civil and military training as well as by the Federal Foreign Office in training provided for the foreign service);*
- *Routine strengthening of the information and advice capacity of the Bundeswehr Social Services with a view to diversity;*
- *Conducting systematic baseline analyses of the situation of LGBTIQ+ people (e.g. by employee surveys);*
- *Raising awareness among employees of implicit bias and integration in skills requirements / skills models;*
- *Raising awareness and, where applicable, training of employees involved in recruitment processes;*

2.2.5 Older LGBTIQ+ people and social support for older people

Social support for older people and local services must focus more strongly on the biographies and specific needs of older LGBTIQ+ people. Raising awareness, for example among qualified personnel, of the needs of older LGBTIQ+ people creates an atmosphere of acceptance and prevents LGBTIQ+ people being ostracised, discriminated against and isolated. Another aim is the support and funding of specific services for older LGBTIQ+ people.

Proposed measures:

- *Including the interests of LGBTIQ+ people in the Government Report on Older People and the Report on Poverty and Wealth;*
- *Taking account of LGBTIQ+ people when developing the Joint Strategy against Loneliness of the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth.*
- *Considering the specific needs of older LGBTIQ+ people in the Federal Action Programme for Older People. For example:*

⁶ [FRA, A long way to go for LGBTIQ* equality, 2020](#); Lisa de Vries, Mirjam Fischer u.a., LGBTIQ*-Menschen am Arbeitsmarkt: hoch gebildet und oftmals diskriminiert, DIW Wochenbericht Nr. 36/2020, S. 620. [German]

⁷ [FRA, A long way to go for LGBTIQ* equality, 2020](#).

⁸ https://www.antidiskriminierungsstelle.de/SharedDocs/downloads/DE/publikationen/Expertisen/geschlechterdiversitaet_i_beschaeftigung_u_beruf.html
https://www.antidiskriminierungsstelle.de/SharedDocs/downloads/DE/publikationen/Rechtsgutachten/jenseits_von_maennlich_und_weiblich.html [German]

- Dialogue with the Länder on creating specific LGBTIQ+ services for older people and for the social support for older people;
- Diversity-sensitive health promotion in care facilities, hospices, hospitals (e.g. the diverse living environment quality seal entitled “Lebensort Vielfalt”);
- Dialogue with the Länder regarding the support of care services in shared accommodation with an LGBTIQ+ focus;
- Supporting an LGBTIQ+ quality certification seal for leisure and neighbourhood facilities.

2.2.6 Strengthening the culture of remembrance

The persecution of homo- and bisexual men and women, in particular in the Nazi era but also in the Federal Republic of Germany and the German Democratic Republic, have not been sufficiently researched. There is hardly any research on the history of transgender and intersex people. Documenting and thus also making visible both the history of emancipation of LGBTIQ+ people in general and the life stories and sufferings of individual LGBTIQ+ people is an important political sign for acknowledging sexual and gender diversity and promotes a culture of remembrance.

Proposed measures:

- The Magnus Hirschfeld Foundation will be permanently secured in the federal budget - as stipulated by the coalition agreement.
- Carrying out events and other public relations measures on LGBTIQ+ days of remembrance;
- Funding research projects aimed at supporting the historical revision of the criminal prosecution and state discrimination of LGBTIQ+ people;
- Perpetuate and amend the programme entitled “Jugend erinnert” (young people remember) including the topic of persecution of homo- and bisexual men and women in the Nazi era and the former GDR;
- Funding research on LGBTIQ+ people at memorial sites.

3. Security

In Germany, acts of violence, assaults and hostilities against LGBTIQ+ people, both in the public and the private sphere, are not a rarity⁹. This places a significant burden on those affected and restricts their freedom and participation in social life¹⁰. There is often a lack of support structures appropriate to the specific advisory needs of particularly vulnerable groups of people, e.g. LGBTIQ+ people with disabilities who are affected by violence¹¹. The coalition government aims to counter queerphobia, to protect LGBTIQ+ people against violence, assaults and hostilities (e.g. by adapting the legal framework) and to better support victims, in particular vulnerable groups.

3.1 Protection against violence, assaults and hostilities

Proposed measures:

- The Federal Government proposes regulation that is to explicitly include “gender-specific” motives as well as those “aimed against sexual orientation” as further examples of inhuman motives and goals in the list of circumstances to be given particular consideration in sentencing, pursuant to Section 46 subsection 2 second sentence of the Criminal Code.
- Examining the drafting of a report by the Federal Government describing the crime-related security of LGBTIQ+ people;
- Convening a temporary working group on combating homo- and transphobic violence. This working group is to include members from academia as well as practice and develop recommendations on how combating acts of violence against LGBTIQ+ people may be improved (2021 decision by the Conference of Ministers of the Interior);
- Dialogue between the Federation and the Länder on introducing an anti-violence programme;

⁹ FRA, A long way to go for LGBTIQ* equality, 2020, [BMI, offizielle Statistik zu Hasskriminalität, 2020](#). [German]

¹⁰ FRA, A long way to go for LGBTIQ* equality, 2020, Gesundheitsberichterstattung des Bundes gemeinsam getragen von RKI und Destatis, Journal of Health Monitoring, die gesundheitliche Lage von lesbischen, schwulen, bisexuellen, trans- und intergeschlechtlichen [Menschen](#), Menschen, S. 5, März 2020. [German]

¹¹ Schröttle, M. et al., Gewaltschutzstrukturen für Menschen mit Behinderungen - Bestandsaufnahme und Empfehlungen, Forschungsbericht 584 (2021): hrsg. Bundesministerium für Arbeit und Soziales, S. 110, 168. [German]

- *Intersectional consideration of the needs of LGBTIQ+ people in the development of an interministerial political strategy against violence, which is led by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth and focuses on the prevention of violence and the rights of those affected as a central issue;*
- *Taking into account the recommendations of the GREVIO (Group of Experts on Action against Violence against Women and Domestic Violence) report¹² relating to LGBTIQ+ as well as the needs of other particularly vulnerable groups, such as LGBTIQ+ people with disabilities, female refugees or queer refugees in the violence protection system.*

3.2 Improving the statistical recording of assaults

Throughout Germany, a total of 1,051 criminal offences in the sub-themes of “gender / sexual identity” and “sexual orientation” were registered in 2021. This includes 114 violent offences and cases of bodily harm¹³. The number of unreported violent assaults and punishable hostilities is estimated to be far higher than the number of registered cases because many LGBTIQ+ people affected do not report the incidents¹⁴ or because the incidents are not registered appropriately by the police¹⁵.

Proposed measures:

- *Conducting studies into unreported cases about experience with crime;*
- *Funding of research projects on certain LGBTIQ+ target groups;*
- *Dialogue with the Länder on how victims of queerphobic assaults might become more willing to report the assaults and on how reporting structures for cases of hate crime can be improved.*

3.3 Improved support, help and information for victims of hate speech

LGBTIQ+ people are often exposed to hateful content on the Internet and in social media. In combating hate crimes and hate speech against LGBTIQ+ people, preventive measures and strategies that promote democracy are needed alongside inclusive laws. This is particularly true for the digital realm. The goals of the Act to Improve Enforcement of the Law in Social Networks are being achieved to a considerable extent but there is a lack of decisive detailed implementation as far as social networks are concerned¹⁶.

Proposed measures:

- *Assessing the possibility of introducing a new law against digital violence with the aim of reducing legal barriers to and gaps in the victims’ rights of information;*
- *Assessing whether further measures regarding LGBTIQ+ people are needed in the digital sphere for implementing the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention);*
- *Dialogue with the Länder on violence against LGBTIQ+ people that takes into account the prevention and awareness-raising work carried out for children and young people in the digital realm (e.g. in the form of digital outreach programmes);*

3.4 Protection against violence for LGBTIQ+ refugees

The Federal Government has set itself the target of identifying and protecting vulnerable groups from the start. LGBTIQ+ refugees are a group particularly affected by intersectional discrimination and violence. In reception centres and communal accommodation for refugees, they are particularly vulnerable and are in need of special protection against violence, assaults and hostilities. In order to implement the existing obligation of the Länder, resulting from Sections 44 subsection (2a) and 53 subsection (3) of the Asylum Act, and to make the housing of LGBTIQ+ refugees safer, additional measures are required for the protection of vulnerable groups of people in reception centres and communal accommodation.

¹² <https://www.bmfsfj.de/resource/blob/202386/3699c9bad150e4c4ff78ef54665a85c2/grevio-evaluierungsbericht-istanbul-konvention-2022-data.pdf> [German]

¹³ BMI, *offizielle Statistik zu Hasskriminalität, 2020*. [German]

¹⁴ ECRI-Bericht über Deutschland (Sechste Prüfungsrunde) 2020, März 2020. [German]

¹⁵ Molter, Sarah (2022): Bekämpfung von Hasskriminalität gegen LGBTIQ*-Personen. Handlungserfordernisse und Forderungen in Deutschland sowie Einblicke in andere europäische Staaten. Arbeitspapier Nr. 24 der Beobachtungsstelle für gesellschaftspolitische Entwicklungen in Europa. S.27 ff [German]

¹⁶ Bericht der Bundesregierung zur Evaluierung des Gesetzes zur Verbesserung der Rechtsdurchsetzung in sozialen Netzwerken (Netzwerkdurchsetzungsgesetz – NetzDG), September 2020. [German]

Proposed measures:

- *Dialogue between the Federation and the Länder on improving the situation of LGBTIQ+ refugees; The introduction of appropriate protection by the Länder as well as implementing a concept for recognising the need for special protection are to form part of the dialogue.*
- *Continuing the initiative of the Federal Government on protecting refugees in refugee accommodation centres including taking account of the needs of LGBTIQ+ refugees;*
- *Funding projects for the protection against violence in refugee accommodation facilities, insofar as the Federation is responsible;*
- *Funding research projects on LGBTIQ+ refugees;*
- *Awareness-raising of the topic of LGBTIQ+ people in integration classes and other appropriate federal integration measures;*
- *Support for and funding of accommodation facilities for LGBTIQ+ refugees, insofar as the Federation is responsible;*
- *Continuing professional development training for and raising awareness among all those involved in the asylum procedure (employees of the Federal Office for Migration and Refugees, members of the judiciary, interpreters etc.) of queer life realities, racism and trauma;*
- *Dialogue with the Länder on the training delivered to institutions responsible for refugee accommodation regarding the specific needs of LGBTIQ+ people.*

3.5 Dealing with the experiences of domestic violence of LGBTIQ+ people

LGBTIQ+ people, too, are affected by domestic and intimate partner violence. Young LGBTIQ+ people, in particular, may experience domestic violence. For example, if the parents do not accept the sexual orientation or gender identity of their children. There is, however, a lack of more accurate data due to the limited statistical recording so far. The coalition agreement contains a clear commitment against domestic violence and emphasises child protection.

Proposed measures:

- *Assessing whether further measures regarding LGBTIQ+ people are needed to implement the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention);*
- *Implementing Article 16 of the UN Convention on the Rights of Persons with Disabilities.*

3.6 Protecting LGBTIQ+ adolescents against sexualised violence

The report on youth sexuality in Germany by the Federal Centre for Health Education (BZgA) indicates that an above-average number of non-heterosexual adolescents is affected by sexualised violence. According to the report, a third of lesbian or bisexual girls and young women as well as a fifth of homosexual or bisexual boys and young men have experienced assaults¹⁷. The coalition government aims to review past cases of sexualised violence against children and young people, particularly in social groups (such as sports clubs, church), and to enforce prevention by providing the legal basis if needed. In addition, preventive work and child protection are to be strengthened and a child-sensitive judiciary guaranteed.

Proposed measures:

- *Taking account of the specific needs of LGBTIQ+ minors as victims of sexual violence in criminal proceedings within the framework of the “child-friendly judiciary” working group of the National Council on Combating Sexual Violence Against Children and Young People;*
- *Nationwide linking up and thus strengthening of the contact points and advisory services for young LGBTIQ+ people who have experienced sexualised violence;*
- *Strengthening prevention work and child protection within the remit of the Federation;*
- *The work of the Independent Commissioner for Child Sexual Abuse Issues is to be regulated by law. The work of the National Council on Combating Sexual Violence and of the Independent Inquiry into Child Sexual Abuse is to be made permanent.*

¹⁷ Fehler! Linkreferenz ungültig.. [German]

- *The archives and records of the LGBTIQ+ movement should be supported in investigating the issue of sexualised violence against children and young people.*
- *Continuing the dialogue between the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth and the German Federal Youth Council on the creation of a specialist service for the prevention of sexualised violence in youth association work.*
- *Projects addressing the issue of and aiming at preventing sexualised violence in youth associations in general and those with a special focus on sexualised violence against young LGBTIQ+ people should be supported insofar as the Federation is responsible.*

3.7 Protection against violence for LGBTIQ+ people in prisons

The experiences of LGBTIQ+ people in prisons are rarely addressed even though LGBTIQ+ people are a particularly vulnerable group there, too. There are no reliable figures in Germany on the number of LGBTIQ+ people in detention. With regard to prisons, responsibility lies with the respective *Länder*. The approaches to prisons, prison conditions, training and information for prison staff regarding LGBTIQ+ people vary in the different *Länder*. According to NGOs, however, many LGBTIQ+ prisoners experience discrimination or violence¹⁸. The aim is to protect LGBTIQ+ prisoners against violence.

Proposed measures:

- *Conducting a dialogue between the Federation and the Länder regarding the prison conditions of LGBTIQ+ people (e.g. access to necessary medical services and therapy), for example within the framework of the Committee on the Penal System [Strafvollzugsausschuss];*
- *Raising awareness of the situation of LGBTIQ+ prisoners by developing recommendations, or similar, of international organisations (e.g. Council of Europe);*
- *Highlighting, also for national monitoring bodies, the need for protection of LGBTIQ+ prisoners;*
- *Initiating and supporting empirical research projects on the situation of LGBTIQ+ prisoners, including the extent of LGBTIQ+-phobic violence, insofar as the Federation is responsible.*

4. Health

Hate crime, stigmatisation and (psycho-) pathologising of LGBTIQ+ people may have lasting psycho-social consequences for those affected. This is particularly true for LGBTIQ+ people with HIV who still face a considerable amount of discrimination. The available data on the health situation of LGBTIQ+ people indicates a need for action. However, the available data is incomplete and hardly allows for conclusions to be made on the general health situation and health resources of LGBTIQ+ people.

4.1 Improving the health care of LGBTIQ+ people

The health care system aims at delivering needs-based, non-discriminatory care for everybody. Exceptional stress may lead to specific needs which are to be considered. This is particularly true for mental health issues. A quarter of the transgender people interviewed stated that they had experienced discrimination when accessing health care services.¹⁹ Guidelines for diagnosis and treatment should be unbiased.

Proposed measures:

- *Medical subject knowledge and general awareness-raising of the treatment and care of LGBTIQ+ people should be taken into account within the future federal regulation regarding doctors and other health professions (if this has not already happened by reforming and updating the regulation on admission to medical and other health professions).*
- *Improving the prevention of HIV/AIDS and other sexually transmitted diseases (STDs), their treatment and the promotion of sexual health.*

¹⁸ [Stellungnahme des BVT* zum Entwurf eines Gesetzes zur Änderung von Berliner Justizvollzugsgesetzen vom 17.03.2020.](#) [German]

¹⁹FRA, A long way to go for LSBTIQ* equality, 2020

- *Additional surveys on aspects of sexual health and mental health among men who have sex with men (MSM), including MSM with a diagnosis of HIV within the framework of the repeat studies “Gay men and AIDS” financed by the Federal Centre for Health Education and the European MSM Internet Surveys (EMIS 2010 and 2017)²⁰ carried out across Europe;*
- *Training will be funded for staff members with a multiplier effect for the topic of LGBTIQ+ and HIV/AIDS, for educational facilities in health and nursing care as well as for the care of older LGBTIQ+ people.*
- *Analysing the results of the InTraHealth project (improving the access to health care for transgender and intersex people by removing discrimination by providers) funded by the Federal Ministry of Health;*
- *Analysing the results of the TRANS*KIDS project (project for non-discriminatory support of young transgender persons by patient-focused training measures in the healthcare system) funded by the Federal Ministry of Health;*
- *Analysing the results of the DSDCare project (standardised centre-based care for people with differences of sex development - DSD - across the lifespan) funded by the Federal Ministry of Health;*
- *Taking account of LGBTIQ+ people in health reporting;*
- *Increased consideration of gender-based differences and reduction of discrimination and barriers blocking access to care, health promotion, disease prevention and in research;*
- *Gender medicine should be explicitly included in the Regulation on the Licensing of Doctors. Aspects of gender medicine are also to be taken into account in future reforms of the catalogues of competences in further training and examination regulations of the health professions.*

4.2 Full authorisation for blood donations of men who have sex with men (MSM) and of transgender people

The coalition government has agreed that the ban on blood donations from men who have sex with men as well as from transgender people is to be lifted, if necessary by law.

Proposed measures:

- *As a means of protection against discrimination, Section 12 a, second sentence of the Transfusion Act stipulates that the risk assessment, which leads to a rejection from blood donations, is to be reviewed in the case of new evidence. This is so as to establish if this rejection is still necessary in order to guarantee a high standard of health protection for recipients of blood donations.*
- *Switching from the current group-based risk assessment of the blood donors to individual, non-discriminatory criteria is prepared with the relevant bodies whilst maintaining the safety of the blood products.*
- *Accompanying study of the Robert Koch Institute – public health institute in Germany (RKI) into the changes of donation habits following adjustment of the donor selection criteria in the directive on hemotherapy.*

4.3 Act to Protect against Conversion Therapy

The Act to Protect against Conversion Therapy bans conversion therapy to be carried out on minors in general and on adults whose consent to a conversion therapy is based on a lack of volition. It is also prohibited to advertise for a conversion therapy, to provide or arrange it. The act furthermore provides for guidance for those affected, their relatives as well as for people who are dealing with the topic of sexual orientation and gender identity privately or for professional reasons or who provide advice on this.

Proposed measures:

- *Evaluating the Act to Protect against Conversion Therapy, particularly with a view to identifying and, if necessary, to eliminating ways in which to bypass the legal framework.*
- *Following the evaluation, assess the lifting of exemptions from punishment in Section 5 subsection (2) of the Act to Protect against Conversion Therapy and assess the possibility of a complete ban on conversion therapy on adults;*
- *Informative public relations work regarding conversion therapy and their risks.*

²⁰ Marcus, U., & Schink, S. B. (2021). Der Europäische MSM Internet Survey als Grundlage für die Präventionsarbeit in Deutschland für Männer, die Sex mit Männern haben. *Bundesgesundheitsblatt, Gesundheitsforschung, Gesundheitsschutz*, 64(11), p. 1430. doi:10.1007/s00103-021-03429-3 [German]

4.4 Act for the Protection of Children with differences of sex development (ban on operating)

For a long time, intersex children in Germany were subjected to medically unnecessary and usually irreversible operations and treatments with the aim of aligning their physical appearance with binary gender stereotypes. The Act for the Protection of Children with differences of sex development clarifies that the treatment of children unable to consent is prohibited if the sole purpose is to align the physical appearance with binary gender stereotypes.

Proposed measures:

- *Evaluating the Act for the Protection of Children with differences of sex development, particularly with a view to identifying and, if necessary, to eliminating ways in which to bypass the legal framework.*
- *Research addressing the situation of intersex people who were subjected to medical treatments before the Act for the Protection of Children with differences of sex development entered into force.*

4.5 Guaranteeing specific healthcare

Rejection and ostracism in the healthcare system are no rare occurrence for transgender, intersex and non-binary people. Health insurance providers base their decisions on whether to cover the costs of physical adjustments on assessments by the medical advisory service. A change of the civil status and first names is often required or questions are asked about it at least. Certain transition-based services are sometimes linked to long waiting times.

Proposed measures:

- *Analysing available findings on the specific needs of transgender, intersex and non-binary people aimed at developing strategies and recommended actions on non-discriminatory and needs-oriented care;*
- *The costs of gender-affirming treatments must be fully covered by the statutory health insurance according to the recognised state of medical knowledge.*

4.6 Funding of reproductive medicine for same-sex couples

The directive of the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth on the granting of financial support for assisted reproduction measures regulates the financial support for reproductive treatments for unintentionally childless heterosexual couples in addition to the cost-coverage by the statutory health insurance under Section 27a of Book Five of the Social Code (SGB V). Pursuant to SGB V, the costs are covered if exclusively the egg and sperm cells of the spouses are used. This excludes same-sex couples / spouses or registered same-sex partners if they have the same reproductive organs. According to the coalition agreement, non-discriminatory financial support should also be available for artificial insemination with donor sperm, irrespective of medical indication, civil status, gender and sexual identity.

Proposed measure:

- *The Federal Government will examine how covering the costs of artificial inseminations can be funded in a non-discriminatory manner even in cases of artificial insemination with donor sperm, irrespective of medical indication, civil status, gender and sexual identity.*

5. Strengthening of advisory and community structures

LGBTIQ+ people experience marginalising ignorance, prejudice, stigmatisation and discrimination in all areas of life. Their needs, in particular those of affected adolescents and young adults, are both diverse and specific and very often require in-depth legal or medical knowledge, which has so far been rarely available in the regular advice services.

Self-organisation structures of the community are mostly only established in larger cities and in most cases are equipped with precarious financing. The coalition government aims to strengthen the information and advice services on sexual and gender diversity. The coalition agreement also provides for the nation-wide expansion, together with the *Länder*, of the network of civil society advice centres against discrimination.

Proposed measures:

- *The Federal Government will lead a dialogue with the Länder on strengthening and developing the advice service structures for LGBTIQ+ people.*
- *Dialogue with the Länder on developing anti-discrimination counselling that is available across the country within the remit of the Federation;*
- *Strengthening expert advice on questions regarding gender identity;*
- *Dialogue with the Länder on how members of staff in advice centres may be made aware of and trained on LGBTIQ+ topics; Developing “minimum standards for recording complaints about discrimination” so as to improve the recording/monitoring of discriminating experiences;*
- *Dialogue with the Länder on developing approaches to strengthening the self-organisation of LGBTIQ+ people in rural areas;*
- *Assessing measures within the remit of the Federation for promoting and guaranteeing the sexual and gender self-determination of transgender and intersex people with disabilities;*
- *The information available in digital format (e.g. by the Women’s Archive) should be developed further;*
- *Assessing pilot projects - insofar as the Federation is responsible - on the following issues:*
 - *Funding organisations and advice centres for lesbians and making existing lesbian projects and offers visible;*
 - *Further developing psychosocial counselling services for LGBTIQ+ people with disabilities and their relatives;*
 - *Measures aimed at advancing the participation of LGBTIQ+ people with disabilities.*

6. International affairs

Although the rights of LGBTIQ+ people are subject to international human rights protection, these rights are often violated. The protection and promotion of the human rights of LGBTIQ+ people are an important part and a cross-sectional task of the German international human rights policy as well as an integral component of the development policy and feminist foreign policy. The Federal Foreign Office and the Federal Ministry for Economic Cooperation and Development have developed an LGBTIQ+ inclusion concept in close discussion with civil society. The concept provides for consistent consideration of the human rights of LGBTIQ+ people in foreign and development policy. It is to strengthen civil society organisations that act at local, regional, supra-regional or international level and advocate the human rights of LGBTIQ+ people and speak out against discrimination on the grounds of sexual orientation and gender identity.

Proposed measures:

- *The interests of LGBTIQ+ people continue to be rooted in the institutions of German foreign policy and state development cooperation and their procedures and activities (e.g. by basic and advanced training, awareness-raising activities, integration of LGBTIQ+ interests into the strategies for other countries and reporting).*
- *Strengthening the rights, representation and resources of LGBTIQ+ people in development cooperation and in foreign relations within the framework of development and feminist foreign policy, including foreign cultural and educational policy and engagement in crisis areas;*
- *Civil society's commitment for LGBTIQ+ rights should be funded and supported;*
- *Commitment to a strong gender equality policy in the EU and internationally that also takes account of intersectional and inclusive aspects;*
- *Developing and providing funding for a comprehensive gender action plan for development cooperation with the participation of civil society;*
- *Creating additional jobs for human rights work with appropriate missions abroad;*
- *The Federal Government increasingly speaks out for LGBTIQ+ interests in the dialogue and in multilateral forums. Thus, it supports, for example, the mandate of the UN Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity.*
- *The Federal Government is committed to the aim of universal access to sexual and reproductive health and rights and actively promotes this in its bilateral and multilateral development cooperation. The needs and interests of human beings in all their diversity, including LGBTIQ+ people, should be taken into account appropriately.*

- *Strengthening the commitment for interests of LGBTIQ+ people in bilateral dialogue and in multilateral forums within the framework of Germany co-chairing the Equal Rights Coalition;*
- *Prioritising human rights work at appropriate missions abroad;*
- *Introducing modules on diversity management in initial and further training of the Foreign Service;*
- *The Federal Government supports the collection of disaggregated and anonymised data on the human rights situation of LGBTIQ+ people, where possible, for example by supporting the UN LGBTI Inclusion Index, and without placing people at risk.*
- *Commitment for the recognition of rainbow families and of same-sex marriages conducted in the EU in all Member States with all legal consequences;*
- *Strengthening the protection of civil societies (in particular in the areas of journalism, activism, science, culture and human rights) that speak out for LGBTIQ+ interests, e.g. by means of developing support and protection programmes (such as the Elisabeth-Selbert-Initiative) as well as the admission of people at high risk and the guarantee of a simplified and safe application process.*
- *Implementing a humanitarian admission programme for Afghanistan as well as establishing a coordinating body taking account of vulnerable persons.*

7. Details, prioritisation and implementation - next steps

After the adoption of this action plan, the specific design, prioritisation and implementation of the measures follows. This takes place in the form of an interministerial work process that includes associations and the Länder and takes the respective competences into account. The Federal Government Commissioner for the Acceptance of Sexual and Gender Diversity coordinates this work process.

Public budgets will not be predetermined by this action plan. Possible additional monetary needs arising from the measures mentioned are to be covered - insofar as they fall within the remit of the Federation - by the affected departmental budgets within the valid budget estimates during the preparation of the respective federal budget.

Beside shaping federal policy projects, the Federal Government also supports, among others, the Länder in implementing projects on queer policy within its remit.

This action plan implements a follow-up process, which is to be further developed and provides for continued monitoring as well as evaluation in order to support sustainable development.

In 2024, the Federal Government will inform the German Bundestag and the Bundesrat about the state of the implementation of this action plan.