



GERMANY

ASYLUM

In May, civil society condemned the practice of the Federal Foreign Office for the unsafe practice of conducting investigations of asylum seekers in their home countries and outing them.

In June, the Federal Council approved a law that gives authorities access to asylum notices and judgments, countering privacy rights.

After an eight-year process a Russian asylum seeker was granted refugee status in the spring, showing that persecution by non-state actors can also be grounds for status.

BIAS-MOTIVATED SPEECH

The ongoing legal gender recognition (LGR) reform sparked hateful anti-trans articles this year.

LesbenRing distanced itself from this year's LesbenFrühlingsTreffen (LFT), which included anti-trans, racist, and anti-human rights programs.

BIAS-MOTIVATED VIOLENCE

Hate crimes continued to be a serious issue this year (see here and here). The Ministry of Interior's annual report found a 39% increase in anti-LGBT hate crimes in 2020 compared to the previous year. For the first time, data on anti-trans violence was specifically collected.

The Green Party and the FDP both proposed federal regulations to criminalise and tackle anti-LGBT hate crimes, but the Bundestag rejected them with the votes of the CDU, SPD and AfD.

Bremen will now collect and publish data on anti-LGBTI hate crimes, becoming the second state after Berlin to do so. The LSVD urged other federal states to follow suit.

Following civil society pressure, the Interior Ministers' Conference addressed anti-LGBTI hate crimes for the first time, urging the Federal Ministry to convene an independent expert commission and take action.

A Dresden court refused to record the homophobic nature of a murder, where a gay couple was killed.

In August, a victim of police abuse at the Cologne CSD was granted 15,000 euro compensation for pain and

suffering in a settlement with the federal state of North Rhine-Westphalia.

BODILY INTEGRITY

On 25 March, the parliament adopted the Law for the protection of children with variants of gender development to protect intersex children from non-vital, non-emergency medical interventions. OII Europe called the law the result of 25 years of intersex activism, but gaps remain.

EDUCATION

A study found that some religious schools taught anti-LGBT contents in North Rhine-Westphalia, for instance comparing 'homosexuality' to 'pedophilia'.

Saxony and Schleswig-Holstein banned gender-equitable language in schools (e.g. Schüler*innen or Schüler_innen)

EMPLOYMENT

The Anti-Discrimination Agency published a report on intersex people's experiences in employment.

A study affirmed that lesbians face intersectional/multiple discrimination in employment.

EQUALITY AND NON-DISCRIMINATION

CSOs continued advocating for constitutional amendments to protect LGBTIQ+ people from discrimination (see here and here).

At the meeting of the Federal Council on 28 May, seven federal states introduced a draft law supplementing Article 3 of the Basic Law with a prohibition of discriminated on the basis of 'sexual and gender identity'. The state chamber rejected the draft. In the Bundestag, there was a joint motion by the FDP, the Greens and the Left Party to add 'sexual identity'. The CDU/CSU and SPD blocked this draft in the Committee on Legal Affairs, so it was never voted on in plenary. Later in the year, civil society launched a petition. In the exploratory paper of the SPD, Greens and FDP, an addition to 'sexual identity' was agreed.

The new government's coalition treaty includes numerous actions on LGBTIQ+ rights, including adding 'sexual identity' to the Constitution and a national LGBTIQ+ action plan.



On 20 May, the Bundestag voted in favour of the rehabilitation and compensation of soldiers convicted because of being LGBT, but gaps remain.

FAMILY

Germany is yet to abolish mandatory second-parent adoption for lesbian same-sex couples, trans, non-binary and intersex parents. Berlin tabled a proposal in the Bundesrat for the legal change to be introduced at the federal level, which was rejected in the Federal Council. In April, the LSVD launched an e-mail campaign urging members of the Bundestag of the SPD and Union to reform the law, but no developments took place. In their exploratory paper, the SPD, Greens and FDP envision the necessary legal changes.

There are now several lawsuits against the current right of descent by the Initiative #NoDoption and the Society for Civil Liberties (GFF), including before the Federal Constitutional Court.

German Catholic priests refused to comply with the ban on same-sex marriage blessings.

The case of a trans man, who gave birth and is not recognised as the ‘father’, despite having the legal gender ‘male’ is still pending at the European Court of Human Rights. The case was joined by a trans woman who is the biological parent of her child but will not be recognised as the ‘mother’ without adoption.

Parents with a non-binary gender marker also faced discrimination this year. BVT* published a brochure on trans parenthood.

FOREIGN POLICY

The government adopted its foreign policy LGBTI Inclusion Strategy, inclusive of trans rights issues.

Chancellor Angela Merkel criticised the Hungarian propaganda law in June.

FREEDOM FROM TORTURE, CRUEL, INHUMAN OR DEGRADING TREATMENT

Berlin passed a law on trans and gender-diverse people’s placement in prisons.

The Brandenburg Memorials Foundation decided to commemorate lesbian women and girls who fell victims of Nazi persecution.

FREEDOM OF ASSEMBLY

After threats by neo-Nazis, the first CSD in the small Saxon town of Taucha was cancelled.

HEALTH

Civil society published a brochure on the impact of the COVID-19 pandemic on LGBTI people in Germany.

LSVD welcomed the proposal of the FDP and the Green Party to ban any restrictions on blood donations for men who have sex with men and submitted a position paper on the topic. The German Medical Association’s new regulations maintain that same-sex sexual behavior is risky and stigmatises trans people.

In April, the Federal Chamber of Psychotherapists called for the withdrawal of the statutory healthcare providers’ new regulations as they set out that gender affirming treatment would only be covered as a last resort, if psychotherapy failed to “alleviate gender dysphoria”.

LEGAL GENDER RECOGNITION

Civil society continued campaigning for a new law that would establish legal gender recognition on the basis of self-determination, joined by INGOs. On 19 May, the parliament voted against all three drafts that were proposed by the Green Party, The Left, and by the FDP. The new government’s coalition treaty envisions LGR based on self-determination.

PARTICIPATION IN PUBLIC, CULTURAL AND POLITICAL LIFE

Two trans women won seats in the parliamentary elections. Nyke Slawik and Tessa Ganserer are both members of the Green Party.

185 LGBTQ actors joined a manifesto calling out homophobia and transphobia in their profession. Captain of the national football team Manuel Neuer wore a rainbow armband at several European Football Championship matches. UEFA did not allow the Munich stadium to be lit up in rainbow colours, but several Bundesliga stadiums in Germany did just that.



The football magazine *11 Freunde* ran a campaign against homophobia in the sport.

The German Football Association (DFB) and LSVD set up a sexual and gender diversity focal point.

SEXUAL AND REPRODUCTIVE RIGHTS

The Free Democratic Party presented a position paper on the approval of non-commercial surrogacy and egg donation.

As of this year, same-sex couples in Berlin and Rhineland-Palatinate are able to apply for partial cost coverage for medically assisted reproduction. Civil society would like to see federal rules in place that allow all couples to be reimbursed and not just married heterosexual couples with a medical condition.



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