



GERMANY

ACCESS TO GOODS AND SERVICES

In August, the Frankfurt am Main Higher Regional Court ruled that Deutsche Bahn must change its registration system, which currently only offers male or female gender options to customers. It must now offer a non-binary option.

ASYLUM

In January government shared that it has granted international protection to close to 80 LGBTI human rights defenders who had fled Afghanistan. Civil society urged the state to bring these individuals to Germany as soon as possible.

Civil society firmly criticised the government's deportation practices after it deported a gay asylum seeker back to his home country, where he could face the death penalty. Asylum procedures have been criticised as seriously flawed, risking the well-being and safety of LGBTI asylum seekers and limiting family unification to married couples. In September, the Ministry of Interior announced that the assumption of 'discretion', that an LGBTI person will hide their identity, would no longer be applied in asylum procedures.

BIAS-MOTIVATED SPEECH

The media continued to publish anti-trans articles - trans organisations launched a petition in response. For example, an article in the WELT argued that ARD and ZDF 'indoctrinate' children with "transgender ideology". A guest lecture from one of the authors was cancelled at Humboldt University in July after students announced they would hold a protest. In the following weeks, anti-trans mobs posted countless hate comments, hate mail, and personal threats. Sociologist Dana Mahr, for instance, had to flee her home. On a positive note, many media outlets published sensible and nuanced stories, including a kids show on public television.

Trans MP Tessa Ganserer was dead-named and criticised by a women's magazine, and was targeted by numerous transphobic articles and posts throughout the year. Other politicians expressed their solidarity with Ganserer. The court found a man guilty of hate speech and insult against Ganserer, for hateful posts in 2020, fining him 20,000 euro. The ruling is not final.

Two books were classified as harmful to youth for their anti-LGBT content.

In February, the Higher Regional Court in Frankfurt am Main acquitted a university professor who said that "homosexuals" are prone to child sexual abuse and that children of same-sex couples are victims of "mental rape". A court in Bremen also acquitted a pastor, who called same-sex relationships "degenerative" and the idea that there are genders beyond male and female, "satanic".

BIAS-MOTIVATED VIOLENCE

Hate crimes continued to be a serious issue this year, but about 90% of cases continue to go unreported. In Berlin, for instance, anti-LGBTI hate crimes rose by 17% in the past year. Lower Saxony also recorded an increase in homophobic crimes. In January and July, the grave of trans migrant activist Ella Nik Bayan was vandalised. Other examples from across the country include attacks against trans women (see here, here, and here) and homophobic violence (see here, here, here, here, and here). The fatal attack against a trans man, who tried to stop a man from harassing two women at a Pride march, shook the community. The police expressed concern about these attacks.

Following years of civil society pressure, the Interior Ministers' Conference established a federal independent working group focusing on anti-LGBTIQ+ hate crimes. The Committee met in September for the first time and is in charge of collecting data on hate crimes, and providing training for the police, among others. In July, the Ministry of Justice announced a draft amendment to the hate crime law, which would explicitly list 'sexual orientation' and 'gender-specific' motives as aggravating factors. Civil society welcomed the announcement and called for the same inclusion with regard to hate speech.

BODILY INTEGRITY

In October, the UN Committee of the Rights of the Child called on Germany to enforce the Law for the protection of children with variants of gender development, aimed to protect intersex children from non-vital, non-emergency medical interventions, as well as to establish procedural safeguards and accountability mechanisms for medical doctors. The law was adopted in 2021.



EDUCATION

The Society for Freedom Rights (GFF) filed a class action lawsuit against Humboldt University for discriminating against trans and intersex students. HU has failed to allow that ID cards feature used names in the case of students who have not gone through legal gender recognition or name change yet.

Student councils highlighted that little was done this year to ensure the safety of LGBTQI students, and called for more training for teachers, educational campaigns, and SOGIESC-inclusive sex education.

EQUALITY AND NON-DISCRIMINATION

In January, the government appointed its first-ever Federal Government Commissioner for the Acceptance of Sexual and Gender Diversity, a step much welcomed by civil society. Lehmann will examine how government policies impact LGBTQ people and will also lead the process of adopting a National Action Plan for Sexual and Gender Diversity, which was part of the new government's 2021 coalition treaty. The draft Action Plan was presented in August, and CSOs made recommendations for improvement. In November the federal government started its implementation.

The draft bill of the Democracy Promotion Act was criticised by civil society (see here and here) for not being explicit enough about its future funding, failing to apply an intersectional approach, and risking overlooking hate crimes against LGBTQI+ people.

125 employees of the German Catholic Church came out publicly as LGBTQI+. A Berlin mosque raised the rainbow flag for the occasion of Pride month.

The parliament agreed that Germany would commemorate victims who were persecuted by the Nazis due to their sexual orientation on Holocaust Remembrance Day (27 January), from 2023 onwards. A commemoration of lesbian victims was held at the Ravensbrück Memorial on 1 May.

FAMILY

In February, Münster Fiscal Court ruled that a gay couple cannot deduct the costs of their surrogacy process - 13,000 worth of travel, medical, and other costs, as surrogacy is prohibited in Germany.

In March, a church musician was fired because he wanted to start a surrogacy process.

Lesbian couples continued challenging the mandatory stepchild adoption process.

HEALTH

Civil society and the Green party criticised the government's slow response to the monkeypox virus, with not enough vaccines having been made available.

INSTITUTIONAL SUPPORT

In a historic first, the Bundestag raised a rainbow flag in July. Berlin's Interior Ministry announced that state buildings are allowed to fly the flag on days of importance to the LGBTQI+ community.

LEGAL GENDER RECOGNITION

Civil society continued campaigning for a new law that would establish legal gender recognition on the basis of self-determination. On 30 June, the Federal Ministry for Family Affairs and the Ministry of Justice presented a new draft legal gender recognition law, centering self-determination, which has been in the works for many years. The draft also addresses the topic of intersex, trans, and non-binary parenthood. It includes financial compensation to trans and intersex people who have suffered harm under previous laws. Oll Germany highlighted that this must apply to all intersex people, regardless of whether they have changed their legal gender or not.

In May, the 40th German Psychotherapists' Conference passed a resolution in support of trans people's self-determination and the Women's Council expressed the same stance in June.



PARTICIPATION IN PUBLIC, CULTURAL AND POLITICAL LIFE

Former MEP (Pirate Party) Felix Reda came out as trans in February. Reda is no longer in politics.

PUBLIC OPINION

A representative survey found that the majority is accepting towards LGB people. For instance, 81% agree with marriage equality and even among AfD supporters, 57% support LGBTI people. 75% would have little or no problem with their child being LGB, but this rate is much lower, in the case of having a trans child, 66%.

GERMANY [WEB PAGE](#)

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