

Germany makes it easier to change gender

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On 12 April, the Bundestag enacted a law which facilitates the procedure for modifying one's gender in official registers. Starting from 1 November, transgender and intersex individuals, as well as those who identify themselves as neither men nor as women, will be allowed to modify their gender indicated in the register of births, marriages and deaths. Although the applicant will be required to "prove in a credible manner that they are aware of the consequences of their decision", they will be allowed to withdraw it in writing within three months of submitting the initial request. The entry in the register regarding gender can be modified repeatedly according to the specific individual's will, although each such modification will remain valid for at least a year. Minors are also allowed to modify their gender provided that they are 14 years old or older and present their legal guardians' consent. In the event of a conflict between their legal guardians, a family court will decide by issuing a ruling which must take the child's interest into account. Minors who are 5 years old or older are required to express their consent to the modification of their gender in the official register.

The law contains one exception. Men whose gender modification application is clearly linked to their imminent conscription are banned from submitting such applications. In such instances, the register entry pertaining to gender may not be modified.

Until recently, matters relating to transgender individuals were regulated by the law on transsexual people. To modify their gender in the official register, one needed to present a court order issued on the basis of two psychological opinions. This procedure was criticised as humiliating (as numerous questions regarding the applicant's intimate life were asked while the expert opinions were being prepared, among other reasons) and costly, which hampered the gender modification process.

Commentary

- The introduction of the facilitated procedure is an element of the SPD–Green–FDP coalition agreement. Germany was obliged to enact a new law due to the ruling passed by the Federal Constitutional Court in 2011, which stated that a major portion of the previous legislation (which had been adopted back in the 1980s) was unconstitutional. Its liberalisation is another example of the Bundestag's efficient work of taking into account the rights of minorities to a greater degree. So far, for example, the ruling coalition has lowered the voting age in the elections to the European Parliament, modified the rules for obtaining German citizenship, and de-penalised the consumption and possession of recreational cannabis. Unlike in matters linked with economic, climate

and foreign policy, the Olaf Scholz government has been working efficiently in the social and ethical sphere, as there are only minor differences between the coalition partners regarding these issues.

- Despite opposition expressed by the Christian Democrats, the AfD and Sahra Wagenknecht's party (BSW), the debate on these amendments has not sparked any major controversy among the German public similar to that which emerged regarding the liberalisation of abortion laws. The opponents' main arguments included reservations regarding the ease and frequency of making gender modifications and the excessively liberal rules for modifying the gender-related register entries pertaining to minors. In addition, the CDU/CSU has also criticised the absence of automatic procedures to notify the police of the modifications, which (according to the opposition) will make it easier for criminals to conceal their identities. In line with the new legislation, law enforcement agencies will be allowed to request information on a specific individual's gender modification. The Christian Democrats have announced their intention to modify some of the newly adopted regulations should they win the 2025 elections. The AfD and the BSW have accused the coalition of focusing on issues of secondary importance instead of dealing with the genuine problems Germans are facing.