



Embassy
of the Federal Republic of Germany
Wellington

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To "Speak Up for Women"
Suzanne Levy & Tania Sturt
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Ambassador Nicole Menzenbach
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Wellington, 30.10.2024

Dear Ms Levy and Ms Sturt,

We have received your letter dated 9th of October in which you express your concern over the introduction of the "Act on Self-Determination with Regard to Gender Entry and Amending Other Regulations" (in short "law on legal gender recognition") which will enter into force in Germany on the 1st November 2024.

Safeguarding the human rights of all persons living in the Federal Republic of Germany is of utmost importance and a legal obligation the federal government is committed to in all of its legislative decision-making. The law on legal gender recognition is soundly based on human rights standards and does not impede Germany's human rights' obligations under international law.

The new law on legal gender recognition will enable non-binary, intersex and transgender persons to change their birth registries and subsequently identifying documents in line with their gender identity. The law does not make any changes to existing legislation, such as the General Act on Equal Treatment and therefore has no legal implications on the access to single sex spaces.

The main motivation for proposing legislation on legal gender recognition was to safeguard a person's gender identity in line with the general right of personality based on the German constitution. It is our strong belief that a modern and progressive society recognizes the right to self-determine as a basic human right. As a democracy, Germany also strives for our core values of justice, equality and inclusiveness to be reflected in our treatment of minorities. Furthermore, Germany has the high-priority goal to eliminate gender-based violence.

The root causes of violence against cis-women and violence against transgender, non-binary and intersex persons based on their gender are the same – they are rooted in misogyny and stereotypical ideas of how persons of a certain gender should act. Therefore, strengthening the rights of transgender, non-binary and intersex persons and thereby eliminating harmful gender stereotypes, a goal of the Istanbul Convention, is beneficial for safeguarding the rights of all women and girls.

The legislative process when crafting this bill allowed the law on legal gender recognition to undergo thorough scrutiny - non-governmental organizations were involved at various stages of the legislative procedure. These include amongst others the German Women's Council (biggest umbrella organization in Germany uniting 60 active women's organisations), the Federal Association for the Protection of Children in Germany as well as the Association of Women's Shelters in Germany. They all have voiced their strong support of the law on legal gender recognition and explicitly welcomed the changes brought forward as part of this legislation.

Furthermore, multiple other associations, basing their assessments on human rights, expressed a positive opinion of the law. These include the German Institute for Human Rights, Amnesty International, the Federal Association of Women's Support Services and Women's Crisis Helplines and the German Women's Lawyers Association amongst others.

There have been numerous experts involved with regards to the process of making this legislative change and we have taken into account the experiences from some of the other 15 countries such as Argentina, Malta, Denmark, Luxembourg, Belgium, Ireland, Portugal, Iceland, Norway, Uruguay and Switzerland where similar laws on legal gender recognition have already been successfully introduced.

We are confident that the Act on Self-Determination with Regard to Gender Entry and Amending Other Regulations will support Germany's striving for a more inclusive society by strengthening the rights of transgender, non-binary and intersex persons while at the same eliminating harmful gender stereotypes, thereby safeguarding the rights of all women and girls.

In conclusion, we hereby decline your invitation to join your demonstration in front of the Embassy on Friday.

Sincerely



Nicole Menzenbach
Ambassador