



Germany



Germany maintained its *status quo* regarding LGBTI equality and no further substantial legal and policy changes were made. On the contrary, a number of negative court rulings and public statements by political leaders demonstrated that achieving equality in practice remains a challenge. Significantly, the German Ethics Council published its opinion on the situation of intersex people calling for better acknowledgement of intersex people and the need for protection from medical decisions taken on their behalf at an early age and other forms of discrimination.

Asylum

- In June, a lesbian woman from Iran who had applied for refugee status in Germany was ordered by Bayreuth Administrative Court to return to Iran and live 'discreetly', hiding her sexual orientation. In Iran, same-sex sexual conduct is criminalised and if convicted LGB people risk being condemned to death. She appealed the decision and was eventually granted a residence permit for one year.

Bias motivated speech

- In August, a senior member of the Christian Democrats (CDU), Katherina Reiche, stated that the rise of same-sex unions was "next to the Euro crisis [as] the biggest threat to German prosperity." According to her, the future of the country "lies in the hands of families, not in same-sex partnerships." Her comments coincided with a debate within government about the legal status of same-sex partnerships.
- In October, www.kreuz.net, a website that portrayed itself as a Catholic news website commented on the death of the popular gay actor Dirk Bash with the sentence: "Now, he'll burn in eternal homo hell". The website regularly portrayed LGB people as "homo-criminals", "homo-disturbed" or "homo-terrorists". Following the campaign *Together against* www.kreuz.net, the website ceased its activities and the Catholic priests that were active on the website were forced to apologise.

Diversity

- In November, The Diverse Living Space (Lebensort Vielfalt) opened its doors, in Berlin, thanks to Berlin's Gay and Lesbian Advisory Service. It hosts LGBT people of all ages but is primarily dedicated to the elderly. The house has mainly been sponsored by the private sector.
- In December, the Government of the City of Berlin organised a one-day event focused on the situation of trans children and adolescents. It was aimed at recognising that young people can feel that their gender identity does not match the sex attributed to them at birth and was also intended as an informative and empowering event.

Employment

- In June, in violation of EU Directive 2000/78/EC prohibiting discrimination on the ground of sexual orientation in the area of employment, the Administrative Court in Augsburg authorised a kindergarten managed by a Catholic parish church foundation to dismiss an employee who had come out as a lesbian. The employer had also dismissed her in spite of the fact that she had recently given birth. However, the Court confirmed that the employee could not be fired before the end of her maternity leave. In October, the local Labour Court proposed a compromise to both parties and the employer agreed to pay the employee a high level of compensation.
- In September, Angela Merkel, Germany's Chancellor, stated that German gay footballers should have no fear of disclosing their sexual orientation "I am of the opinion that anyone who sums up the strength and bravery – and we have a long tradition of this behind us in politics – should know that they live in a land where they have nothing to fear". She continued: "The fact that there are still fears for some people for their own situation means we need to send out a clear message: you must not be afraid."

Equality and non-discrimination

- In February, the German Ethics Council presented its opinion, commissioned by the Federal Government, on the situation of intersex people. The Council stated that intersex people should be better acknowledged, and be protected from medical decisions taken on their behalf at an early age, as well as from discrimination in society. Nonetheless, the Council was criticised due to its lack of clarity regarding CAH intersex people. IVIM/OII-Germany stated that, "[u]nfortunately the paper is a severe backlash when it comes to ensure the right of bodily integrity and self-determination of intersex infants, children and teenagers. Though the Ethics Council first admits that "all medical treatments have a more or less severe impact on the core area of a person's identity and corporal integrity" the paper then abstains from warning against medical intervention for intersex people with so-called CAH (Deutscher Ethikrat 2012, 33) – this group being one most

often subjected to surgical alteration in infancy and childhood.”

- In July, the Parliament of Lower Saxony welcomed the position of the German Ethics Council and committed to examining more closely how it would apply to German Federal Lands.

Family

- In August, the Federal Constitutional Court in Karlsruhe ruled that same-sex couples in registered civil partnerships must be treated the same as married different-sex couples with regard to land transfer tax. The legislation had already been amended in 2010 but the amendment did not provide for retroactive application. The new court decision states that the law should be applied retroactively to benefit same-sex couples in cases prior to 2010.
- In December, Chancellor Merkel spoke out against equality between same-sex partnerships and marriage in the area of taxes, linking the privilege of marriage to the constitutionally guaranteed protection of families. “Me personally, I would like to maintain the privilege of married couples when it comes to splitting income taxation because our basic law (constitution) links marriage in a direct context with family and the basic law puts both (marriage and family) under the special protection of state order (public law).”
- In December, the Constitutional Court held a hearing on the ban on adoption within a registered partnership. Two same-sex couples had filed a constitutional complaint to challenge the existing legislation that forbids them from adopting children. In a registered civil union, the same-sex partner may adopt the other’s biological child, but not a child that his or her partner has adopted. The Court is expected to rule on these cases at the beginning of 2013.

Foreign policy

- In November, the Federal Minister of Economic Cooperation and Development, Dirk Niebel, declared that the preparation process for financial support to Uganda for the period 2013-2015 had been frozen. This decision is

partly due to the draft bill penalising and criminalising homosexuality that appeared on Uganda’s Parliament Order Paper on 21 November.

Health

- In January, the Youth Welfare Office in Berlin decided to send an 11-year-old trans girl to a mental institution to receive treatment for ‘gender dysphoria’. The girl’s mother supported her gender expression whereas her father strongly rejected it and wanted to force her to live as a boy. The girl is claiming she would rather die than go through puberty-related changes of her body. The Youth Welfare Office, contacted by the father, said that the correct response to the suicide threats was for this girl to be committed to a mental institution. The case has been referred to the Supreme Court of Germany.
- In September, the Court of Social Affairs of Kassel ruled that a trans woman who could not develop a ‘satisfactory’ chest (bra cup A) following hormonal treatment was entitled to breast surgery covered by her health insurance company.

Public opinion

- According to Eurobarometer 2012, 36% of Germans believe sexual orientation discrimination is widespread. This is slightly below the EU27 average (46%). 37% believe gender identity discrimination is widespread. This is slightly below the EU27 average (45%). Germans scored 6.4 on a scale from 1 (‘totally uncomfortable’) to 10 (‘totally comfortable’) when asked how comfortable they would feel with an LGB individual in the highest elected political position in their country. This is slightly below the EU27 average (6.6). Germans scored 5.3 on a similar scale when asked about a transgender/transsexual person in the highest elected political position in their country. This is slightly below the EU27 average (5.7).

Member organisations of ILGA-Europe

AG Lesben und Schwule in der Berliner SPD (Schwusos)
www.schwusos-berlin.de

Akademie Waldschloesschen
www.waldschloesschen.org

Aktionsbündnis gegen Homophobie e.V.
www.aktionsbueundnis.org

BAG Die Linke.queer
www.die-linke.de/partei/zusammenschluesse/bagdielinkequeer

BiNe German Bisexual Network
www.bine.net

Bundesarbeitskreis Lesben, Schwule, Bisexuelle und Transgender in ver.di
www.regenbogen.verdi.de

Bündnis 90/Die Grünen Landesverband Berlin
www.gruene-berlin.de

Fliederlich e.V.
www.fliederlich.de

Homosexuelle und Kirche Germany
www.huk.org

Initiative Queer Nations e.V.
www.queer-nations.de

International Support Group for Information Transfer and Networking

IVIM/OII-Germany
www.intersexualite.de

Lesben und Schwule in der Union
www.lsu-online.de

Lesbenring e.V.
www.lesbenring.de

Lesbian and Gay Federation in Germany LSVD
www.lsvd.de

LGBTI-WCI – Website Certification Institute
www.lgbti.de

LUSK UNI-Köln

Mann-O-Meter e.V.
www.mann-o-meter.de

Municipal Working Group Tolerantly Brandenburg – KATTE
www.katte.eu

Referat für Lesben Schwule Bi & Transsexuelle der ASTA TU

RollenWechsel
www.rollenwechsel.net

Schwulenreferat der Carl von Ossietzky Universität
www.schwulenreferat.uni-oldenburg.de

Sonntags-Club e.V.
www.sonntags-club.de

Spinnboden Lesbenarchiv & Bibliothek e.V.
www.spinnboden.de

TransInterQueer e.V.
www.transinterqueer.org

Völklinger Kreis e.V.
www.vk-online.de