

Subject: Germany's Bundesverfassungsgericht declares sterilisation unconstitutional

Transgender Europe (TGEU) released the following statement today:

The German Constitutional Court has announced in a press release today that the requirement to undergo sterilization or gender confirming surgery for legal gender recognition as not constitutional. The plaintiff, a 62 year old transsexual woman, had acquired the so-called "small solution" with a name change, but not altered the civil status due to the requirement to undergo sterilization surgery. With a still "male" civil status, she and her female partner had been denied the right to enter a registered same-sex partnership. If forced to marry, the plaintiff says, they are recognizable as a partnership with at least one transsexual spouse – A life free from discrimination therefore impossible.

The Federal Constitutional Court has ruled that the standardized conditions for legal gender recognition of transsexuals to enter into a partnership are not compatible with the right to sexual self-determination, physical integrity and privacy.

"A reform of the Transsexual Law is more than overdue." says Max Schulze board member of the Berlin-based organization TransInterQueer, "we demand that the Federal Government and the Parliament show quick and consistent action now."

TGEU welcomes the decision by the German Constitutional Court. A majority of countries in Europe have similar requirements. The Council of Europe has already indicated that this is a matter of concern. Thus, the Committee of Ministers had stated that 'prior requirements, including changes of a physical nature, for legal recognition of a gender reassignment, should be regularly reviewed in order to remove abusive requirements.' In line with previous decisions from the German Constitutional Court on the German Transsexual Law and in combination with similar verdicts of the Austrian High Administrative Court, TGEU is positive that this will send a strong signal to other countries to review their gender recognition legislation.

"The margin of appreciation for requirements for gender recognition, as granted by the European Court of Human Rights, has its limits. This decision states clearly that the human rights of transgender persons are jeopardized with a legal requirement for sterility, still practiced in many countries in Europe. When the Committee of Ministers recommendation is up for review in two years, we want to see Germany and many other countries to have their legislation in line with international human rights law." says Richard Köhler, co-chair of Transgender Europe.

Earlier the Bundesverfassungsgericht has declared the demand for a person applying for legal gender recognition to be unmarried as unconstitutional.

Meanwhile in Sweden it's almost seven months since Sweden's National Board of Health and Welfare proposed to rid the Swedish law of forced sterilisation and forced divorce as well as limiting the right to legal gender recognition only to Swedish citizens. The minister responsible for legal reform on transgender legislation Mr. Göran Hägglund is stalling the process in spite of an overwhelming parliamentary majority in favour of law revision.

Best,

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My favourite quote:

Im not a bitch I just have a low bullshit tolerance

<http://transgenderhealth.blogspot.com/>