

Oral Statement UPR

ATME e.V.

**Aktion Transsexualität und Menschenrecht
Campaign Transsexuality and Human Rights**

Ladies and Gentlemen,

before I start to speak about the situation of transsexual people not only in Germany let me begin with some thoughts about human rights.

Here's some quotes from Hannah Arendt's famous book „Origins of Totalitarianism“:

“The Rights of Man”, writes Arendt, were “defined as ‘inalienable’ because they were supposed to be independent of all governments; but it turned out that the moment human beings lacked their own government and had to fall back upon their minimum rights, no authority was left to protect them and no institution was willing to guarantee them.”

She argued that, although the liberal state professes to protect and value the rights of man, in reality it only protects the rights of citizen-members. In Germany we have a dark history, when the Nazis began to denationalize parts of society. It began with defining people as non-existent.

There's a simple rule: If you want to control people you have to control the identification-papers.

In Germany and many other States around the globe transsexual people do have the status of non-existent persons. Psycho-Doctors and Politicians still define transsexual women as „men who feel like women“ or „men who do have a female gender identity“ (what they call „transgender“). Transsexual men are defined as „women who feel like men“ or „women who have a male gender identity“. But who on earth has the right to define what a „female“ or „male“ gender identity is? Does a female „gender identity“ mean to wear a skirt or high-heels and a male „gender identity“ to become a worker at a construction site?

Let me make clear that, when I speak about transsexual people, I do not speak about transgender. I speak about diversity of human nature not about norms of society. Please recognize that gender and sex are two different kind of things and each of these two words does mean something different. A transsexual person doesn't need society to be transsexual.

Transsexual people do exist. Maybe Hannah Arendt was right that there has to be a civil status on paper, some kind of proof that a person really exists before he can be protected against human rights violations.

But I speak to you as a person who has no such proof. My legal papers say I am a man and not a woman. The cynical thing is, that in Germany I only would get legal

papers who could give me the protection that I would need, only after I would be able to deny myself. There are psycho-sexologists who force transsexual women to agree with a diagnosis that says „This is a man with a Gender Dysphoria“ and there are Judges who decides on the legal status based on this diagnosis.

Transsexual people are existant. And we urge the United Nations to call upon the States to give transsexual people the chance to change their legal papers and gender-status without any requirements. In 2009 the CEDAW-comitee argued that it is a paradox that a transsexual woman firstly has to agree that she is a „man who wants to live in the female gender role“ before she can correct her papers. Yes, in 2011 the Constitutional Court stopped the practise that there has to be a surgery as a requirement to correct the legal papers but at the same time it strengthen the idea of a „Gender Identity Disorder“. So the Court writes:

„An adjustment of the external appearance and adaptation of the behaviour pattern to the felt gender is necessary if a person wants to live in the other gender. This is caused first only by suitable clothes, presentation and appearance manner to test in the everyday life whether a lasting change of the gender role can be mastered psychically generally.“

What is it other than the force to fulfill gender-stereotypes? This still is the legal situation in Germany.

Repeatedly the United Nations called upon the Government in Germany to get in contact with us, and still nothing happened. Maybe they know, that people who do not have the papers that can attest their existence are in a situation of legal slavery and do not have legal instruments to fight back.

We hope that the United Nations could stop this slavery.

- We call upon Germany to stop reparative therapy on transsexual children. If for example a transsexual girl says „I am a girl“ she is not a „biological boy with Gender Dysphoria“. She is a girl. (The same vice versa) Transsexual children also need protection against their parents, too. If they want to change their gender status no one has the right to forbid that.
- We call upon Germany to stop the German Law Of Transsexuals and to give people the change to change their legal documents and gender markers without any requirement
- We call upon Germany to stop the usage of psycho-diagnoses like „Gender Identity Disorder“ or „Gender Dysphoria“. This illness does not exist.
- We call upon Germany to recognize that transsexual people do exist and that there's a need to extend the acronym LGBT with another, a second T, as a a sign for visibility of diversity. We know that intersexual people do have the same wish to add an I. Please use the term LGBTTI as an offical term in UN-documents.

Transsexual people do exist.

Thank you.