



Suzanne Levy & Tania Sturt

Speak Up for Women

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Her Excellency, Ambassador Nicole Menzenbach
Embassy of the Federal Republic of Germany
P.O. Box 1687
Wellington 6140
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9th October, 2024

Dear Ambassador,

Our attention today is on Germany.

On April 12, 2024, the Government of the Federal Republic of Germany passed the so-called “Self-ID Act”, which will come into force on November 1, 2024¹.

Germany is one of the countries that ratified the UN Convention The Committee on the Elimination of Discrimination against Women “CEDAW”² and the “Istanbul Convention”³ on the protection of women from sex-based violence. In addition, the sex-based rights of women are secured by the German Constitution, Article 3⁴. This results in an unmistakable mandate for the German government to protect women and girls based on their sex.

The experiences of other countries with similar laws causes us great concern. The safety of women, children and girls is no longer guaranteed. Here are some facts from New Zealand you may not be aware of:

- It is not a popular policy in New Zealand. “The majority of respondents [to a June 2023 survey] did not support a key aspect of sex denialism, the introduction of sex self-ID in law, a change that was supported by all political parties in Parliament in 2021.”⁵
- Under our BDMRR Act⁶, there is no limit on the number of times a person can change the sex marker on their birth certificate, rendering the document worthless.
- That one law opened the door for activists to push for more rights, most recently seen in the September consultation on potential changes to the protected characteristics in our Human Rights Act which create a conflict with women’s rights and highlights a lack of suitable definitions throughout legislation that needs to be worked through. Women’s advocacy

¹ <https://www.recht.bund.de/bgb/1/2024/206/VO>

² <https://www.ohchr.org/sites/default/files/cedaw.pdf>

³ <https://rm.coe.int/168008482e>

⁴ https://www.gesetze-im-internet.de/gg/art_3.html

⁵ <https://www.speakupforwomen.nz/post/majority-of-new-zealanders-do-not-support-sex-self-id>

⁶ <https://www.legislation.govt.nz/act/public/2021/0057/latest/whole.html>

groups weren't invited to be involved in the initial stages of this consultation, presumably due to the confusion over which groups advocate for women as opposed to 'those who identify as women' (i.e. men).

- Trans-identified males are shockingly over-represented in NZ prison statistics... and 14% of these men are placed in women's prisons, putting at risk the safety and privacy of women.^{7 8 9}
- Some of these men are being recorded as women in crime statistics and skewing data for policy makers.
- Due to general confusion over what sex self-ID means, women are being denied single-sex services, facilities and sports when, under our Human Rights Act, they are still entitled to them (see these examples of disputes over access to women only facilities and events at public pools in Christchurch¹⁰ and Invercargill¹¹)

These are just some key concerns we wanted to bring to your attention.

We are guided here by the letter from Reem Alsalem mentioned below.

How does the Government of the Federal Republic of Germany intend to prevent the negative effects that are occurring already today through the self-definition of sex entry due to a simple speech act?

How does the German Government intend to comply with its mandate to protect women and girls because of their female sex?

As we are aware of Germany's pioneering role in the EU and of the fact that Germany is setting a precedent in the EU with one of the most radical self-ID laws, we would like you to answer the following questions:

1. What protective measures has the German Federal Government taken to counteract or prevent human rights violations against women, children and girls that will result from the implementation of the Self-ID Act?
2. Will a register on sex-based violence be created in Germany that contains detailed information about perpetrators, victims and the relationship between them?
3. How will authorities ensure that information about sex is based on biological sex and not "gender identity"?
4. Sexual and sex-based violence is primarily perpetrated by men. How are women and girls, who have been victims of sexual and sex-based violence, protected from re-victimization??

⁷ <https://www.speakupforwomen.nz/post/safe-spaces-for-women-prisoners>

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<https://www.stuff.co.nz/national/crime/112432880/transgender-prisoner-investigated-for-sexual-assault-behind-bar>

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<https://www.stuff.co.nz/national/crime/111944953/transgender-prisoner-launches-hunger-strike-over-spat-with-corrections>

¹⁰ <https://www.chrislynchmedia.com/trans-policy-debate-sparks-controversy-over-womens-sessions-at-linwood-pool/>

¹¹

<https://www.stuff.co.nz/southland-times/southland-top-stories/132012169/anger-over-gender-identity-practice-in-swimming-pool-changing-rooms>

5. What measures are being taken to protect the well-being of children and girls and to ensure the right to physical and mental integrity and freedom and protection from violence and coercion?
6. The prohibition of disclosure severely penalizes mentioning a person's actual sex if that person identifies as something they are not. What measures guarantee freedom of speech in connection with the implementation of the prohibition of disclosure?
7. What measures are being taken to ensure that homosexual women retain their right to spaces free of men and their right to assemble without men?

The UN Special Rapporteur on violence against girls and women - Reem Alsalem - had already sent a 17-page letter to the Government of the Federal Republic of Germany, addressed to the Department of Foreign Affairs,¹² in which she described her great concerns about the human rights threat to girls and women posed by the Self-ID Act, demanding statements as to how Germany wants to continue to guarantee the rights and safety of girls and women. Reem Alsalem also reminded the German Federal Government of its obligations under international law to protect children, girls and women based on sex. The letter has so far only received a three-page reply from the Permanent Mission of the Federal Republic to the UN¹³.

This is a shocking testimony to the little importance that the current German Federal Government attaches to the rights and safety of girls and women. Already in May, 413 international women's rights organizations from 7 countries criticized Germany's women's policy in the EU in an open letter and described many failures in a progressive women's policy.

We invite you to take part in our event in front of your embassy on November 1st from 12:05 pm to 2.05 pm and to talk with us.

We thank you in advance for answering our questions. Please submit your response by November 1, 2024.

Yours sincerely,

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¹² <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=29160>

¹³ <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=38566>