



**Ic Health, social and medical professional policy: Debate on the
President's speech and the lead motion - Current issues in the medical
profession**

Title: Gender identity change in minors

Proposed resolution

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German Medical Association

THE GERMAN MEDICAL CONGRESS MAY RESOLVE:

The 128th German Medical Assembly 2024 calls on the Bundestag to amend the Self-Determination Act to the effect that under-18s may not be permitted to provide or have provided information on their gender and marital status in the personal register without prior specialist child and adolescent psychiatric diagnosis and consultation.

Justification:

On 12.04.2024, the Bundestag passed the law on self-determination with regard to gender registration (so-called Self-Determination Act). It provides for the repeal of the Transsexuals Act (TSG), which has been in force since 1981. Contrary to the recommendation of the German Medical Association, the change of gender entry and first names for "transgender" as well as "non-binary" and intersex persons will be regulated in a joint administrative procedure, i.e. no longer in two different laws, each with different requirements, as was previously the case. It was decided that, in future, every person who has reached the age of 14 will be able to undergo a transsexual transition.

The child should be able to obtain a legally binding declaration from the registry office that the

Accepted: Rejected: Board referral: Withdrawn: Withdrawn: Not referred: Votes Yes: 110

Votes No: 64

Abstentions: 14

ACCEPTED

information on their gender and marital status in the register of persons is replaced by another designation or deleted - unconditionally, i.e. without any examination of the seriousness, truthfulness and permanence of the wish and without an obligatory psychiatric-psychotherapeutic consultation. For a person who is legally incapable or has not yet reached the age of 14, their legal representatives should make the declaration. In the event that the latter refuse to do so, the declaration should be made by the family court as an alternative, provided that the change of gender and first names is not contrary to the best interests of the child.

From a medical, sexological and biological perspective, a person's gender is a reality that can be determined on the body and in the vast majority of cases is unambiguous, not freely available, but unchangeable. Gender is biologically binary, and the concept is separate from that of gender identity. In rare cases, a person's subjectively perceived gender identity deviates from their objectively given physical gender. The Self-Determination Act attempts to find a solution to the associated internal conflict (gender incongruence) and a problem of primary procedural law by equating the category of gender under civil status law - logically inconclusive - with the psychological construct of "gender identity". This should be criticized:

- the lack of differentiation between a person's subjective sense of belonging, including the self-categorization derived from this, and their actual physical-biological gender,
- the equation of gender identity and civil status in the official birth register,
- the inadequate differentiation between intersexuality/DSD ("variants of sex development") and transsexuality.

From a medical/psychotherapeutic and sexological point of view, civil status law is not the right instrument to guarantee the self-determination of people affected by gender incongruence, to promote their egalitarian treatment and to protect them from discrimination in everyday life.