

SELF-DETERMINED: THE WAY WE ARE

Decision of the 34th Assembly of the Lesbian and Gay Federation (LSVD) on 24th April 2022

Self-determination is a central prerequisite for a life in freedom and dignity. Self-determination is inconceivable without democracy, without the rule of law, without freedom of expression, but also not without effective protection against hatred and incitement.

The criminal and unimaginably brutal war of aggression waged by Putin's Russia on Ukraine is a pivotal confrontation between democracy and authoritarian regimes that fear nothing more than freedom and self-determination of the people. We stand in solidarity with the freedom struggle of the people of Ukraine. We support all efforts of democratic states to put a stop to authoritarian aggression. We are committed to helping people who have fled the war of aggression and are seeking protection from us.

Democracy is not a surefire path to self-determination rights of queer people. Much of the progress has had to be fought for; much still needs to be improved. But democracy is the framework within which it is possible. In the West, conservative voices are again coming to the fore, proclaiming that issues such as gender justice, minority protection and respect for diversity are unnecessary luxuries. Nothing could be more wrong – in fact, these issues are now more important than ever. Putin also describes his criminal war of aggression against Ukraine as a struggle against Western "degeneration" and values that are supposedly "directed against human nature itself".

Democracy will best survive the pivotal debate if it wins over as many people as possible for its values of freedom and self-determination, if it ensures that its societies become even more inclusive and that these values are also consistently practiced in government action, enabling them to be experienced by everyone.

For 2022, the LSVD focuses on four projects for more self-determination for lesbian, gay, bisexual, trans* and intersex people (LGBTI):

Self-determined, the way we are: Self-determination law instead of harassment and transphobic scaremongering

Self-determination is still made hugely difficult in Germany for trans* and intersex as well as non-binary people. In a democratic society, the basis of state action must be the protection of personal freedom, and not ideologically charged ideas of order about gender. The LSVD resolutely opposes scaremongering campaigns that misrepresent trans* people as the enemy and a danger to society. The LSVD sees the struggle for self-determination for non-binary, trans* and intersex people as the logical continuation of feminist, emancipatory and freedom-bound civil rights policies. That is why we are strongly committed to a genuine self-determination law. This has been overdue for decades. The realization of human rights for non-binary, trans* and intersex people can no longer be postponed.

Self-determined, the way we are: Catholic Church must exercise active repentance

There must be no spaces in which protection against discrimination does not apply. The Catholic Church, in particular, has established a climate of fear, intimidation and compulsion to lie in its institutions for queer workers. We welcome the fact that a lot has now also been set in motion in the Catholic Church in Germany. With the promised reforms in church labor law, however, there

must be no more half-measures. Promises are not enough. There is a need for real legal certainty for LGBTI who are employed in church institutions or want to apply there. For this reason, the exemptions for religious communities and their institutions in state labor law must also be repealed, in particular as part of the proposed reform of the General Equal Treatment Act (AGG).

Not only towards its employees, but also through its stubborn decades-long resistance to any improvement in the self-determination rights of queer people, the Catholic Church has incurred a heavy burden of guilt. For all the suffering they have inflicted on queer people, their relatives and friends for generations, we expect not only an acknowledgement of guilt from the German bishops, but also active remorse: the acceptance and support of state legislation that comprehensively enshrines into law the freedom and self-determination of queer people, including in the Basic Law, and a strong commitment to the human rights of LGBTI people in the World Church.

Self-determined: protection and fair process for queer refugees

In many countries, the human rights situation for LGBTI people is cruel. A few manage to flee to us from oppression, violence, torture and death threats. They trust in the promise of Western democracies to stand up for self-determination and dignity, and in many cases are bitterly disappointed. The Federal Office for Migration and Refugees (BAMF) often still seems to be keen on finding ways to deport LGBTI people to persecuting countries. The Federal Government must finally put a stop to this and ensure fair, legally compliant asylum decisions.

Decisions based on predictions of queer asylum seekers will behave in their home country, or ordering them to behave "discreetly" are inadmissible. They violate the case law of the European Court of Justice (ECJ), which has been in place since 2013. It is solely the right of queer people to self-determination to decide how openly they want to engage with their identity. There must also be a major effort to take in queer people from Afghanistan who have relied on Western values.

Self-determined, the way we are: for an effective law to promote democracy and an effective action plan

An open society needs a proactive forward defense, a constant effort to win people over to a culture of respect. For an effective law to promote democracy, we need: empowerment; support for intersectional projects and counselling services; the safeguarding of existing, successfully working structures to promote democracy and acceptance of diverse ways of life and identities; and joint action by the state and civil society. Democracy promotion, diversity design and the prevention of extremism require sustainability.

Of key importance are measures to combat hate crime, which appropriately and visibly counteract hatred and incitement against LGBTI people as well as anti-queer hate violence. The forthcoming Law on the Promotion of Democracy must also be closely interlinked with the announced National Action Plan for the Acceptance and Protection of Sexual and Gender Diversity. If this succeeds, more stable foundations will be laid for a life of self-determination, as well as for the security of living in freedom.

(adopted at the 34th Assembly of the Lesbian and Gay Federation (LSVD) on 24th April 2022)