



Call on the German government to assume historical and political responsibility: opening an admission programme for transgender people from Russia

Short Description:

Since Russia launched a full-scale war against Ukraine, the situation of LGBTQ+ people has deteriorated greatly. In particular, a law was passed in Russia that discriminates against transgender people. This law banned surgeries and procedures to correct gender dysphoria, as well as annulled marriages and deprived trans people of parental rights. Moreover, this law made it legal to perform sex reassignment surgeries on intersex people without their consent. This law not only violates human rights, but also justifies violence against vulnerable groups. Russian authorities justified the adoption of the law by fighting the "Western transgender industry." Thus, transgender people in Russia have become victims of state policy because they are ascribed Western values. Now the lack of respect for human rights, freedom and democracy, especially hits transgender, intersex and non-binary people in Russia.

Our demands:

- Simplification of visa issuance in accordance with the decision of the Council of the European Union (https://ec.europa.eu/commission/presscorner/detail/de/IP_22_5430)
- Abolition of the procedure to get a specific visa to apply for a residence permit for people already in Germany
- Simplification of the procedure for issuing residence permits regarding discretionary decisions
- Faster processing of applications and shorter waiting times for visa issuance
- Immediate access to medical care and safe accommodation for transgender people in Germany.

A more detailed description of the petition

The current situation of the LGBTQ+ community after the recent passage of laws discriminating against transgender people

Since the start of the full-scale war in Ukraine, the Russian government has passed many laws that violate human rights. Moreover - a crucial part of Russia's

military campaign has been propaganda. Russian propagandists make LGBTQ+ people look like the main national threat. Among other things, Russian propagandists justify the invasion in Ukraine and numerous war crimes by fighting so-called "Western influence" in general and the LGBTQ+ people in particular.

Many democratic principles that underpin the European Union have now been trampled on at the state level in Russia. This includes LGBTQ+ rights. Russian propagandists claim that the so-called "enemies of the state" are not only abroad, but also within the country. Among these enemies they name queer organizations. Because of this, LGBTQ+ people are persecuted and become victims of violence.

A law that was recently passed in the Russian Federation discriminates against transgender people and is unprecedented in its cruelty. Now, according to the law, it is forbidden to change the gender marker in documents and conduct gender affirmative surgeries. The law also prohibits providing trans people with necessary medical care and access to hormone therapy.

Not only are transgender people now denied the right to self-determination, but they are also denied medication, with dire physical and mental health consequences. Trans women* who have already transitioned but have not yet changed their documents are particularly vulnerable. Trans women* become outcasts in a society of total transphobia and, as a result, victims of physical and sexualized violence. Right now they need special protection. This transphobic law also seriously violates family rights. Transgender people can now have their parental rights revoked. Adoption of children is simply prohibited. Moreover, marriages already contracted by transgender people can be annulled. The passage of the new transphobic law will increase both hate crimes against non-binary, intersex and trans people and suicide risks among LGBTQ+ people.

Russia's homophobic policies discriminate against LGBTQ+ people and legitimize their political and legal persecution. Russian propagandists often say that "transsexuality" is a disease spread by the European Union. In order to cure this "disease," representatives of the Russian authorities proposed to introduce mandatory conversion therapy. Now conversion therapy is already in effect in the Russian Federation, but it is not regulated by law and therefore is not so widely spread. This may change in the near future, given the rhetoric of Russian propagandists who openly justify violence against queer people.

Such a homophobic policy based on ultraconservative ideas among the Russian authorities is evidence of the transition of the Russian political regime to a totalitarian one, which, as some propagandists put it, is defined as a response to the so-called "Gayropa".

The adoption of the transphobic law in the Russian Parliament was justified, among other things, by the fact that the participants of the "special military operation" should return to a "new" country cleansed of Western influence. LGBTQ+ people are now portrayed in the Russian Federation as agents of the collective West and a symbol of Western values, which is why the most aggressive repressive policy inside the Russian Federation is being pursued against them in particular.

Discrimination and persecution of the LGBTQ+ people helps the Russian authorities to stabilize the regime and continue isolation from other democracies. Above all, the ideological war of the Russian regime with democratic countries has turned into a real war in the heart of Europe.

Germany's historical and political responsibility towards the LGBTQ+ community in Russia

Germany has a special historical and political responsibility towards the current victims of Russia's policy in Ukraine as well as in Russia itself. The long-standing policy of appeasement towards Russia, even after the annexation of Crimea and the occupation of Ukrainian territory in the East, is the evidence of a political error of judgment that has led to devastating consequences, first and foremost in Ukraine, but also in world politics generally. The reasons for this should also be sought in the historical contexts and memory politics of Germany after World War II.

The supposedly exemplary work in covering German history actually has deep gaps. Limiting memory politics to the Russian narrative, while focusing on the Russian victims and victors of the "Great Patriotic War," reduced Ukraine and other neighboring countries to a colonial object and ignored the voices of ethnic and social minorities, as well as the opposition in Russia, who have long drawn attention to the troubling state of democracy and human rights.

LGBTQ+ organizations in Russia have been fighting for human rights, freedom and democracy for many years. Many of them, such as *Wychod* ("Exit"), T-Action and "Russian LGBT Network" have already been included in the list of so-called "foreign agents", which officially makes their activities impossible and invisible.

The peculiarity of the situation is that regardless of activism and civic engagement, the LGBTQ+ community is in principle subject to repression in general. It is also particularly important to note that the reasoning for the corresponding tightening of laws is not limited to homo-, trans- or queerphobia alone, but the persecution of LGBTQ+ persons is an integral part of Russian propaganda, on which the development of the regime relies. This trend has intensified with the invasion of Ukraine, and the focus on the LGBTQ+ community as an ideological ally of the "West" has intensified. Therefore, repression and

restrictions on the rights to protect LGBTQ* persons should also be understood as a symbolic response of the Russian regime to the free and progressive West. Members of the European Union have a special political responsibility to provide protection to LGBTQ+ people from Russia.

For Germany, there is also a special historical responsibility, stemming from the persecution of lesbians and gays during National Socialism and the very recent decriminalization of homosexuality. Two important fundamental elements of German policy on sexual orientation and gender identity were established this year. The guidelines of feminist foreign policy explicitly mention support for the rights of LGBTQ+ people worldwide and assign Germany a leading role in this context. This can also be found in the action plan "Queeres Leben!" of the federal government. In the action plan for international affairs, programs for the protection and reception of civil society representatives are explicitly mentioned. Such humanitarian receptions for activists, journalists and human rights defenders are essential to protect them from political persecution and to ensure the continuation of civic activities.

Nevertheless, the granting of humanitarian visas linked to political activism is problematic in many cases. In Russia, specifically LGBTQ+ activism has always been at heightened risk or downright impossible, as seen, for example, in the North Caucasus, where simply belonging to the LGBTQ* community poses an actual threat to life. Under the impact of the radicalization of war-related Russian politics and the accompanying restrictions on human rights in Russia, less privileged, particularly vulnerable people who have had little contact with activism or even no access to international or German connections will be particularly affected. These include, in particular, trans* and inter* persons, as well as LGBTQ+ persons from the North Caucasus.

An adequate policy must now take into account the interests of all victims of Russia's imperialist policies, including especially LGBTQ* persons, who are currently completely helpless against the Russian regime.

Launch an admission programme under § 23 of the Residence Act

To ensure the safety of trans people, it is necessary to launch an admission programme for a safe evacuation. This way, the most vulnerable people, who are denied their existence in Russia, can be evacuated quickly.

Section 23 of the Residence Act provides effective legal means to receive representatives of particularly vulnerable groups from abroad. In this context, one can consider, for example, an order under § 23 para. 2 para. 3 of the Residence Act in connection with § 24 of the Residence Act, as it is currently done for particularly vulnerable citizens of Afghanistan. Non-profit organizations may be authorized to compile lists of applicants.

The requirement of a statement of commitment for a residence permit is not appropriate, as the respective group often lives in extremely limited financial circumstances and usually does not have the personal connections to obtain such a statement of commitment.

An Admission pursuant to § 23 para. 4 of the Residence Act would be suitable for those persons who are already abroad. But it will be of particular importance to give the concerned persons the possibility of a direct departure from Russia

In cases where the actual identity no longer matches the identity in the documents and the Russian authorities refuse to issue new documents, Germany can issue duplicate documents to secure entry.

Paragraph 23 of the Residence Act provides various possibilities for the quick and efficient admission of persons from abroad. According to § 23 para. 1 of the Residence Act, representatives of the state executive can order that foreigners from certain countries and groups be granted a residence permit.

This order will enable people in a particularly vulnerable situation to come to Germany legally as refugees. The compilation of lists of specific people can also be entrusted to non-governmental organizations.

According to § 23 para. 2 of the Residence Act, applicants may be granted a temporary residence permit or even a permanent residence permit on the basis of particularly important political interests.

In addition, the German Ministry of the Interior Affairs, in accordance with § 23 para. 4 of the Residence Act, in consultation with the executive authorities, may order the German Office for Migration and Refugees to authorize the admission of certain persons selected for resettlement. This process, known as "resettlement", aims to provide a new perspective in Germany for persons in need of protection who have fled their homeland to a third country but have no permanent prospects there.

The Ministry of the Interior Affairs defines the criteria to be met by persons requesting protection. On the basis of these criteria, the Bureau for Migration and Refugees conducts personal interviews and issues a specific admission permit to persons who have been recognized for example by the UNHCR as being in special need of protection. This admission authorization is issued on the condition that a visa is issued with the consent of the executive authorities. The federal government authorities then give their consent to the visa issuance.