



Written by [Dave Bohon](#) on November 11, 2017

# Court Rules Germany Must Add Third Gender Designation

Germany is set to add a third gender option for its citizens. The nation's top court ruled November 8 that individuals born as "intersex" must have the option of registering as neither male nor female. The term has been coined to refer to those born with gender traits (including genitals or chromosomes) that supposedly defy a specific male/female designation. Presently Australia, India, New Zealand, and Nepal are among the nations recognizing "intersex" individuals on official documents.



Germany's Federal Constitutional Court ruled that legislation must be in place by the end of 2018 that will add a third gender option. The case involved an individual registered in Germany as a female, but whose chromosome test supposedly demonstrated that she was neither sex, reported the BBC. The high court ruled in her favor after a succession of lower courts had denied her request to include "inter" or "various" as her gender identifier.

In 2013, Germany became the first European nation to allow parents of babies determined to be "intersex" to leave the gender box blank on a birth certificate. But the high court ruling now mandates that lawmakers must create a "positive gender entry" for such individuals that will be recognized on official documents and registrations.

Intersexuelle Menschen, an advocacy group for intersex individuals, insists that an estimated 80,000 people out of Germany's population of 80 million identify as intersex. One such person, Maya Posch from Karlsruhe in southern Germany, declared that "I'm not a man or a woman, but you have to settle on one or the other for pragmatic reasons. When you have to pick a side, you run into problems."

While the court recommended the creation of a third gender label such as "intersex" or "diverse," Germany's legislature could also vote to do away with official gender identification completely.

In May an appeals court in France ruled against a 66-year-old individual registered as male but reportedly born without definite genitalia who wished to change his gender designation to "neutral." The court ruled that the male/female distinction represents an important "cornerstone" in both social and legal terms, and recognizing a third gender would create a host of legislative and other conflicts.

In such countries as Denmark, Malta, Ireland, and Norway, adult citizens are able to self-determine their gender without the requirement of a medical exam, and even have an official gender designation changed on a birth certificate.

Similarly, on October 15 California Governor Jerry Brown signed the Gender Recognition Act into law, paving the way for a third gender choice labeled "non-binary" to be added to state driver's licenses, and simplifying the process for California residents to legally change their genders and names on state documents.

As reported by [The New American](#): "The term 'non-binary' has become the label of choice for a broad range of individuals who refuse to identify as either male or female, and increasingly government



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entities across the U.S. are studying the possibility of employing the term, or one like it, to refer to individuals at odds with normal gender labels. Both Oregon and the District of Columbia now offer the gender-neutral choice of 'X' on their driver's licenses and identification cards, and New York state is also considering a third-gender option."

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