

Dear ladies and gentlemen, dear friends,

I'd like to give you a short overview about the persecution of homosexuals in Germany during the Nazi Regime and in the years after 1945 in the Federal Republic of Germany as well as the German Democratic Republic. And I would like to report about the political efforts to rehabilitate the victims and pay them compensation.

The Nazi persecution of homosexuals

Between 1933 and 1945 a historically unparalleled persecution of homosexuals took place in our country.

The persecution of homosexuals controlled by the state started with the founding of the German Empire in 1871, when the criminal law of the North German Confederation became the criminal law of the entire German Empire. By this change, sexual intercourse between men became a punishable offence. The new article 175 of the now imperial criminal law specified the following:

Unnatural fornication, whether between persons of the male sex or of humans with beasts, is punished with imprisonment, with the further punishment of a prompt loss of civil rights.

In the Empire, organized opposition against this law began with the founding of the [Scientific-Humanitarian Committee](#) by the sexual-reformist Dr. Magnus Hirschfeld. But this [Scientific-Humanitarian Committee](#) – an organization of notables rather than a mass movement – tried to act against article 175 based on the thesis of the [innate nature of homosexuality](#).

With Magnus Hirschfeld, as well as with August Bebel, the chairman of the social democratic party at that time, two petitions were taken into the Reichstag, urging the deletion of article 175, but both failed to achieve the desired effect.

After World War I, in the Weimarer Republic, there was a vigorous grassroots campaign against article 175 between 1919 and 1929, led by an alliance of members of the [Scientific-Humanitarian Committee](#). But, similar to the times of the Empire, in the [Weimar Republic](#) the parties of the left failed to achieve the abolition of Paragraph 175, because they lacked a [parliamentary](#) majority.

Very fast, after the takeover of the Nazis, in 1933 they crushed the organizations of the homosexual rights movement of the Weimar Republic. Associations were disbanded, meeting places and publishers shut down. In 1935 the Nazis exacerbated article 175 by redefining the crime as a felony and thus increasing the maximum penalty from six months' to five years' imprisonment.

Further, by removing the adjective *widernatürlich* ("against nature") they removed the longtime tradition that the law applied only to penetrative intercourse. A criminal offense would now exist if "**objectively the general sense of shame was offended**" and subjectively "**the debauched intention was present to excite sexual desire in one of the two men, or a third.**"

Beyond that a new article 175 a was created, punishing "qualified cases" as *schwere Unzucht* ("severe lewdness") with no less than one year and no more than ten years in the jail. These severe lewdness included:

- sexual relations with a subordinate or employee in a work situation,
- homosexual acts with men under the age of 21,
- male prostitution.

According to the official rationale, article 175 was amended in the interest of the moral health of the *Volk* – the German people – because "**according to experience**" homosexuality "**inclines toward plague-like propagation**" and exerts "**a ruinous influence**" on the "**circles concerned**".

This aggravation of the severity of article 175 in 1935 increased the number of convictions tenfold, to 8,000 convictions annually. Only about half of the prosecutions resulted from police work; about 40 percent resulted from reports (*Strafanzeige*) by non-participating observers, and about 10 percent were denouncements by employers and institutions.

As opposed to ordinary police, the Gestapo (secret state police) was authorized to take gay men into preventive detention (*Schutzhaft*) of arbitrary duration without an accusation. This was often the fate of so-called "repeat offenders": at the end of their sentences, they were not freed but sent to a concentration camp for additional "reeducation" (*Umerziehung*).

Only about 40 percent of these pink triangle prisoners – whose numbers amounted to an estimated 10,000 – survived the camps. Some of them,

after being freed by the Allied Forces, were placed back into prison, because they had not yet finished court-mandated terms of imprisonment for homosexual acts.

Between 1935 and 1945, the Nazi justice system condemned around 50,000 men for homosexual acts.

Continuation of the persecution after 1945

The killings stopped in 1945, the persecution of homosexuals continued. In both German states gays continued to be agitated against by the police and prosecuted. In the Federal Republic of Germany (West Germany) article 175 remained unaltered until 1969. 50,000 criminal convictions took place based on article 175 – as many as during the Nazi dictatorship.

For this reason, the German historian Hans-Joachim Schoeps commented bitterly in 1963 that **“For homosexuals, the Third Reich has not yet ended”**.

The German Democratic Republic (East Germany) established the article 175 in 1950 in the reduced version of former Prussia. So homosexuals were bothered somewhat less than in West Germany, but there are no reliable figures. The figures were not published, because party and government of the German Democratic Republic were of the opinion that homosexuality was a relic of the bourgeoisie and was without base in the working class, therefore it wasn't necessary to talk about it in public.

Only in 1969, after the Social Democratic Party of Germany, the SPD, entered the federal government for the first time, homosexuality between adults was decriminalised. The age of consent, however, remained higher than that for heterosexuals. This discriminatory special provision for homosexuality was not scrapped until 1994. Since then, article 175 has been repealed.

Efforts regarding rehabilitation and compensation for the victims

In 2002 the parliament nullified the convictions made under the Nazi regime between 1933 and 1945 and rehabilitated the convicted homosexuals. They can apply for compensation. But the victims of the post-war period are going away empty-handed. The parliament only regretted that gay have been criminalized for decades.

After an initiative of the Senate of Berlin the judiciary committee of the Bundesrat (the upper house of the parliament) just recently, on 26 September, addressed the rehabilitation of the homosexuals convicted in the Federal Republic of Germany after 1949 and agreed to the proposal of the state of Berlin to take measures to rehabilitate and support these people. Their unjust convictions shall be nullified by the parliament as well.

But up to now there are two contradicting positions. As opposed to the Greens and the Leftist party the ruling parties and the Social Democrats see legal difficulties in retroactively nullifying the convictions.

Only the fact that this concern has reached the highest political boards after so many years of fight to no avail is something we regard as a success. The LSVD as a lesbian-gay lobby organization continues to fight for the late, but not too late right of the victims of persecution.

We are not giving up, the efforts to erect a national memorial in Berlin to commemorate the homosexuals persecuted in the Nazi times was crowned with success after many years of sometimes grueling and frustrating intensive political work: In 2003 the German Bundestag unanimously voted for the erection of a memorial in the middle of Berlin. With this memorial the Federal Republic of German intends to pay tribute to all persecuted and murdered victims, keep alive the memory of injustice and show a permanent flag against intolerance, hostility and social exclusion of gay and lesbians. In 2008 the memorial was handed over to the public and is being visited by many people every day, also and especially by travelers coming from countries where homosexuality is still a crime.

May activists in those countries feel encouraged and supported in their fight for freedom, equal rights and respect by the efforts in Germany which have eventually lead to success.

Thank you very much for your attention.