

Legal situation for homosexuals in Germany

Evolution and historical overview

- **1867** First recorded speech calling for decriminalization by Karl-Heinz Ullrich in Frankfurt
- **1897** Founding of the “Wissenschaftlich Humanitäres Komitee” (scientific humanitarian committee) by Dr. Magnus Hirschfeld and others in Berlin. The main objective was the abolition of homophobic penal code section 175. This section was adopted in 1871 (creation of the empire), re-imposing criminalization in those Southern German states that had adopted the Napoleonic Code.
- **1933** Nazis take over government in Germany. On May 6, 1933 Dr Hirschfeld’s Institute for Sexual Sciences (Institut für Sexualwissenschaft) is devastated, most of the books of its library are burned.
- **1935** Tightening of homophobic section 175. During the Nazi Regime 50.000 convictions under section 175, many victims were sent to concentration camps where they were killed.
- **1949** West Germany gets a new basic law (Grundgesetz), penal code section 175 is not abolished or reformed. Many convictions (50.000) under section 175 until 1969.
- **1950** East Germany abolishes Nazi amendments of section 175.
- **1957** West German constitutional court approves in a shameful decision section 175 as constitutional and legal.
- **1968** East Germany reforms its section 175 and repeals it in 1988
- **1969** West Germany: first reform of section 175, decriminalizing homosexual acts between consenting adults. Age of consent of 21 years. Speakers of all parties in parliament underline that by this reform homosexual acts are not morally approved but remain abominable.
- **1973** West Germany: second reform of section 175: Age of consent of 18 years.
- **1970s** Homosexual acts are still considered as immoral, coming out or outing could destroy one’s reputation, as a result mainly students became active in emerging lesbian and gay groups.
- **1980** Germany is the second country to pass legislation (transsexuality law – TSG) that enables people to change their first names (small solution) and birth certificates/legal gender (big solution). This law was the result of the successful constitutional challenge by a member of the current LSVD Bavaria board.
- **1980s** The Aids debate brings about large increase of solidarity among gay men, new grass root organisations emerge all over the country, sex education and information about male homosexuality, increasing openness when speaking about (homo)sexuality

- **1990** Foundation of the Gay Federation in Germany (Schwulenverband in Deutschland - SVD) as a gay rights organization in Leipzig. Lobbying for equal rights and same-sex marriage
- **1992** SVD's "civil registry campaign" brings the issue of equal rights and same-sex marriage to a broader public, at the end of the decade a majority of the population is in favour of same-sex marriage
- **1994** section 175 is finally repealed from penal code, one of the few instances where East German law is extended to re-unified Germany.
- **1999** SVD becomes Lesbian and Gay Federation in Germany (Lesben- und Schwulenverband in Deutschland, LSVD) as a lesbian and gay rights organization, at the initiative of lesbian activists that wanted to bridge the very German organizational split between lesbians and gay men in activism.
- **2001** Germany gets its registered life partnership law (Eingetragene Lebenspartnerschaft) granting certain rights to registered same sex couples (the law has been improved several times as the result both of legislation and court challenges and our lobbying).
- **Since 2005** the constitutional court has several times ruled progressively on transgender rights, in cases brought by lawyers associated with LSVD and with LSVD filling friends of the court briefs. Germany now allows transgender people passports in their chosen gender without surgery. Also dissolving previous marriages is no longer a requirement for change of legal gender, leading to a few legal same-sex marriages.
- **2006** Antidiscrimination law that implements EU directives (labour law) but goes beyond them in banning discrimination based on sexual orientation in public accommodation. The comprehensive law covers gender identity (trans and intersex people) and is achieved by an LSVD-led coalition with disability, women's and other groups.
- **2007** LSVD starts a campaign to amend article 3 of the German constitution, art. 3 speaks about the ban of discrimination but so far is silent explicitly on sexual identity (however constitutional court has "read" sexual identity into the non-discrimination clause as other ground).
- **2008** Inauguration in Berlin of the Memorial for Homosexuals persecuted during National Socialism.
- **2010** Persisting differences between married heterosexual and registered same-sex couples: adoption laws and income tax law.

Lesbian and Gay Federation in Germany (LSVD)
Postfach 10 34 14, 50474 Cologne, Germany

<http://www.lsvd.de>

E-mail: lsvd@lsvd.de

T. ++49.221.925961-0

F. ++49.221.925961-11