



Antidiskriminierungsstelle  
des Bundes

Gleiches Recht  
für jede Liebe  
Themenjahr  
für sexuelle Vielfalt



# Campaign #NotGuilty (#NichtSchuldig)

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# Ingredients for a successful SoMe campaign

- Content
- Timing / connection to „real life“
- Strong visual content
- Emotion
- The right target group

# Content: Lobbying for the rehabilitation of homosexual men convicted post-war Germany

„Paragraph 175“ existed for 123 years: basis for criminal sanctions on homosexual acts between men

- Development from 1933 to 1945:

- National Socialists tightened the law, raided and closed meeting places, many homosexuals were sent to concentration camps (estimations: between 5.000 and 15.000 people)

- Development after 1945/49:

- German Democratic Republic: The stricter version of § 175 was no longer applied; however „acts similar to sexual intercourse“ among men remained punishable until 1968
- West Germany: kept the „Nazi“ version of § 175
  - law was eased in 1969, similar to GDR (different age restrictions)



In democratic Germany, homosexual men were systematically prosecuted (about 50.000 were convicted) and under grave social risks (blackmailing, losing jobs and family etc.)

# Decriminalization of homosexuality

- 1994: abolition of a different treatment of homosexuality under the criminal code
  - Rehabilitation of men convicted during the Third Reich (1998, blanket anulment)
- Considerations to rehabilitate victims from 1945 onwards:
  - Discussion in parliament first in 1995, then 2008, 2009, 2010 – 2013, government declined requests
  - 2000: coalition parties in parliament adopted a motion to express „regret“ and apologized

# Timing: Why no rehabilitation until today?

- Court judgments handed down in a democratic Germany should not be questioned; „normal course“ in a democracy that laws would be amended and abolished
- Decisions from the Federal Constitutional court should not be questioned
- Fear that the overturning of convictions of other now-abolished acts would follow (anti-abortion law, adultery, procuration etc.)


**Situation in spring 2016:** resolution by the Federal Council for rehabilitation and compensation, ministry of justice repeatedly states that it is „examining“ possibilities – nothing happens

# Communication strategy (connection to „real life“)

**Launch of an expertise** by a well-recognized professor in constitutional law, Prof. Martin Burgi  
(conservative lawyer, assignment open-ended)

His main findings: The state cannot only find ways to take action, **it is obliged to do so**

- **Stigma of conviction** is persistent and still present, state has duty to protect fundamental rights of citizens, the principle of the rule of law and the principle of the social state
- § 175 was a **violation of human dignity**

-  **press conference with Prof. Burgi, Christine Lüders, head of FADA and Heinz Schmitz who was convicted under § 175**

-- „leaking“ of expertise to a law expert at one of Germany’s most influential newspapers

 **ministry of justice announced it would draft a bill to rehabilitate and compensate victims**

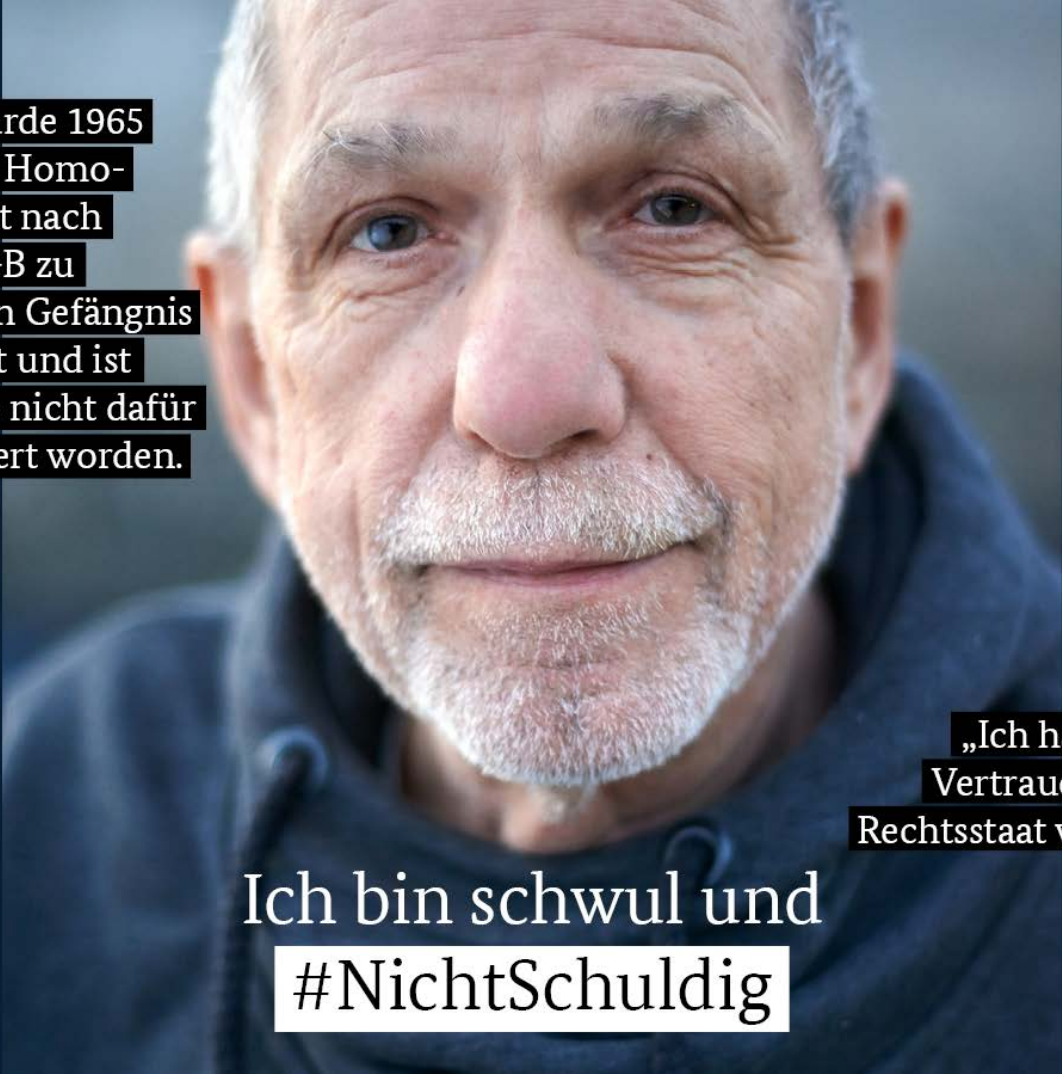
# Visual / emotional content: #NichtSchuldig (#NotGuilty)

Film on Facebook: 340.000 views so far (English version <https://vimeo.com/165929549>)

Foto campaign / testimonials on Facebook and Twitter with victims of § 175 on IDAHOT (May 17)

Seeding strategy: Activists and LGBTIQ\* organisations as multipliers, Facebook ads




A close-up portrait of an elderly man with a white beard and mustache, looking directly at the camera with a slight smile. He is wearing a dark blue hoodie. The background is a plain, light-colored wall.

Klaus wurde 1965  
für seine Homo-  
sexualität nach  
§ 175 StGB zu  
6 Wochen Gefängnis  
verurteilt und ist  
bis heute nicht dafür  
rehabilitiert worden.

„Ich habe mein  
Vertrauen in den  
Rechtsstaat verloren.“

Ich bin schwul und  
#NichtSchuldig

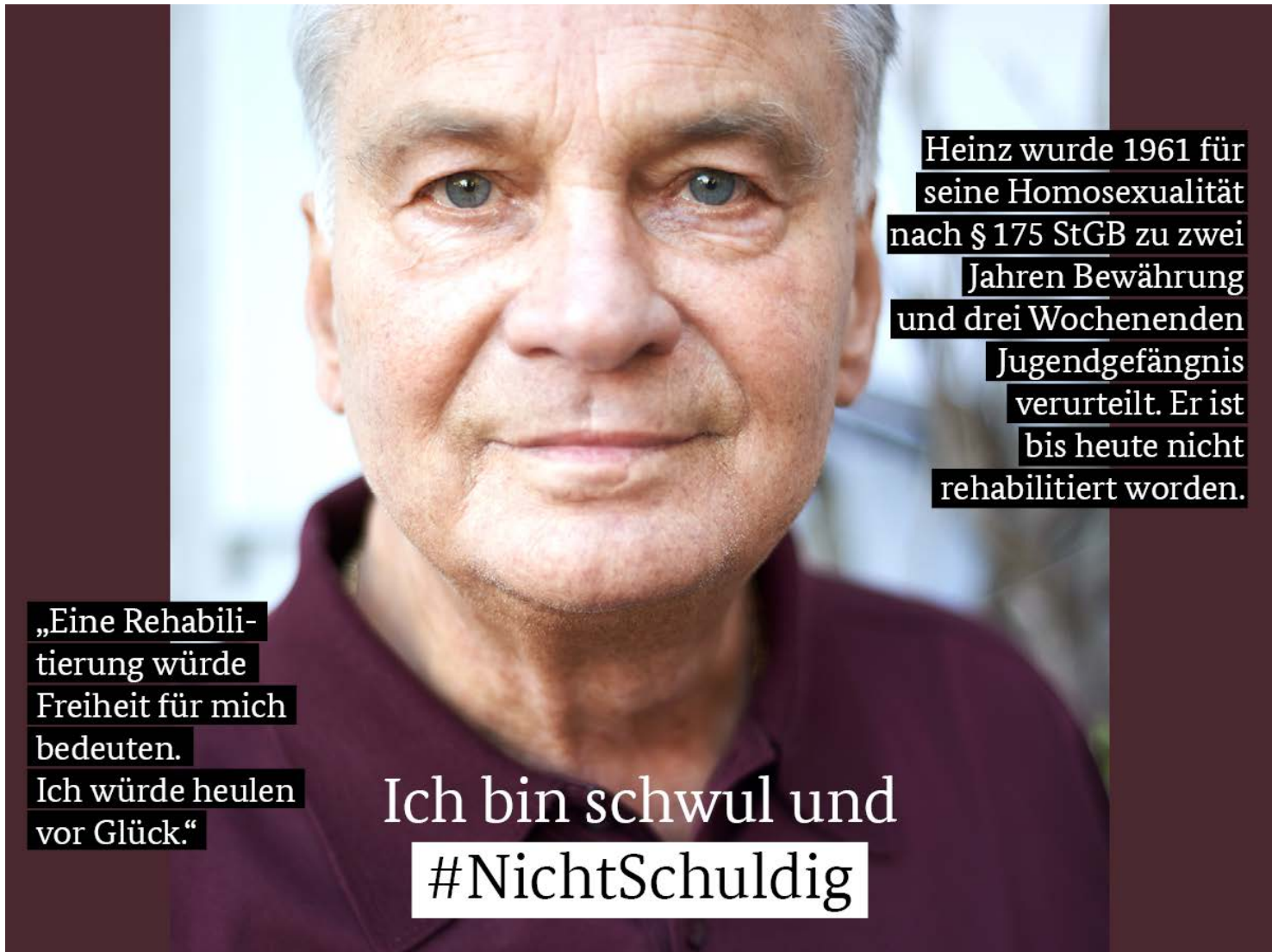


A close-up portrait of an elderly man with white hair and blue eyes, wearing a blue shirt. The background is a soft, out-of-focus green.

Wolfgang saß 1950  
wegen des Verdachts auf  
Unzucht mit Männern  
nach § 175 StGB  
7 Monate lang ohne  
Anklage im Gefängnis.

„Der Kampf um die  
Rehabilitierung der  
verurteilten 175er ist  
meine letzte große  
Lebensaufgabe.“

Ich bin schwul und  
#NichtSchuldig



Heinz wurde 1961 für seine Homosexualität nach § 175 StGB zu zwei Jahren Bewährung und drei Wochenenden Jugendgefängnis verurteilt. Er ist bis heute nicht rehabilitiert worden.

„Eine Rehabilitation würde Freiheit für mich bedeuten. Ich würde heulen vor Glück.“

Ich bin schwul und  
#NichtSchuldig



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# What's next?

- Draft law has been approved by cabinet in March and is now due to be discussed and voted on in parliament
- Heinz Schmitz and other victims of § 175 will be invited by FADA to see discussion and decision in parliament
- FADA thematic year 2017: against discrimination on the grounds of sexual orientation, „day of action“ in front of Brandenburg gate on May 17
- Worldwide coverage: Canada had the expertise translated, government is now considering similar legislation
- #NichtSchuldig is still widely used as the hashtag for posts and tweets about § 175 and although legislation is now in the hands of government/parliament, it has been made widely known that this was only possible due to our initiative



# 86,1%

sind dafür, die Strafurteile  
gegen schwule Männer  
nach §175 StGB aufzuheben.

[antidiskriminierungsstelle.de](http://antidiskriminierungsstelle.de)

Quelle: ADS/SUZ 2017  
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Foto: Ulrike Delfs



# Thank you!

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