



# “Berlin supports self-determination and the acceptance of sexual diversity!”

Berlin Senate Resolution of 16<sup>th</sup> of February 2010

Packet of measures to combat homo- and transphobia.



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# The "Berlin supports self-determination and the acceptance of sexual diversity" Initiative

Package of measures to combat homophobia

*Berlin Senate Resolution of 16<sup>th</sup> February 2010*

## I. Background/Purpose

On 2 April 2009, the Berlin House of Representatives agreed on the "Berlin supports self-determination and the acceptance of sexual diversity" Initiative (Official Record 16/2291). The Berlin State Office for Equality and Against Discrimination (LADS) in the Senate Department for Integration, Labour, and Social Services took on the overall responsibility for implementing the Initiative, coordinating the activities and programmes of the responsible Senate departments and the numerous civil society actors integrated into the process. The present package of measures on implementing the Senate resolution was developed in a steering round-table and five inter-departmental working groups.

## II. Status Report

The Status Report looked at activities and projects in the area of same-sex lifestyles related to the resolution's policy fields. The findings showed that the present range of programmes in Berlin is not adequate to sustainably dismantle homophobic and transphobic attitudes and behaviour. In this context, the responsible Senate departments joined non-governmental organisations (NGOs) to jointly discuss concepts and measures. Their meetings resulted in particular in a call for further developing a programme of differentiated and specific target-group measures. The resulting package of programmes builds on the decentralised potential which has grown over the years and which provides the basis for the Initiative's implementation. The package of programmes usefully supplements existing activities and measures already supported by the Senate.

## III. Objective

The Initiative, passed unanimously by the House of Representatives, aims at launching a comprehensive process of analysing and confronting homophobia in society and securing a positive change towards tolerance, acceptance and respect of sexual diversity.

In addition to the initiatives on the equal legal status of marriage and registered partnerships between same-sex couples, the Senate also welcomes the House of Represent-

atives' Initiative on effectively combating homophobia and encouraging respect for a culture of sexual diversity. The Senate regards the "Initiative on Sexual Diversity" as a crosscutting task in the Berlin administration. This is in compliance with the voluntary commitment given by Berlin on signing the "Charter of Diversity". Berlin is predestined to be especially involved in a proactive approach to diversity and actively campaign against discrimination within Europe.

The Initiative is directed to everyone living in Berlin. Although the programmes and measures in the Initiative cannot enforce an acceptance of sexual diversity, they are nonetheless designed to help citizens learn to positively value the diversity of people living in Berlin – and the diversity of their sexual lifestyles.

## IV. Concrete Implementation / Programmes and Measures

Inter-departmental working groups under the overall responsibility of the Senate Department for Integration, Labour, and Social Services the Berlin State Office for Equality and Against Discrimination (LADS) were set up to implement the abovementioned Resolution passed by the Berlin House of Representatives.

The Senate Departments for Education, the Interior, and Justice as well as the Senate Chancellery were involved on the administrative level. A comprehensive package of programmes and measures has been developed in a very intensive, open and participatory process of coordination involving the independent bodies working in this area.

In implementing the programmes and measures, a considerable emphasis is put on a creating a network between the administrations and the social actors.

Since the present report references the decision by the House of Representatives, it is structured into the following fields of action:

1. Strengthening Information and Education
2. Combating Discrimination, Violence and Hate Crimes
3. Driving Forwards Change in the Administration
4. Improving Knowledge
5. Promoting Dialogue
6. Supporting Legal Equality to Achieve Nationwide Acceptance

In several fields of action, the responsibility for implementing the goals is borne by other actors aside from the administration. In some cases, this responsibility lies entirely within the area of expertise of third parties. Where the administration cannot achieve the goals alone, the implementation of the objectives in the "Berlin supports self-determination and the acceptance of sexual diversity" Initiative is to be pursued either within existing cooperations or ones to be launched, using a process of proposals and professional exchange.

Successfully implementing the package of programmes and measures requires inter-departmental cooperation. The requisite cooperations are planned within a framework of working groups, expert discussions and conferences during the implementation of the proposed programmes. The individual reports commissioned by 31.12.2010 as specified in the parliamentary resolution are to be prepared by the Senate Department for Integration, Labour, and Social Services or the specifically responsible Senate Departments working together with the Senate Department for Integration, Labour, and Social Services.

Implementing the Initiative has been made possible through the ratification of the 2010/11 Budget and the pertinent funding provided for within that Budget.

### **Strengthening Information and Education**

The envisaged programmes and measures are intended to create a foundation in school and youth work for perceiving, dismantling and preventively averting discrimination, harassment and violence on the basis of various characteristics – especially in respect to the prejudices against lesbians, gay men, bisexuals, transsexuals, and intersexuals (LGBTI). The objective is to constructively deal with difference.

As a first step, this requires a comprehensive evaluation on the implementation of curricula guideline AV 27 (General Note on the Curricula: Sex Education) as well as the programmes on democracy education as they relate to homophobia / sexual diversity. The information materials in individual subjects and interdisciplinary lessons will be brought up to date. In line with a top-down strategy, key people working in the educational sector and pedagogical experts are to receive skills training on diversity and sexual diversity. On the basis of best practice examples, the concepts, standards and guidelines for youth facilitates, schools and further training institutions are to be further developed.

In general, the Senate Department for Education, Science and Research is overseeing the implementation of programmes and measures in this field of action.

House of Representatives (AH) Resolution 1

**Programme Title: Evaluating the Interdisciplinary Implementation of AV 27 (Sex Education) and Democracy Education in Respect of Homophobia/Sexual Diversity**

To provide a representative overview of the current situation, an external evaluation is to be commissioned in cooperation with a University. The evaluation will employ an activating survey of those in responsible positions (head teachers, teachers, parents, pupil representatives) in schools for all ages of pupils.

AH Resolution 2

**Programme Title: Diversity Training and Skills for Key Persons and Pedagogical Specialists**

The key persons in the schools are:

- everyone with a management function (head teachers, deputy heads, coordinators, heads of departments)
- everyone with an advisory function (advisory and liaison teachers, drug abuse officers, violence prevention officers, heads of the mediator working groups, school psychologists, school social workers, etc.)
- Key persons in School Administration in the Senate Department for Education, Science and Research as well as the State Institute for School and Media (LISUM)
- School developers, school inspectors
- Expert round-tables
- Disseminators in regional advanced training

The key persons in child and youth welfare are:

- AG BÖJ (Berlin Public-Sector Youth Welfare Working Group)
- Group of Youth Town Councils
- Heads of Youth Departments
- Directors of Youth Welfare Offices
- Regional Heads
- Main Expert Round-Tables (Children and youth facility managers in a borough)
- Working Groups, e.g., pursuant to § 78 Child and Youth Welfare Act (KJHG)
- Daycare Centre Experts
- Offices of Child and Youth Work

Experts in the education sector and child and youth welfare are to receive further training and skills courses in diversity (age, sex, sexual identity, disabilities, ethnicity, religion, world view, social affiliation).

Pedagogical experts in the schools area are to receive further training. There is also to be similar further training available for pedagogical experts working in child and youth welfare. Moreover, voluntary youth leaders are to receive further training as well. In addition, the youth leader training standards (JuleiCa standards) in sexual diversity are to be scrutinized and checked.

AH Resolution 3

**Programme Title: Enabling Teachers to Deal Pedagogically with Diversity and Sexual Diversity as Part of Their Training**

Providing teachers with the pedagogical skills to deal with diversity and sexual diversity in:

A) Basic Training: The topics are to be implemented in the training curricula in universities, universities of applied sciences, and technical colleges. Mandatory modules on sex education (incl. LGBTI lifestyles) and diversity are to be introduced into the first phase of teacher training. The academic staff working in educational theory at universities, universities of applied sciences, and technical colleges are to receive further training and these institutions provided with consultancy services.

B) Practical Training (probationary training period): Mandatory modules taking a real-life approach to sex education including LGBTI lifestyles, homophobia (also as a part of violence prevention) and diversity are to be implemented in the general practical teaching course in the second phase of teacher training (probationary training period). Curricula implementation is to be dealt with in the specialist seminars, as is the subject-specific implementation of the AV 27 curriculum guideline.

In addition, particular target-group measures such as workshops on implementing diversity within the student body (with the pupil representatives) are to be adopted. Analogously, there are also to be workshops and activities for young people working in youth welfare.

Instigating parent liaison is to be a further supplementary measure. Themed parents' evenings with professional consultants in attendance are intended to heighten awareness of the topic of lesbian/gay young people and reduce parental fears. This will additionally be supported by establishing parent self-help groups.

#### AH Resolution 4

##### **Programme Title: Providing Materials and Contact Partners for Diversity and Sexual Diversity**

The existing information materials for specific age and target groups are to be reviewed and edited to ensure they are easily accessible. In addition, supplementary materials are to be produced, e.g., brief information and teacher's notes on "Homophobic Harassment". Moreover, information newsletters in the various subjects, parent newsletters, films, downloadable teaching materials, multimedia services (detailed PowerPoint presentations) are to be made available for PTA and staff meetings and pupil representatives.

A job outline for a Diversity Officer or contact partner for sexual diversity is to be drafted, with a description of the required qualifications and the tasks of the job. In addition, peer educators on sexual diversity are to be established and trained.

#### AH Resolution 5

##### **Programme Title: Principles, Concepts, Standards**

General overall principles are to be developed on the basis of best practices. All in all, examples of best practice are to be appropriately acknowledged and incentives created to promote sexual diversity (e.g., via committees, prizes).

The school inspection and monitoring bodies are to check the school programmes:

- Analysing the school with reference to how far it deals with "diversity, with special consideration given to the topic of sexual diversity"
- Expanding the inspection and quality checklist
- Providing support on developing school programmes
- Aligning support criteria for independent schools (private schools)
- Updating emergency plans

General principles are also to be developed in child and youth welfare facilities. Giving due consideration to the topic of diversity and in particular sexual diversity is to be included as a mark of quality in Berlin youth work.

#### AH Resolution 6

##### **Programme Title: Documenting and Constructing History**

A dedicated educational project is to support independent agencies and programmes providing historical documentation and promote exhibitions. This includes:

1. Incorporating the not-for-profit Schwules Museum (Gay Museum) in institutional funding from 2010 (see Senate Resolution of 07.07.2009)
2. Giving due weight to a presentation of the Nazi regime's persecution of homosexuals and other groups of victims in the design and planning of the 20th-century exhibition area in the Stiftung Stadtmuseum at its future Marinehaus location.
3. A section "In Memory of the Nazi's Victims"
4. A new website [www.orte-der-erinnerung.de](http://www.orte-der-erinnerung.de)
5. A permanent exhibition at the Sachsenhausen Memorial and Museum

#### AH Resolution 7

##### **Programme Title: Promoting the Acceptance of Sexual Diversity in Care and Residential Facilities as well as Facilities for Senior Citizens**

The acceptance of sexual diversity is similarly to be promoted in care and residential facilities as well as facilities for senior citizens. Since these measures impact numerous crosscutting issues, the Senate Department for Integration, Labour, and Social Services intends to contribute using the existing instruments available and in cooperation with the pertinent actors:

1. Framework contract pursuant to § 79 Clause 1, German Code of Social Law (SGB) Book XII.

The contract with the service providers could be supplemented in the spirit of the objectives either in the Preamble or at another suitable place. The LIGA associations have reacted positively to the preparatory discussions in the Contract Commission (KOM 75).

2. Nursing Care Committee (Landespflegeausschuss)



The intention is to contact the Chair of the Committee in order to have the topic put on the agenda at one of the next Committee meetings.

3. Senior Citizens Policy Guidelines

Consideration is being given to the possibility of supplementing the guidelines with requisite objectives.

4. Contracts with LIGA and Borough Centres

When contracts are renewed, appropriate consideration will be given to additions reflecting the objectives. The topic has been introduced into existing committees and will be taken up or taken up again, as applicable, during the process of contract renewal.

5. Long-term Care Support Centre / "Rund ums Alter" Coordination Office

Plans have been made to actively include the long-term care support centre in the Initiative process.

6. Berlin's "Act on Forms of Residential Living and Participation" (WTG) is intended to serve to protect the elderly, those in need of nursing care, or adults with disabilities who are living in particular forms of residential care. The Act is especially directed to preserving their cultural, religious, gender and sexual identity and self-determination and protecting them from sexual harassment.

**Combating Discrimination, Violence and Hate Crimes**

For some years, Berlin has experienced a high level of violence against transsexuals and homosexuals, whereby one can assume that many incidents in this area go unreported.

Berlin is an open and tolerant city where hate crimes must be fought with every possible constitutional means available. At the same time, there needs to be positive signs given for the acceptance of same-sex lifestyles. Lesbians, gay men, and transsexual and intersexual people (LGBTI) are to be supported by empowerment programmes. Victims of violence and discrimination are to be provided with extensive and skilled advisory services; refuges are to be provided for LGBTI in crisis situations.

AH Resolution 8

**Programme Title: Berlin Campaign to Create Public Awareness**

There is to be a Berlin-wide campaign on "sexual diversity" in the form of TV commercials, posters, flyers, publications and events. In detail, the campaign is to include:

Image adverts:

Suitable subjects are to be photographed for the image adverts used by BTM and Partner for Berlin. In addition, an agency is to be commissioned to develop motifs and adverts are to be placed (especially) in international LGBTI media. This will also have the side effect of significantly improving the image of tourism, which is such an important factor.

Year/Week/Day of Sexual Diversity:

In this period, effective publicity measures could be realised (events, festivals, information days at schools and youth facilities, competitions, etc.); these are supplementary to such existing activities as the Day Against Homophobia.

Posters:

An advertising agency is to design emotionally expressive posters with a strong direct appeal which can then be effectively displayed as publicity at city railway and subway stations and, if appropriate, at other places as well.

Poster Competition:

A poster competition on "sexual diversity" with a public prize-giving ceremony is to be launched for Berlin school pupils. The prize-winning posters could be displayed in the city railway and subway stations. The pictures submitted could be used to produce publications for multipliers and others interested, and also be used as teaching materials in schools.

Writing Competition:

A creative writing competition on "sexual diversity" with a public prize-giving ceremony is to be launched for Berlin school pupils. The stories submitted could be used to produce publications for disseminators and others interested, and also be issued as teaching materials in schools.

AH Resolution 9

**Programme Title: Empowerment and Moral Courage**

Berlin civil society actors are to be strengthened in their commitment to sexual diversity – a measure also designed to play a part in supporting decisive intervention in cases of LGBTI discrimination.

1. Awareness-raising Activities: Prevention

- Producing multilingual information leaflets and online media
- Training courses and information programmes in psychosocial professional groups, focusing especially on the multiple discrimination faced by lesbians/transidentity people.
- Low threshold awareness-raising in the "intercultural gay community". Targeted information and advice services and advertising of existing support and help services.
- Educational campaigns are to be used to motivate injured parties or witnesses to report incidents to the police and press charges. Only when more is known about the estimated number of undetected cases will it be possible to react adequately to the situation, e.g., by increased presence at locations noted for incidents.
- To improve the reporting of cases and change negative attitudes towards people with a migration background, there is a pressing need for "inward" communication with different life-worlds and cultures.

## 2. Awareness-raising/Strengthening LGBTI

The aim of the requisite measures is to buttress and anchor an awareness of discrimination in the LGBTI life-worlds and strengthen resistance against discrimination. The individual activities will involve information and awareness-raising campaigns in LGBTI organisations, initiatives and their environs. This package of measures explicitly includes lesbian anti-violence projects.

## 3. Training courses for multipliers on dealing with homophobia and transphobia.

To increase the prevention of violence and promote moral courage, interested people from Berlin are to be trained as multipliers and take part in two-day courses to become familiar with de-escalation strategies for homophobia and transphobia. The aim is also to have an influence in football fan clubs, youth clubs and (sports) associations.

### AH Resolution 10

#### **Programme Title: Police Training**

There is a need for police training, including courses on the civil law aspects of the General Equal Treatment Act (AGG). External personnel support would be useful in ensuring an effective approach to training.

### AH Resolution 11

#### **Programme Title: Prevention of Violence in the Community**

There is an urgent need for an "inward" communication to improve the readiness to press charges and counteract any "backsliding" in attitudes towards people with a migration background.

### AH Resolution 12

#### **Programme Title: Victim's Sense of Security in Criminal Proceedings**

The Second Reform Act on Victims' Rights (2. Opferrechtsreformgesetz) of 29 July 2009, which came into force on 1 October 2009, has already significantly improved the protection of injured parties in judicial inquiries and criminal proceedings by strengthening the rights of the victims and witnesses in criminal cases. This also led, for example, to changes in § 68 and § 200 of the German Code of Criminal Procedure (StPO).

Witnesses are to be allowed to give their business address or place of employment or another summonable address instead of their place of residence if there is a reasonable concern that giving the place of residence shall lead to a violation of the witnesses' legal interests or that of another person or an unfair influence shall be exercised on witnesses or another person. In this case, the presiding judge at the main proceedings may allow witnesses not to name their place of residence. Witnesses can also ask to "exchange" the address of their place of residence with another address in retrospect if there should be a danger to them only after the examination is concluded. The documents avouching for the location of the witnesses' place of residence are held by the public prosecutor's office. They are only to be taken into the files when there is no longer any grounds for concern over an exposure to danger. In addition, irrespective of any threatening situation, the criminal prosecution authorities are no longer required to include the complete address of witnesses in the charge.

When bringing charges, victims are to be informed about their rights by the police or the public prosecutor's office or the local court prosecutor's office and provided with information about victim assistance facilities and their services.

### AH Resolution 13

#### **Programme Title: Victim Protection**

1. Victim Care: Over the last years, the need for victim care has been steadily growing and will increase further as a result of empowerment.
2. Psychological counselling for victims of violence: This service is designed for all LGBTI people and their relatives who have been involved in violent incidents. Initial discussions and psychological counselling are intended to help develop strategies for coping in everyday life.
3. Further training for psychologists on therapeutic work with victims of transphobic and homophobic violence, and on network building: The courses are designed for registered therapists interested in advanced training on homophobic violence and (post) trauma. The objective is to establish a network of cooperating, independent therapists and provide fast access for victims of homophobic violence to capable registered therapists.
4. Crisis accommodation for victims of transphobic and homophobic violence: Frequently, clients who have experienced homophobic violence or are threatened by such violence have no place of refuge. This programme sets out to enable them to escape a violent milieu by providing short-term accommodation in an assisted community with socio-pedagogical counselling. The accommodation is only intended for a limited period. This is designed as an interim solution until a permanent solution can be found with the help of the organisation's staff. The programme is also specifically aimed at homosexual young people with a migration background who, due to their sexual orientation, find themselves threatened with domestic violence, forced marriage or other repressive measures.
5. Intervention in cases of violence and discrimination experienced by lesbians or transidentity people.
  - Secondary prevention (intervention): Stabilising lesbian and transidentity people with different cultural backgrounds who have experienced violence or discrimination, developing further strategies of action, preventing damage to health and supporting empowerment.
  - Tertiary prevention (aftercare): Preventing long-term damage to health from physical and psychological violence/discrimination, elaborating strategies for action through a (multilingual) hotline (by telephone, email, personally) including personal counselling and case management. Information events (community relations) are also to be held for violence protection experts to provide further training/awareness-raising on issues of violence against women, lesbians, transsexuals and intersexuals.

#### AH Resolution 14

##### **Programme Title: Collecting Statistical Data**

Collecting data on offences against sexual self-determination and diversity in the police criminal statistics would not result in greater criminological knowledge.

"Hate crime" offences belong to politically motivated crimes and are sufficiently recorded under the "criminal registration system for politically motivated criminality" (KPMD-PMK). The KPMD-PMK database contains records of offences at a time close to the charges being brought. It offers a reliable database for evaluation, statistical evidence, criminological research and for the decisions taken by the executive and criminal investigation department. In other respects, even simply recording the perpetrator's motive in the police data processing system in each individual case would, in many instances, allow inferences to be drawn about the victim's sexual orientation and this data could then, via search functions, be accessed in an individualised form. By introducing the POLIKS networked process platform, the police consciously decided against any such personalised evaluation of real or alleged qualities of victims in order to exclude potential misuse from the outset.

#### AH Resolution 15

##### **Programme Title: Effective Prosecution under Criminal Law and the Law of Criminal Procedure**

In prosecuting homophobia-motivated criminality, the appropriate utilization and resolute application of criminal law and the law on criminal procedure is assured.

##### **Driving Forwards Change in the Administration**

As early as 2007, when Berlin became a signatory of the "Charter of Diversity", the city undertook to cultivate an administrative culture marked by respect. Moreover, in the 2006 coalition agreement, the Senate already reached a consensus on developing diversity guidelines for the public sector. The guidelines to be developed are intended to express the administration's particular respect for its staff. In addition, the Senate would like to offer an example for other employers in Berlin (Coalition Agreement, Point 19).

To draw closer to the objective of a discrimination-free administration, staff training courses are proposed, especially for those in leadership positions. The courses are to be structured around the diversity approach and especially focused on sexual identity.

In personnel policy, diversity aspects should be included in the recruitment process and personnel development plans. Training courses to promote diversity expertise should also be offered to recipients of Berlin funding. Moreover, diversity criteria ought to be integrated into the criteria for allocating public-sector funds. There should be regular evaluations of the adherence to these criteria.

#### AH Resolution 16

**Programme Title: Acceptance of Sexual and Gender Diversity in the Berlin Administration**

The following (awareness-raising) measures are designed to ensure the acceptance of sexual and gender diversity in the Berlin administration:

1. Management training courses: There is to be greater provision of diversity further training courses for executive management in borough and Senate administration and the subordinate authorities, preferably arranged as in-house courses. In all diversity courses, sexual and gender diversity is to be an explicit part of the course content.
2. Staff training: Berlin administration staff are to be given the opportunity to take further training on sexual and gender diversity. Here, the individual Senate administrations and boroughs are offering in-house courses where staff can be trained as internal multipliers.
3. Aspects of diversity in personnel development plans: Establishing a diversity culture represents an integral element in human resource (HR) development across Berlin. To achieve greater diversity awareness, this project is given special consideration within the measures to professionalise HR management. For this purpose, binding guidelines will be developed as a help in unifying the implementation process in individual administrations.
4. Integrating diversity content in the training of government employees: A knowledge of diversity and how to deal with diversity in an administration's everyday working life is to be an integral element in the training courses for government employees. Diversity content is accordingly to be included in the curricula for all training courses.

AH Resolution 17

**Programme Title: Acceptance of Sexual and Gender Diversity in Projects Supported by the Senate**

The Berlin Senate has taken a policy decision on the acceptance of sexual and gender diversity in the projects supported by the Senate. The acceptance of sexual and gender diversity is to be a focus in the work of the projects supported by the Senate or the boroughs. This requires the following measures:

1. The Berlin Senate promotes the acceptance of sexual and gender diversity and is developing the requisite standards. Recipients of public sector services and funds are under a special obligation to critically reflect on and engage with cultural diversity and differences in sexual orientation, identities and individual life plans.
2. Supplementary further training for independent bodies: Further training and advice for independent bodies working in the areas of education, youth welfare, sport and other social facilities and for Berlin neighbourhood management is to be provided as part of their activities. These measures are closely related to the measures under AH Resolution 2.
3. Developing quality management (monitoring): Regular monitoring is needed to ensure that the standards developed in Point 1 are adhered to. An inter-departmental working group is to develop a quality management system for this

purpose. The system provides a basis for monitoring how far the goals of promoting the acceptance of sexual diversity are taken into consideration and followed.

### Improving Knowledge

The "Berlin supports self-determination and the acceptance of sexual diversity" Initiative sets out to implement measures targeting specific groups. Successful action is founded on research into the empirical basis underlying the different social experiences of lesbian, gay, transgender and intergender people. Representative scientific studies are designed to provide information on the social causes of discrimination and the level of unreported incidents of criminal discrimination.

To assess the effectiveness of all measures in the Initiative, research needs to be carried out into strategies and methods to combat homophobic discrimination, and safeguard and promote the acceptance of sexual diversity.

## AH Resolution 18

### Programme Title: Scientific Studies

These scientific studies are designed to improve the basis of our knowledge and indicate the action needed to promote the acceptance of sexual diversity. The following studies are to be carried out:

1. A study into conflicts between the lesbian and gay communities and subgroups in society with the aim of identifying the conflicts that exist between lesbians and gay men and other subgroups in German society. The study also sets out to ascertain the readiness for mutual acceptance, and to consider the roles of the value system (including religiosity) and of the perceived threat from other social subgroups.
2. A study into "Homophobic Attitudes Among Berlin Pupils". This comparative study aims to use a larger random sample and more comprehensive evaluation to test the findings from the so-called Simon Study in 2006, and look at possible changes in attitudes towards homosexuals.
3. A study into the life situation and experience of discrimination among gay and bisexual men. This study is designed to improve our knowledge about the life situation of gay and bisexual men, and their experience of discrimination and acceptance. Hence, it will contribute to a more precise definition of the forms and extent of discrimination, and its causes.
4. A study into the life situation and experience of discrimination among lesbian, transgender and intergender people. This scientific study is designed to improve our knowledge on the life situation and discrimination experienced by lesbian, transgender and intergender people to provide a more precise definition of the forms and extent of discrimination, and its causes.
5. A study to assess the effectiveness of strategies and methods to combat homophobic discrimination, and safeguard and promote the acceptance of sexual diversity. The findings of such an expert's report will serve as a basis for evaluating existing strategies and methods and, if necessary, carrying out necessary and sensible changes in their alignment.

It has to be borne in mind that studies already commissioned, such as the study on lesbian advice (DKLB), will be taken into account to avoid double expenditure.

AH Resolution 19

**Programme Title: Cooperation and Networking**

Berlin's scientific institutions, associations and initiatives have undertaken to ensure that they network more on pertinent issues and cooperate with other institutions.

**Promoting Dialogue**

To achieve acceptance of sexual diversity in society, the Senate is continuing its dialogue with religious communities, independent migrant organisations, sports associations and representatives of the music scene. Since prejudices against people "living differently" are evident in a variety of forms in the different target groups, information campaigns that are effective and a perfect fit for these groups must be accompanied by a continual exchange of experience in a process including associations of interest groups and taking place on equal terms. This dialogue serves to increase mutual awareness of the target groups with the objective of achieving respect for different lifestyles.

Hence, this inter-religious, intercultural and interdisciplinary exchange serves the development and coordination of joint strategies of action with the overall aim of education, and is flanked by prevention measures supporting anti-violence programmes. This is intended both to support existing approaches and projects and develop new concepts that can help to expand and consolidate the dialogue.

In this area, the planned measures in the "sexual diversity" Initiative include continuing the Round Table against Homophobia, further developing the Berlin Alliance Against Homophobia, and establishing specific education and training programmes, as well as a multilingual acceptance campaign.

AH Resolution 20

**Programme Title: Berlin "Alliance Against Homophobia"**

The Berlin Alliance Against Homophobia was founded on 23 September 2009. It was launched by the Lesbian and Gay Federation in Germany (LSVD) and is under the patronage of Berlin's Governing Mayor. The Alliance enjoys broad public support across society. In 2010-2011, the following measures are to be introduced under the Berlin "Alliance Against Homophobia":

1. A joint dialogue coordinated by the Berlin State Office for Equality and Against Discrimination (LADS) is to ensure that various institutions, associations and key figures, including facilities for migrants, inter-religious fora/religious communities, politicians, artists, and sportspersons join the Berlin "Alliance Against Homophobia".
2. There is to be a poster campaign publicising the identification of the groups with the aims of the Alliance (e.g., "We belong to the Alliance for the acceptance of sex-



ual diversity – against violence and the discrimination of lesbian, gay, transgender and intergender people").

3. The Berlin State Office for Equality and Against Discrimination (LADS) is to found a Round Table Against Homophobia. With the participation of the various actors (lesbian and gay associations, victim advice centres, migrant associations, administration etc.), the Round Table sets out to create a broad basis capable of ensuring the sustainable implementation of the package of measures as detailed and safeguarding the communication process in the respective communities.

#### AH Resolution 21

##### **Programme Title: Information Campaigns**

Outreach information campaigns and coaching for sexual self-determination: Promoting acceptance – supporting diversity

Outreach awareness-raising programmes are a proven means of bringing together different actors and communities. Dialogue fora play a part in engaging and reflecting on both the forms and consequences of discrimination/violence and strategies for action. Coaching promotes the development of new concepts on structural changes that support moves towards institutions free from discrimination. This programme is part of the activities described under AH Resolution 9.

A three-stage pilot project (outreach awareness-raising programme, dialogue fora/further training and consultancy/coaching) encourages critical engagement with "same-sex lifestyles", "sexual self-determination" and "multiple discrimination" and drives forward structural changes in funded projects.

#### AH Resolution 22

##### **Programme Title: Campaign Against Homophobia – Target Group of People with a Migration Background (Supplementing the overall campaign, see Resolution 8)**

The Senate will commission an extensive and multilingual information and advertising campaign against homophobia. The members of the various migrant communities in Berlin are to be directly addressed through posters, advertisements, radio and TV adverts, brochures, flyers and stickers. The campaign calls on them to show respect towards lesbians, gay men, transgender and intergender people. This campaign is part of the overall campaign and falls under the activities described in Resolution 8. The subject of homophobia is dealt with in the general acceptance campaign.

### **Achieving Nationwide Legal Equality**

Over the last years, vast strides have been made in securing the equality of lesbian women and gay men in the German legal system. However, complete equality in civil and public law has not yet been achieved.

On the basis of a European comparison, German legislation ought to take further steps, especially for registered partnerships between same-sex couples. After recent judgments in the European Court of Justice and the Federal Constitutional Court, a number of alignments are also necessary in labour law, for example, in the provision for dependents of same-sex partners in occupational pension schemes. Berlin aims to promote the objective of total legal equality through various initiatives in the Bundesrat, the German upper house.

The public recognition of the acceptance of same-sex lifestyles requires unequivocal signals in Land law, regulatory instructions, and guidelines. This also includes, for example, providing compensation for homosexuals persecuted from 1945 to 1969 or highlighting and acknowledging lesbian and gay figures in public life and including non-governmental organisations (NGOs) from this sector in Committees. To achieve the objective of equal treatment for people with different sexual identities, a policy of fully utilizing and applying the existing law has to be pursued for LGBTI as well.

The following individual measures are planned in this field of action:

#### AH Resolution 23

#### **Programme Title: Harmonisation of Laws**

##### **1. Proposal for a Resolution to Open Up Marriage**

Objective: The Land of Berlin formulates a proposal in the Bundesrat for a resolution on opening up marriage, whereby the Federal Government is to be free to choose in which form this goal can be achieved. Explanation: Complete equality between marriage and registered partnerships between same-sex couples can only be achieved by opening up marriage. This would result in simplified rules of procedures and a dismantling of bureaucracy, especially in the areas of adoption and income tax.

##### **2. Introduction of a Bill on Equal Rights for Same-Sex Partnerships in Berlin**

Objective: Until marriage is opened up on the federal level, the Land of Berlin ensures that all same-sex life partnerships enjoy guaranteed legal equality with marriages in all issues with respect to Land law (e.g. child-related family allowance: although this allowance is granted for step-children of heterosexual couples, it is not provided for the child of a same-sex partner).

##### **3. Proposal for a Resolution on Equal Treatment in the Law of Parents and Child**

Objective: The children of couples in same-sex registered partnerships should have the same rights as the children of married couples.

This motion impacts the following areas in particular: the possibility of joint adoption, automatic parenthood for the partner of the biological mother, facilitation of the acknowledgement of maternity corresponding to the acknowledgement of paternity, equality of sperm donations. These measures would also avoid ineffective administrative processes, for example, procedures for adopting step-children, and to a certain extent dismantle bureaucracy.

#### **4. Bundesrat Initiative on Nationwide Equality in Occupational Pension Schemes**

Objective: The Bundesrat initiative is intended to urge occupational pension schemes throughout Germany to grant same-sex couples in registered partnerships the same rights as married couples. Explanation: The federal statutes, e.g., based on the German Code of Social Law (SGB) Book VI and the retirement income law (EStG), provide a framework to initiate this equal treatment. Under those laws, the possibilities of exemption (e.g., contractually employed doctors in the statutory pension scheme) and tax relief on contributions are dependent on the pension schemes guaranteeing provision for dependents and similar services to the statutory pension insurance schemes (§ 6 SGB VI and § 10 EStG).

#### **5. Bundesrat Initiative "Responsibility and Rectification for the Persecution of Homosexuals and Convictions for Homosexual Acts"**

Objective: The Land of Berlin starts a Bundesrat Initiative on "Responsibility and Rectification for the Persecution of Homosexuals" comprising the following measures:

- Acknowledgement of the injustice suffered by homosexual men from criminal prosecution under § 175 of the Penal Code (StGB) between 1945 and 1969. A public avowal by the Federal Republic of Germany of its responsibility for the persecution of homosexuals and the self-commitment for the future to decisively combat homophobia.
- Repeal of all sentences passed under § 175 between 1945 and 1969 (in the GDR until 1968).
- Legal rehabilitation and compensation of people sentenced before 1994 under a penal provision against homosexual acts in Germany which is considered in violation of human rights under the administration of justice in the European Court of Human Rights.

#### **6. Bundesrat Initiative "Clarification of and Compensation for the Persecution of Homosexuals and Convictions for Homosexual Acts"**

Objective: The clarification of and compensation for the persecution of homosexuals between 1945 and 1969 and convictions for homosexual acts. The Bundesrat initiative comprises the following measures:

- Establishing a fund to individually compensate all victims of criminal prosecution under § 175 between 1945 and 1969.
- Establishing a foundation to provide recompense for the destruction of the first German gay movement after 1933. The foundation is to be dedicated to researching into the causes of homophobia and combating it (2006 Coalition Agreement and Senate Policy Guidelines under II.9).

### **7. Introduction of a Bill on a "Documentation and Research Centre for the Persecution of Homosexuals from 1933 to 1969 in Berlin"**

Objective: The Berlin Senate submits to the House of Representatives a proposal for a Bill on "Clarifying and Documenting the Persecution of Homosexuals from 1933 to 1969 in Berlin". The Bill comprises the following measures:

- Acknowledgement of the injustice suffered by homosexual men from criminal prosecution under § 175 of the Penal Code (StGB) between 1945 and 1969. A public avowal by the Land of Berlin of its joint historical responsibility for the persecution of homosexuals and a self-commitment for the future to decisively combat homophobia.
- Establishing a foundation on "Clarifying and Documenting the Persecution of Homosexuals in Berlin" The foundation's mission is to establish a "Documentation Centre on the Persecution of Homosexuals" which records and documents the history of the persecution of lesbian women and gay men in Berlin.

### **8. Introduction of a Prohibition of Discriminatory Practices as a Requirement in Decisions on Awarding Public Contracts**

Objective: The aspect of "sexual identity" is included in § 8 Clause 1 Nr. 6 in the draft of the Berlin Act on Contract Tendering and Awarding Procedure (Senate resolution of 09.02.2010), which is at present submitted to the House of Representatives. The minimum standards under the current provisions in the EU Council Directive 2000/78 are detailed in the International Labour Organisation (ILO) core labour norms.

### **9. Senate Resolution: "Participation and Empowerment of Lesbian, Gay and Transgender Associations"**

Objective: The Berlin Senate is seeking to introduce a policy decision requiring Land committees that appoint representatives of social organisations to ensure that, in future, representatives of lesbian, gay, and transgender associations also participate. Such bodies include broadcasting committees, advisory councils on integration, Land commissions (e.g. against violence), advisory councils on family affairs, and youth welfare committees.

### **10. Senate Resolution: "Highlighting and Acknowledging Gay, Lesbian and Transidentity Figures"**

Objective: To publicly highlight and acknowledge gay, lesbian and transidentity figures.

Programme: The Berliner Senate works towards ensuring that greater consideration is given in future to representatives of the lesbian and gay movement and other leading lesbian, gay and transidentity figures when naming public buildings, parks and sports facilities, kindergartens, schools, etc. and awarding medals for voluntary or community service.

## V. Benefit

By launching the "Berlin supports self-determination and the acceptance of sexual diversity" Initiative, the Berlin Senate takes on the responsibility of steering a process intended to facilitate long-term peaceful and democratic coexistence without restrictions in the city. This requires guaranteeing a basis of unprejudiced and tolerant coexistence between cultures, religions and lifestyles. A dialogue lives from differences and the others one would like to discover more about; in this process, mutual respect and consideration are vital elements.

An initiative aimed at anchoring anti-discrimination and diversity as a cross-cutting task in the administration plays a significant part in ensuring that public services are tailored more to needs and target groups. Moreover, these measures and programmes increase administrative efficiency by helping to network individual administrations and support the process of learning from one another.

In this way, the networking of administrations contributes to efficiency by saving the expenditure on duplicated work. Similarly, in the spirit of increasing administrative efficiency, synergies can also be identified. In the long term, an enhanced customer orientation, with a reduction in conflicts with clients, leads to an improved citizen-friendly approach and greater efficiency.

## VI. Complementary Initiatives

The benefits of the "Berlin supports self-determination and the acceptance of sexual diversity" Initiative are also being driven forwards by previous programmes and activities on the Land and borough levels. The following activities have a complementary effect:

Altering Article 3 of the Basic Law for the Federal Republic of Germany (GG). This Bundesrat initiative set out to extend Article 3 (GG) to cover sexual identity since only an explicit ban on discrimination on grounds of sexual identity in the Basic Law could provide a clear instruction for lower-level legislation. There was not a 2/3 majority for this change in the Bundesrat plenary session on 27 November 2009.

Berlin's "Act on Forms of Residential Living and Participation" (WTG) will take up the intention of the initiative and serve to safeguard the sexual identity of the elderly, those in need of nursing care, or adults with disabilities who are living in certain forms of residential care.

- „Berliner Ratschlag für Demokratie“ (Berlin Alliance for Democracy) with its Berlin Commitment, which has been signed by key figures in associations, organisations, academia and research.

- The Berlin "Alliance Against Homophobia", under the patronage of Berlin's Governing Mayor, is at present supported by over 20 pertinent institutions and organisations, which together form a representative cross-section of the social spectrum.
- The symposium on "Respekt für Religiosität und Homosexualität oder Zumutungen der pluralen Gesellschaft" (Respect for religiosity and homosexuality or impositions by the plural society) held on 10 December 2009 by the Berlin State Office for Equality and Against Discrimination (LADS).
- The programme run by the Land of Berlin against right-wing extremism, xenophobia, and anti-Semitism.
- In 2006, Berlin joined the European Coalition of Cities Against Racism and undertook the implementation of a ten-point anti-racism Action Plan.
- In 2007, Berlin became a signatory of the Charter of Diversity. The Charter of Diversity sets out to create a working environment free from prejudice. All staff should be valued and respected – irrespective of gender, race, nationality, ethnicity, religion or world-view, disabilities, age, sexual orientation and identity.
- Establishing a Land Action Plan against racism and ethnic discrimination directed to public authority fields of action, measures and programmes.
- The "Für gegenseitigen Respekt- gegen Homophobie" (For mutual respect against homophobia) Working Group, whose main network committee for the migrant and LGBT communities is located in the Berlin State Office for Equality and Against Discrimination (LADS).
- Independent bodies working in the area of same-sex lifestyles with their advisory, anti-discrimination and information programmes funded by the Senate.
- Treptow-Köpenick borough council resolution of 25 June 2009 on raising awareness of homophobia.
- The Pankow borough council is at present considering a motion on "Combating homophobia". In addition, the borough council has asked the district authority to draft a diversity concept.
- The "Kreuzberg für Akzeptanz und Gleichbehandlung" (Kreuzberg for Acceptance and Equality) Round Table comprises a coalition of over 30 representatives and activists from cultural and social institutions and initiatives engaged in a lively debate on multiple discrimination.

An overall evaluation is planned for the end of 2011 to precisely assess the sustainability and efficiency of the package of measures described above. The findings of such an expert's report serve as a basis for analysing existing strategies and methods and, if necessary, carrying out necessary and reasonable changes in their alignment and sustainability. To avoid unnecessary duplication, especially for financial reasons, each existing measure has to be checked to decide on which ones can be continued.

## VII. Budgetary Impact

On the recommendation of the steering committee, the House of Representatives has earmarked a total of Euro 2,108,000 for the "Berlin supports self-determination and the acceptance of sexual diversity" Initiative in the biennial budget 2010/11 in the individual sections 05, 09 and 10 (for details see Appendix Nr. 1). The 2010/11 Budget Law was passed by the House of Representatives on 10 December 2009.

There is primarily no direct impact on costs for businesses that are engaged in carrying out public sector tasks under the controlling influence of the Land. However, the programme on "Keeping to Minimum Standards within the Framework of Awarding Building, Delivery or Provider Services" (AH Resolution 23, Point 8) may impact HR management in these businesses.

Implementing the Initiative will impact many areas of society in Berlin and its environs and, hence, will also have a positive effect on cooperation in the Land of Brandenburg on issues around combating homophobia and promoting the emancipation of lesbians, gay men, transgender and intergender people.

**Imprint:**

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