



United against homophobia,  
trans\*phobia and hate violence

**THE EXEMPLARY DIALOGUE BETWEEN  
MANEO, BERLIN POLICE AND THE  
PUBLIC PROSECUTION OFFICE IN BERLIN**

Bastian Finke (Director of MANEO), Lala Süßkind (member of the MANEO advisory committee and Chairwoman of the Jewish Forum for Democracy and against anti-Semitism), Markus Oswald (LGBT\* contact person at the Berlin Public Prosecution Office) and Harald Kröger (LGBT\* contact person at Berlin Police) at a podium discussion on hate-crime against sexual orientation at the Landespolizeischule (regional police training school) in Berlin.



## Introduction

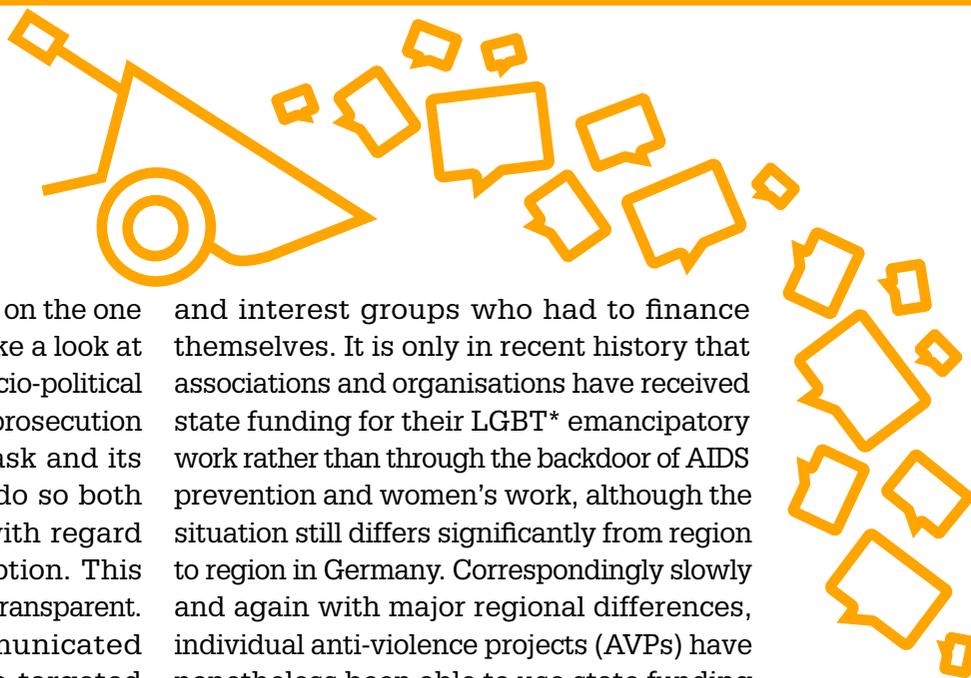
The relationship between LGBT\* scenes and criminal prosecution authorities in Germany remains a difficult one. There remains a lack of mutual trust. The causes of these difficulties lie in the history of persecution particularly of homosexual men (Paragraph 175 of the German Criminal Code) and the history of exclusion and discrimination of LGBT\* people generally. Discrimination and exclusion, which is still manifested at the governmental level in the lack of equal rights for LGBT\* people, remain everyday, real-life experiences for a large part of the LGBT\* community. This fosters mistrust of the constitutional state and its institutions in parts of the LGBT\* community where the prevailing

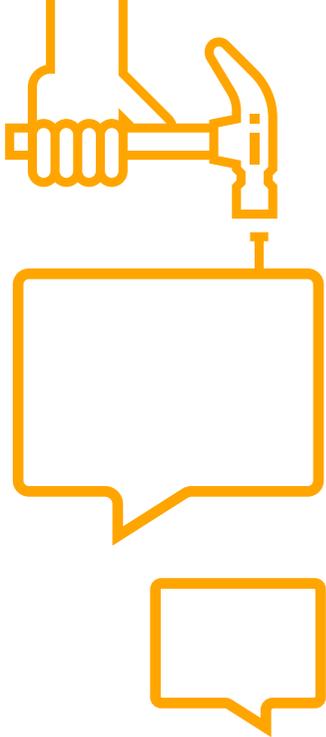
view is that the state and its institutions fail to treat everyone in society equally in legislation and to accept everyone as equal before the law. In addition, in a society increasingly impacted by globalisation and migration, the situation in Germany influences the sustained, even governmental condemnation and criminalisation of LGBT\* people in large parts of the world. It is against this background that MANEO and Berlin's criminal prosecution authorities have been engaged in an intensive dialogue since 1990. The discourse covers current problems, breaks down mutual reservations and thereby strengthens trust in the criminal prosecution authorities and the basic democratic order generally.

## 1. PREREQUISITES FOR A DIALOGUE

The prerequisite for a dialogue is, on the one hand, that police and judiciary take a look at their own historical and current socio-political roles and importance as criminal prosecution authorities in relation to their task and its implementation, and that they do so both internally and externally, and with regard to both self and external perception. This discourse must be perceptible and transparent. It must be continuously communicated in society, and particularly in a targeted fashion in LGBT\* scenes. This also involves dealing with the history of discrimination and persecution of LGBT\* people, even in relation to the treatment of employees in their own authorities. Adopting a serious approach to self-examination demonstrates credibility and volition. On the other hand, it is LGBT\* groups, projects and institutions organising themselves in their efforts to achieve recognition and equality before the law, social enlightenment and emancipation. In the past, it was self-help groups, associations

and interest groups who had to finance themselves. It is only in recent history that associations and organisations have received state funding for their LGBT\* emancipatory work rather than through the backdoor of AIDS prevention and women's work, although the situation still differs significantly from region to region in Germany. Correspondingly slowly and again with major regional differences, individual anti-violence projects (AVPs) have nonetheless been able to use state funding to develop and become professional entities, which is a precondition for starting and maintaining any continuous dialogue with criminal prosecution authorities. These AVPs looked at their relationship with the majority society, the constitutional state and criminal prosecution authorities, at their history of persecution and experiences of sustained violence and discrimination, and at trends in the LGBT\* scenes that take a negative view of engaging in dialogue with criminal prosecution authorities.





## 2. CONSTRUCTING A DIALOGUE

In Berlin, the political will to improve the relationship between LGBT\* scenes and criminal prosecution authorities via mutual talks and exchanges was established by the red-green coalition in the West Berlin Senate in 1988 – still before the fall of the Wall – and continued by the subsequent CDU-led state government for the whole of Berlin post-reunification. In a bid to emphasise seriousness and credibility, Berlin Police appointed a contact person for same-sex lifestyles in 1990 following the founding of MANEO, which was then still the Gay Assault Hotline Berlin.

### 2.1. DEVELOPMENTS AT CRIMINAL PROSECUTION AUTHORITIES IN BERLIN

#### A. Berlin Police

The first contact person for same-sex lifestyles (working part-time from 1990–1992 then full-time from 1992–1996) was Heinz Uth, a heterosexual who in the 1980s was given the task of investigating a series of criminal offences against gay men in a Berlin park. The offenders were identified but no victims could be located. Uth was known to be able to think outside the box. Above all he knew the police force inside out. No further risk should be taken. The changes at the Berlin police authority were prospectively assessed as being protracted and not without complications. Uth knew what made the authority tick, so he was able to catch internal reservations and criticism, to address the concerns of LGBT\* employees at Berlin Police who had themselves

experienced discrimination, and to translate external demands into official language so that they would be taken seriously at management level and lead to decisions. This educational work at Berlin Police, which contributed to the inclusion of LGBT\* people as citizens, to their concerns being taken seriously and thereby to the generation of credibility, was continued with a steady hand by Uth's successor Uwe Löher, another heterosexual, until 2012. Löher made a considerable contribution to the stabilisation of the transition process within the police force. In 2008, he was joined full-time by Maria Tischbier, the first lesbian contact person, and in 2012 he was succeeded by Harald Kröger, the first gay male contact person. Today, Tischbier and Kröger are the LGBTI Contact Persons at Berlin Police.



The reorganisation of Germany's Criminal Police Reporting Service for Politically Motivated Crimes (KPMD-PMK) in 2001 also included a requirement to record prejudice-motivated crimes against LGBT\* people. The first figures on prejudice-motivated assaults in Berlin were presented for the first time in 2007 (retroactively to 2003) in response to a parliamentary question. The shortage of data made it clear that further efforts were needed, including by police, to confront prejudice-motivated hate crime against LGBT\* people. This resulted in procedures being determined and introduced while improvements were made to further training courses to help police officers recognise these types of crimes. It was only after these changes were implemented that the number of criminal reports as well as crimes recognised as homophobic or trans\*phobic crimes in Berlin rose considerably.



Representatives from MANEO and Berlin Police with members of the Berlin House of Representatives on an educational visit to Tel Aviv Police in Israel.

## B. B. Developments in Berlin's justice system

Growing trust and confidence in the police was accompanied by increased expectations of, and demands on, Berlin's justice system. In 2012, Berlin's Justice Senator Thomas Heilmann (CDU) declared that there was a public interest in hate-based crimes against sexual orientation. The Public Prosecution Office in Berlin has since become the first authority in Europe to be given specific jurisdiction for the specialist, concentrated and victim-oriented prosecution of homophobic and trans\*phobic hate crimes. A previous round

table event at Berlin's Senate Administration for Justice and in which MANEO also participated laid the groundwork for this decision. Since September 2013, this jurisdiction has been exercised in Department 284, a special department for sexual offences. Senior Public Prosecutor Ines Karl, the head of the department, and State Prosecutor Markus Oswald also act as contact persons for LGBT\* people.

In 2016, the Berlin regional headquarters of the German Federal Police also decided to appoint a contact person for LGBT\* people, a position currently held by Joshua Bohling.



## 2.2. DEVELOPMENTS AT MANEO

By accepting an application by the Mann-O-Meter association in 1989, as well as by making funding available for the Gay Assault Hotline in 1990, the West-Berlin Senate underscored the need for LGBT\* scenes to establish an AVP, directly on the gay scene, in order to counsel, empower and support victims, to address the high number of crimes against gay men that go unreported, and to strengthen an extremely fragile dialogue with Berlin police. The funding (for one part-time position up to the end of 1991 and for a full-time position from 1992 to 2010) remained low despite ever-increasing need. This was also due to the fact – difficult to comprehend today – that individual bodies of interest repeatedly saw the on-going dialogue between MANEO and Berlin Police, knowledge of prejudice-motivated hate crime against LGBT\* people and the start of prevention work on LGBT\* scenes as suspicious.

Despite these and other adversities, MANEO continued its work, published regular information on homophobic assaults, organised vigils and demonstrations, and mobilised support via campaigns, exhibitions, surveys, international conferences, etc. MANEO linked up with

professional victim support centres in Germany, continuously improved its work professionally, trained its co-workers, provided victim support services seven days a week, encouraged victims to lodge criminal complaints and initiated numerous actions and measures to promote the development of trust between LGBT\* scenes and criminal prosecution authorities, for example the Lesbian and Gay City Festival, which boosted self-confidence among LGBT\* people generally. Thanks to good links with the LGBT\* scenes and their overwhelming encouragement, thanks to the large-scale voluntary engagement of so many helpers, and thanks to generous donations and additional funding from the Lotto Foundation for MANEO campaigns since 2006, the Berlin AVP has continued to develop. MANEO has been able to establish and develop itself as a professional specialist centre with activities focused on four core areas: (1) psycho-social victim support, (2) documentation and recording of violence and criminality against LGBT\* people, (3) violence and crime prevention, and (4) voluntary engagement and empowerment. The L-Support association was recently founded and is developing a lesbian AVP that is similar in concept to MANEO and will close a gap in Berlin's support system for lesbian and bisexual women.

Raising the rainbow flag at the headquarters of Berlin Police.



## 2.3. STABLE SYSTEM OF REFERENCE POINTS AND CONTACT PERSONS

Reservations and prejudices of one another exist both within the police and the justice system as well as within the LGBT\* scenes themselves. Responsibility for this lies in the undemocratic social relationships that ostracised a social minority, made male homosexuality punishable by law and exposed it to criminal prosecution. It is only through an awareness of injustice that has been growing in recent decades (abolition of Paragraph 175 of the German Criminal Code, the German parliament's apology to the homosexual victims of National Socialism and the discussion about compensating the victims of Paragraph 175) and the beginnings of legal equality for LGBT\* people that confidence-building measures between LGBT\* scenes and criminal prosecution authorities stand a chance. In the long term, this will have a positive impact on the high number of criminal acts against LGBT\* people that are still going unreported. What is primarily needed is to support this process via stable and constant LGBT\* contact persons at criminal prosecution authorities and – on behalf of LGBT\* people – via a sufficiently funded, professional AVP with qualified staff who are aware of the needs of the diverse LGBT\* scenes.



President of Berlin Police Klaus Kandt

## 3. MEASURES BY THE 'BERLIN TRIAS'

The confidence-building dialogue between LGBT\* scenes and criminal prosecution authorities is accompanied by a critical dialogue, which means the readiness to express criticism, to deal with criticism and to look for solutions. It stands for the readiness to make time for discussions and development processes. Dialogue means to inform and to discuss correlations, and it includes talking about violent crimes in compliance with data protection regulations. In addition, punishment of prejudice-motivated violence crimes should be optimised, trust in the constitutional state and its institutions improved, educational and emancipation work promoted and our democracy strengthened.

Handing over the instrument of accession to the Berlin Tolerance Alliance (organised by MANEO) to Berlin Police. From left to right: Public Prosecutor Adrian Voigt, Senior Public Prosecutor Ines Karl (LGBT\* contact person at the Public Prosecution Office in Berlin), Member of the Berlin House of Representatives Stefan Evers (CDU), Margarete Koppers (Vice-President of Berlin Police), Klaus Kandt (President of Berlin Police), Maria Tischbier (LGBT\* contact person at Berlin Police), Johannes Happel (Central Crime Prevention Unit at Berlin State Criminal Police) and Bastian Finke (Director of MANEO).



## **FOLLOWING ACTIONS**

### **1. Jour fixe**

The jour fixe is a meeting of MANEO representatives, the LGBT\* contact persons at Berlin Police and representatives from the Berlin regional headquarters of the Federal Police, the State Protection department and the Public Prosecution Office in Berlin. It ensures that regular discussions, exchange, communication and information sharing take place as well as the continuous expansion of communication channels. Content and political positions can be discussed and any disruptions in partnership working recognised, processed and remedied.

### **2. Victim support**

Improvements in victim support work have a positive impact on the readiness of those affected by crime – both victims and witnesses – to lodge a criminal complaint and also to participate in the securing of evidence as empowered witnesses. Gaps in the provision of support for target groups are recognised and filled. Individual care for victims is being improved via rapid transfers to specialist service centres as well as other support facilities. Up-to-date information about support offers is shared with criminal prosecution authorities.

### **3. Statistical recording / criteria**

The criteria for recognising and recording prejudice-motivated crime against LGBT\* people are continuously discussed and updated, and checked against individual cases. Specific crime areas and phenomena are discussed and their development assessed. Case statistics from criminal prosecution authorities and AVPs focusing on prejudice-motivated homophobic crime complement each other and thereby produce better information on crime development and prevention.

### **4. Violence prevention work in situ**

Pro-active outreach work and scene-sensitive appearances are discussed and informational activities are planned and carried out. The partnership work with scene-relevant multipliers such as bars, clubs and other venues is being improved. Multipliers are informed of MANEO's and the LGBT\* contact persons' services and tasks, availability is communicated and the work of the criminal prosecution authorities and support systems is explained.

### **5. Community policing / neighbourhood-based crime prevention**

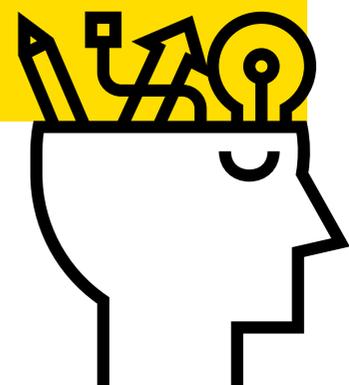
MANEO stages regular networking and specialist circles where the LGBT\* contact persons and representatives from venues and institutions from the LGBT\* scenes exchange information about the crime situation and crime-prevention needs. This facilitates rapid responses to problematic developments and the development of crime-prevention measures.

### **6. Developing / discussing information material**

The production of information material takes place in discussion with dialogue participants, taking account of their various views, in order to expand the pool of specialist knowledge. The need for target group-specific, crime and/or site-related, or foreign language information material is determined and covered.

### **7. Educational work**

eaching units and seminars aimed at new recruits at the regional police training school as well as students on the police-related courses at the Berlin School of Economics and Law are being developed and used regularly for educational purposes. Multiplier training sessions are held regularly for managers at the police authority and in the justice system. They examine, even within the authorities themselves, traditional norms and ideas, sexual and gender diversity, the dominance of gender roles and multiple discrimination.





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President of Berlin Police Klaus Kandt cuts a rainbow cake on the International Day Against Homophobia and Trans\*phobia.

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## 4. DIALOGUE PROSPECTS

Developments in our dialogue to date reveal the importance of continuous discussions with one another and the regular sharing of information, ideas and experiences by police and the AVP. We will be giving our lesbian partner project L-Support a more prominent role in this dialogue in the future.

The process of developing trust must be continued. It can only succeed if, in addition to full-time LGBT\* contact persons at the local police force, the on-going work of an AVP based on the MANEO model – and the protection of its four work areas – is guaranteed, which also means continuous funding. As a “successful model”, MANEO and its dialogue partners – the LGBT\* contact persons at Berlin Police, contact persons at the State Protection department, the LGBT\* contact persons at the Berlin regional headquarters of the Federal Police and LGBT\* contact persons at the Public Prosecution Office in Berlin – are today being inundated with nationwide enquiries, even from victims who are turning to the dialogue partners for information and advice. Germany’s federal states must be tasked with establishing and supporting similar dialogues at the federal state level, which is why it must become a duty of the Federal Ministry of the Interior’s to take up a co-ordinating role, or arrange for this function to be carried out, as MANEO and its dialogue partners are currently insufficiently equipped to be able to do it.



**above:** Joint action by MANEO and police at a cruising area in Berlin. Cruisers are informed of risks, warned about assaults and given information about the services offered by Berlin Police and MANEO.

**below:** Joint information stand by Maria Tischbier and Harald Kröger (the LGBT\* contact at Berlin Police) in front of the gay venue Prinzknecht.



### IMPRINT

#### MANEO – Berlin’s gay anti-violence project

an independent Mann-O-Meter e.V. project  
Bülowstr. 106 – 10783 Berlin – [www.maneo.de](http://www.maneo.de)  
Counselling: T. 030 – 216 33 36 – email: [maneo@maneo.de](mailto:maneo@maneo.de)  
Office: Bastian Finke, Director of MANEO  
T. 030 – 217 532 13 – email: [bastian.finke@maneo.de](mailto:bastian.finke@maneo.de)

#### CHARITY DONATIONS ACCOUNT:

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