

Ministers of Justice and of Social Affairs Confirm:

# Austria Rehabilitates Homosexual NS-victims only if Former NS-officials

RKL: „Outraging“

**Rechtskomitee LAMBDA (RKL) says Austrian federal government has to act immediately as the Ministers of Justice and of Social Affairs respectively confirmed that homosexual victims of the Third Reich still have not been rehabilitated. With the only exception of those who themselves had been officials of the NS-state!**

1<sup>st</sup> July, 2005 Austrian Recognition Act 2005 entered into force lifting all convictions delivered during Nazi regime, if they were based on “typically national-socialist injustice”. In addition “sexual orientation” was included into the Victim’s Care Act which grants social benefits to victims of the Nazis, if again their persecution qualified as “typically national-socialist injustice”.

Homosexual victims of National Socialism are still excluded from provisions in the General Social Insurance Act (ASVG) which stipulates counting of times of incarceration as valid times of social insurance in calculating pension rights. “Racial” and “political” victims got their times of incarceration recognized that way, but times lesbians, gays, bisexuals and transgenders had to suffer in prisons and concentration-camps are still not counted. While the times of their tormentors are counted on the basis that they were employed ...

Green Party judicial spokes-woman and member of RKL-Board of Trustees, MP Mag. Terezija Stoitsits, therefore raised parliamentary questions with the Minister of Justice and the Minister of Social Affairs.

## Only NS-Officials Rehabilitated

The replies of the two ministers are striking. Convictions based upon homosexual contacts are not an expression of “typically national-socialist injustice” and therefore still standing, Minister of Justice Mag. Karin Gastinger said in her reply. And Minister of Social Affairs, Ursula Haubner, confirmed for the Victim’s Care Act. Haubner also sees no necessity for recognizing times of incarceration for homosexual victims as already done for other victims.

Instead the two ministers refer to the fact, that members of the armed forces (“Wehrmacht”), of the SS and of police forces , who eventually became the object of anti-homosexual persecution, already got fully rehabilitated, in sharp contradiction to civilians. Already in 1946 their convictions have been set aside and 2005 they received social-insurance compensation by recognition of their time of incarceration as pension times.

“It is outrageous, that only those victims of Nazi-persecution of homosexuals got rehabilitated who former themselves have been part of this machinery”, says *Dr. Helmut Graupner*, president of the Austrian lesbian and gay rights organization *Rechtskomitee LAMBDA (RKL)*, “Parliament must speedily deal with the draft-bill for a comprehensive Rehabilitation Act.”

*Rechtskomitee LAMBDA (RKL), founded in 1991, on a supra-partisan and denominational level is working for the implementation of human rights for homo- and bisexual men and women. In its honorary board it convenes so prominent members as the Chairman of the Social-Democratic Party of Austria (SPÖ) Dr. Alfred Gusenbauer, President MP Peter Schieder, MP Mag. Terezija Stoitsits (Green Party), the well-known child and adolescent psychiatrist Univ.-Prof. Dr. Max Friedrich and the Ombudspersons for Children and Adolescents of Vienna DSA Monika Pinterits und Dr. Anton Schmid, the Secretary General of Amnesty International Austria Mag. Heinz Patzelt and the well-known human rights experts Dr. Lilian Hofmeister und Univ.-Prof. Dr. Manfred Nowak, the sexologists ao.Univ.-Prof. Dr. Josef Christian Aigner, Prof. Dr. Rotraud Perner and Mag. Johannes Wahala, the theologian Univ.-Prof. Dr. Kurt Lüthi, entertainer Günter Tolar and many more.*

The questions and the replies of the Ministers in full text:

-> [http://www.parlament.gv.at/portal/page?\\_pageid=908,975830&\\_dad=portal&\\_schema=PORTAL](http://www.parlament.gv.at/portal/page?_pageid=908,975830&_dad=portal&_schema=PORTAL)

-> [http://www.parlament.gv.at/portal/page?\\_pageid=908,975835&\\_dad=portal&\\_schema=PORTAL](http://www.parlament.gv.at/portal/page?_pageid=908,975835&_dad=portal&_schema=PORTAL)

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