

» DECEMBER 2004



NEWSLETTER

www.ilga-europe.org

VOL 4 ISSUE 4
ISSN 1378-577X

Human Rights:

under construction

ILGA European
conference 2004:
success and lots of fun in
Budapest

EU **Anti-Discrimination**
Policy:
renewed
commitment needed

Across Europe:
more **partnership rights**
but increased violence



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Message from Patricia



A very warm welcome to the winter edition of our Newsletter! I am very pleased to greet you at such an exciting time for ILGA-Europe. During the last couple of months our team was expanded and completed and we now have seven people working at the office plus we have a regular volunteer providing us with great assistance.

Given the changes in the make-up of the team, Juris Lavrikovs, our new Information & Communications Officer, is taking over the responsibility for the production of the newsletter and I wish him every success. At the same time I would like to thank Birgit Hardt, our Policy Officer (Networks), for all her energy and commitment for producing the previous editions of the newsletter - a big thanks!

In October we had a very successful annual conference in Budapest hosted by the fantastic team of Háttér. The conference attracted a record number of participants in the history of the ILGA European conferences and we even had delegates from such countries as Lebanon and Israel! One of the most important discussions resulted in the adoption of a strategic plan for ILGA-Europe's work and this means we are moving to another level in our organisation and professionalism. It was also very nice for me as a 'newcomer' to meet so many members from around Europe in person.

Many important events affecting the lives and rights of LGBT people are taking place around Europe at this time. Some of these are positive and encouraging, but some of them remind us that hate and discrimination are still very much part of the lived realities of LGBT people. (See the news items inside).

On a positive note, the creation of the new European Commission process demonstrated the continuing commitment by the EU to the protection of human rights and now the Commissioner Spindla has promised us even greater possibilities for stronger equality legislation and implementation through the feasibility and communication on integration of equality and non-discrimination due in 2005. We will continue to work on these developments.

Legislation recognising the rights of same-sex partners was adopted or came into force in the UK, Luxembourg and Switzerland; Spain is about to open same-sex marriage and the issue is being discussed or tested in the courts in a number of other European countries.

On a less positive note, a gay man was murdered in London and research showing that prejudice towards LGBT people and other minority groups in Britain is still high. The Latvian Minister admitted that addressing LGBT issues is still a 'political suicide' in the Latvian politics and the Bulgarian MP openly propagates hatred towards LGBT people.

However, all such events make us all only stronger, mobilise us and remind about much work still needs to be done to achieve a Europe free from discrimination and intolerance.

I trust you will find this edition of the newsletter interesting, informative and stimulating. We will be continuing to develop our communication strategy in 2005 so you will see changes in the newsletter, the EU bulletin and the website.

I am very pleased to be part of this new ILGA-Europe team and together with our board and membership look forward to taking the organisation forward in achieving our aims and goals.

Since this newsletter comes out at the end of the year, I wish you all a great festive season and all the success in our joint work during next year!

PATRICIA PRENDIVILLE

ILGA-Europe Executive Director

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The ILGA-Europe Newsletter is the quarterly newsletter of ILGA-Europe. Volume 4, issue 4, December 2004

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Design & layout: Silja Pogule www.siljadesign.lv
Printer: Sofadi
Next issue: March 2005
Deadline: 10 February 2005



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This Newsletter is published with the support of the European Commission – The European Union against discrimination. The information contained in this

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Juris Lavrikovs

Juris Lavrikovs started his role as ILGA-Europe Information and Communications Officer on 14 October 2004. Juris' entire professional, academic and voluntary career is devoted to lesbian, gay and bisexual human rights issues.

Juris is originally from Latvia, but joined the office from London where he worked for the leading British lesbian, gay and bisexual rights organisation Stonewall. Initially Juris worked for Stonewall's Citizenship 21 project which addressed the issues of multiple discrimination and provided capacity building support for community organisations. Juris also was involved in establishing Stonewall's information centre and creating and maintaining its website, as well as in Stonewall's policy and research work.

ILGA-Europe appoints Information & Communications Officer

In 1990 Juris became a co-founder of the Latvian Association for Sexual Equality and until 1997 was its board member. In 1995, Juris was a director for the EU funded Lesbian and Gay Anti-Discrimination Project in Latvia. Since 1996, Juris was actively involved in establishing the Homosexuality Information Centre in Latvia and for many years was its legal advisor. In 1998 Juris was employed by the Latvian National Human Rights Office to carry out a research on the legal situation for lesbians, gay men and bisexuals in Latvia and other jurisdictions. As part of this research work, Juris prepared a series of legislative amendments to reduce sexual orientation discrimination in Latvia. One of the proposals, the registered partnership bill, was submitted to the parliament in 1999 by the Latvian National Human Rights Office. Since 1992 Juris was actively involved in and represented Latvian organisations at ILGA conferences and other forums.

Juris is a lawyer and in 1994 graduated from the University of Latvia. In 1997, he completed his LL.M course in European Legal Studies at the University of Exeter, United Kingdom.

We are very glad we are now able to employ someone full time to work on developing and improving our information service, website and communications strategy. I am delighted Juris has been appointed for this role and am sure ILGA-Europe will benefit greatly from his knowledge and experiences.

PP

ILGA-Europe's new stagiaire



Kim Smouter

Kim Smouter joined the staff of ILGA-Europe on 6 September 2004 as ILGA-Europe's new stagiaire. Kim is currently following a bachelor level study in European Studies at the University of Maastricht (Netherlands). Kim has been actively involved within his school communities on issues of interest to LGBT youth.

Although a Dutchman by nationality, Kim is perhaps as close as one gets to being a true European. Having lived in France and the United States most of his life, and coming from a family of mixed origins. In secondary school, Kim was a leader of the International School of Brussels' Safe Place Project. Safe Place is a central element of the school's fight against intolerance and discrimination.

Kim is also a writer of science-fiction novels, romantic poetry, and a generally creative addition to the staff, as well as an island of tranquillity. Our new stagiaire has certainly grown to become a useful member of staff.

PP



Göncz Kinga, Hungarian Minister of Social and Family Affairs and Equal Opportunities

With much celebration and "Thank you"s, we got to the end of the ILGA European conference. The thousand pictures Jancsi, the GO-GO! boy, took during those few days of stretched work and mountains of fun will remind us of the wonderful time most of the participants had. Pictures will be sent to those who request them.

Different people surely see the conference from very different angles. Let me now recount some of what was memorable for me, one of the organisers. Háttér gathered a dozen committed volunteers, and the coherence of the group was amazing. They seemed to be a self-organising team, which is probably a heart-warming idea for all who work in the voluntary sector. During workshops, when I sat in the corridor with some of the team and we were all taking our time to relax, we could hear busy work noises, and sometimes a loud cheer or laughter. We knew people were working hard in a friendly environment.

The interpreters quickly got involved in the conference, equipped themselves with

Lots of fun in Budapest

ILGA-Europe badges and went out to have lunch sporting them on collars. They were all beaming, and after certain workshops like the one on the "Brazilian Resolution", or the one on lesbian women's organising, they told me they found them intriguing. A couple of times they wished they were participants so that they too could give their opinions. They were gay-friendly, now they respect whatever ILGA does.

The Eklektika group of dancers gave all of us a very nice surprise. Surely, you will meet some of them if you go to ballroom dancing competitions.

One of the uplifting moments was the speech of Göncz Kinga, Minister of Social and Family Affairs and Equal Opportunities, when among other things she officially announced that the government is working on same-sex registered partnership legislation. She mentioned important issues such as anti-discrimination in areas of life outside employment, and had the right, friendly, appreciative attitude we wish all politicians had. She is surely someone who works for an inclusive society on the governmental side.

Then came Gusztos Péter, a Hungarian MP, not yet 30, who genuinely contributes a gay-friendly voice to a too often homophobic Hungarian political sphere. After him, Mocsonaki Laci, the most respected member of Háttér's board told us about the very long process he has witnessed and formed, and which led up to the present day of the LGBT movement with

mushrooming organisations and considerable achievements. He contributed the point of view of the insider, very unique among the speeches of the day.

Joop Verboom handed over the report of what the Dutch EU Presidency had done on LGBT issues, which again was a moment when we could see that international organisations of the LG(BT) movement now count as important political actors. Joke Swiebel received ILGA-Europe's award for her commitment, active and proud work for LGBT rights as an MEP. It was a moment of true celebration and happiness.

Listening to her speech, you may have noticed that she is as energetic as ever. We all hope to see her from time to time at various events.

The biggest reason for celebration, however, was that José Manuel Barroso backed out of his dire straits about Rocco Buttiglione, and consequently, an openly homophobic politician had to withdraw from high politics, together with his views.

We could share all of this joy with the biggest ever number of participants at an ILGA European conference, who turned out to be a very man-

Hungarian hospitality



ageable crowd of people. I see it as the sign of trust people had in the organisers that all were in the lobby downstairs to leave for dinner on time. We practically had no delays in the programme thanks to all participants' kind co-operation.

I can't say I did not hear about conflicts here and there, from this and that workshop, somebody annoying another one, people being sad/upset about the results of this or that election. Surely, conflicts did generate, which needed to be addressed, but it would take another article to write about them, and another year to sort them out. But it is not my agenda. When the team got tired, we formed a massage chain with the ILGA-Europe staff and thought of wine and singing in the evening.

You might wonder where we put the pigeon holes and delegate pack folders all the participants had left behind. Well, they got recycled in our archives to document more of the developments of the LGBT movement in Hungary.

Háttér will be 10 years old in February. It is not the first of the gay organisations ever formed in Hungary, and it is not the longest standing either. But it is certainly a very important birthday in the movement. Thanks to ILGA-Europe's kindness, now we have a brand new fax machine. Feel free to send us faxes (+36-1-329-26-70), think of us every now and then, and we would be delighted to see some of you at our birthday party! The party will take place on 12 February, please e-mail/fax us later for more details.

BENCE SOLYMAR
Háttér

Award Ceremony

During the conference, Joke Swiebel (MEP and Chair of the European Parliament Intergroup on Gay and Lesbian Rights, 1999-2004) and Csaba Tabajdi (MEP, MP and delegate to the Parliamentary Assembly of the Council of Europe, and first Eastern European MP to have taken a prominent stand in defence of LGBT rights) were distinguished for their work in lobbying for LGBT issues and the promotion of fundamental human rights in Europe. ILGA-Europe issued a Certificate of Appreciation to both of them.



Csaba Tabajdi



Joke Swiebel

Strategic Plan Framework

A recent development for ILGA-Europe was the formulation of a strategic plan to guide the work of the organisation over the coming years. The process of this strategic plan was developed and outlined at conference, and the mission, vision and values were adopted. Each of the six strategic objectives were discussed, reflected upon. In many workshops, very useful additional thoughts and ideas were offered. The staff and the board are now taking the next steps in completing the strategic plan for 2005-2008. This will form the basis for our funding applications in 2005 and will also guide us as we seek additional funding for the work of the organisation. Finally, having a strategic plan will enable the organisation plan each yearly work programme more consistently and will allow the work of ILGA-Europe to be even more focused and targeted at reaching the named outcomes.

Thanks again to all of you who attended the workshops on the strategic plan during the conference - it is much appreciated and your input is influencing the final developments.



ILGA European conference 2004 report is now available on our website:

www.ilga-europe.org > Annual conference

Budapest Conference elects new Board and venue for the 2006

The Annual Conference also serves as ILGA-Europe's general assembly. Not only does the Board present its activity report of the past year - including an overview of the organisation's financial situation. It is also a chance to discuss and amend the proposed work programme for the year to come. It is at the conference that a decision is reached on conference venues and a new Board is elected.

As decided in Budapest, the 2006 conference will be hosted by Gemini in Sofia, Bulgaria.

The newly elected Executive Board is a vibrant mixture of old and new Board members. Though some may be familiar to the readers, we will take this opportunity to introduce all Board members for 2004/2005:



Maxim Anmeghichean has graduated from the National University in Moldova with a degree in journalism. He is co-ordinator of the information centre *GenderDoc-M*. He has been involved in IGLYO since 2000 and has been an active member of Amnesty International's LGBT section since 2002.

Now in his second term as a Board member, he will continue to focus on ILGA-Europe's Council of Europe and South/East European initiatives.



Vera Cimpeanu studied English and German and was an English university professor. After the fall of communism she could start work in her favourite fields: civil and political rights and minority rights. She is founding member of the first LGBT rights organisation in Romania - Accept - and organised, together with a small group of friends, the first LGBT conference in Romania. Currently, Accept Vice-president. Dislikes self advertisement.



Riccardo Gottardi, who has been on the Board since 2001, is the chairperson of *Arcigay Pride!*, the local *Arcigay* branch in Pisa. After attending his first ILGA-Europe conference in 1998, he helped co-organise the 1999 conference in his hometown, Pisa. Currently undertaking a PhD in physics, he acts as Italian co-ordinator for EU transnational projects.



Tatjana Greif got involved in the LGBT movement in the early 1990s and is currently working as a programme manager of the Slovene lesbian group *ŠKUC-LL*. She is involved in various educational and anti-homophobic projects, and since 1997 a member of the governmental commission tasked to draft same-sex partnership legislation.



Deborah Lambillotte, intersexual gender activist. After years of involvement in the Italian *Arcigay*, *Arcilesbica* and *ArciTrans*, she returned to Ghent (Belgium) in 2002. She is now member of the executive board of the *Holebifederatie* - the Flemish LGB umbrella organisation - where she is responsible for transnational projects. She also co-ordinates the local section of *Vieux Rose*, a 50+ lesbian group, as well as being an active member of the trans working party of ILGA-Europe. Her hobby is lobby.



Jackie Lewis has been a trade union and human rights activist for around 25 years. She works in a local authority in London and is a member of the National Lesbian and Gay Committee of UNISON, the largest trade union in the UK, and of the LGBT Committee of the British trade union confederation (TUC). She has been involved in ILGA since 1992 and been a member of the Board, and co-chair, since ILGA-Europe's foundation in December 1996.



Pierre Serne is presently working as head of personnel staff for the deputy mayor of Paris in charge of integration and non-EU foreigners. In 2000 he was appointed to be the political adviser of the French Minister for the Environment. He has been for a few years now the chairman of the LGBT national committee in the Green Party. He also is a member of the city council of Vincennes (Paris suburb). He has been elected in charge of European issues in INTER-LGBT, the main French LGBT umbrella association.



Nigel Warner is currently affiliated with the *Stonewall Group*. His involvement with ILGA goes back to its foundation in 1978. In 1986 he took on responsibility for ILGA-World's finances, and, together with a group of friends in the UK, ran the Financial Secretariat until 1994. He then took a four-year break before becoming one of ILGA-Europe's co-delegates to the Council of Europe in 1998. He joined the Board of ILGA-Europe and became Treasurer in 2000.

As reserve members, following people were elected: **Philipp Braun** (LSVD, Germany), **Vanja Hamzic** (Q Organisation, Bosnia Herzegovina), **Inge-Lise Paulsen** (LBL, Denmark) and **Maya Salvado** (APGL, France)

The conference also confirmed **Jackie Lewis** (UNISON, UK) and **Yves De Matteis** (360, Switzerland) as representatives of ILGA-Europe on the Executive Board of ILGA. Reserve representatives of ILGA-Europe on the Executive Board of ILGA are **Grade Schadee** (AOB Homoseksueel Onderwijspersoneel, Netherlands) and **Janfrans Van Der Eerden** (COC Nederland, Netherlands).

ILGA-Europe current projects



ILGA-Europe is currently working on three projects and your active support and involvement is crucial for successful implementation.

Social Exclusion - an issue for LGBT people

Although there is a clear link between the discrimination experienced by gay, lesbian, and bisexual people and levels of poverty and social exclusion, little attention has been paid to this issue at EU level.

ILGA-Europe hopes to raise awareness on how discrimination impacts the levels of poverty and exclusion amongst LGB people. We are working on a report bringing together research done already on the experience of social exclusion of LGB people. We focus particularly on how discrimination affects people's lives with regard to education and training, and access to resources such as health care and housing. Particular attention will be paid to LGB youth and LGB older people. For this, we need your help:

If you know of any **questionnaires or research**, relevant case studies, aware of **examples of good practice in addressing social exclusion**, know of people that may be willing to share their **personal stories** with ILGA-Europe, please contact **Birgit Hardt:**
birgit@ilga-europe.org

Family Project

We have been lobbying for the recognition of LGBT families in the European Union for some time.

Currently, we are urgently seeking **cases, stories and photographs** for a publication, which will highlight the difficulties faced by LGBT families who intend to **move with-**

in the European Union.

If you know of a case or cases where LGBT family/partners have been impeded to move to another country because their rights were not recognised in the country where they wanted to go or you have been stopped

Towards full equality in employment

We work to ensure equality of LGBT people in the field of employment across Europe. We are currently working on a report bring together research done already at national level on the experience of discrimination and harassment in employment on the ground of sexual orientation. The report aims to propose strategies on how to promote equality in the work place.

For this project are looking for:

- > **questionnaires or research** on experiences of discrimination in employment on the ground of sexual orientation;
- > **cases of workplace discrimination** of LGB employees that are willing to share their story with ILGA-Europe;
- > **guides promoting LGB equality in the workplace;**
- > information about trade unions that have entered **collective agreements** ensuring equal treatment for same-sex partners of employees in terms of written employment conditions;
- > **examples of best practices of employers** promoting equal and inclusive workplaces.

from living in a country because your partner is a third country national and your union was not recognised in the country where you wanted to go, please contact **Christine Loudes:**
christine@ilga-europe.org

JL

If you are interested in getting involved or want to provide your information, please complete our case study forms available on our website:
www.ilga-europe.org > **Current projects**

At last week's "Equality in a Future Europe" conference, Vladimir Špidla, newly appointed EU Commissioner for Employment, Social Affairs and Equal Opportunities, announced the Commission's plans to publish a Communication that is to set out the new EU framework for equality. He also stated that the European Commission will launch a feasibility study to examine possible initiatives to complement the EU legal framework for tackling discrimination.

The conference followed the European Commission's consultation exercise on the future of equality in the EU. Only weeks prior to the conference, in the midst of the Buttiglione affair, Commission President Barroso had told the European Parliament, that fundamental rights and the fight against discrimination will be a top priority for the Commission. There is a new momentum now that we need to leverage in order to further the rights of LGBT people in Europe.

A strong framework for equality

In defining a future EU strategy on combating discrimination and promoting equality, it is important to develop a comprehensive approach that is both specific and horizontal. "Following a horizontal approach must never be taken to mean making LGBT people invisible; instead the EU must speak out for them explicitly", states Joke Swiebel, former head of the Parliamentary *Intergroup on Gay and Lesbian Rights*, during the EU Pre-conference on Mainstreaming Policies on Sexual Orientation in Europe. "The long-term goal must be to overcome the existing equality hierarchy, to formulate specific policies and complement these with a structured equality mainstreaming across all policy areas. Now is the time to create the necessary conditions and tools: from awareness-raising to a well thought-through methodology of data collection and an allocation of funds that allows NGOs to perform their consultative function."

Addressing sexual orientation discrimination

Numerous delegates at the conference recognised the importance of specifically addressing sexual orientation discrimination. The European Trade Union Confederation for instance confirmed the need to follow up the ETUC's action programme on race, gender and disability, with specific action targeted at sexual orientation discrimination. Kees Waldijk of the European Group of Experts on Combating Sexual Orientation Discrimination argued that two steps were needed to help individuals take forward cases: (a) specialised bodies need to be set up on all grounds; (b) NGOs need to be granted the right to take forward cases. Other issues raised were the problem of conflicting rights, such as freedom of religion versus equality of LGBT people, and the importance of placing the equality agenda into the wider context of the EU's Lisbon strategy.

The way ahead

That the EU should do more

to combat discrimination seems to be the overwhelming tenor. Yet, how it should go about it, remains open to discussion. 2005 will be an important year to continue to shape the outcomes of this debate and ensure that the EU strategy is comprehensive and inclusive. To achieve this ambitious goal, some key questions have to be addressed: (1) how to place the EU policy on non-discrimination into the wider human rights agenda and make sure it complements the work done by other international organisations; (2) how to put in place an effective legislative framework offering equal levels of protection for all; (3) how to implement a structured equality mainstreaming mechanism; (4) how to ensure that the EU's action on gender equality also explicitly covers discrimination on the ground of gender identity; and finally (5) how to place the equality agenda into the wider context of the Lisbon Strategy. The promises and good intentions have to be backed up by resources - if we are to take equality mainstreaming seriously, we have to make sure that social policy is not reduced to being the poorer cousin of economic growth.

BIRGIT HARDT

European Commission Consultation - some results:

- > EU must step up efforts to combat discrimination
- > 49% felt that the two EU directives had limited impact - shows existence of significant obstacles before people can make use of these new rights
- > National authorities mostly opposed to further EU legislation whilst other stakeholders want to bring the level of protection against discrimination on other grounds, including sexual orientation, into line with protection against racial discrimination
- > Most effective tools in addressing discrimination identified were legislation (34.2%), awareness raising (31.8%), and affirmative action (22.6%)
- > Important added value provided by EU funding was recognised
- > importance to mainstream equality across EU policy and funding instruments

For more details, see:

http://europa.eu.int/comm/employment_social/fundamental_rights/greenpaper_en.htm

ILGA-Europe's priorities for the Luxembourg Presidency



*Présidence luxembourgeoise
du Conseil de l'Union européenne*

From 1 January until 30 June 2005, Luxembourg will hold the EU Presidency. In its memorandum to the Luxembourg Presidency, ILGA-Europe draws the attention of the Presidency to the areas affecting lesbian, gay, bisexual and transgender (LGBT) people that could be progressed through concrete actions in that period. Issues

raised include the future enlargement of the European Union; the ratification and implementation of the Constitution; the human rights agenda within the EU and in third countries; the development of the anti-discrimination and equality agenda through legislation and equality mainstreaming; the transposition of

the directive on the definition of refugee; the social side of the Lisbon Agenda and the inclusion of LGBT concerns in the European Neighbourhood Policy.

ILGA-Europe's Luxembourg members have passed details of LGBT-friendly contacts within the government whom we plan

to meet. If you would like to bring issues to the attention of the Luxembourg Presidency, please contact me at the office for advice.

More information about the Luxembourg Presidency at: www.eu2005.lu

CHRISTINE LOUDES

Buttiglione affair: a new European Union is being born

On 28 October 2004, the chief of governments of the Union met in Rome to sign the Constitutional Treaty of the EU. In the past years civil society has put much work and much hope into this new Treaty that was to lay down stronger basis for a social Union, one that would place the basic rights of its citizens before the issues of economy. As a matter of fact such a Union was born the day before, on 27 October, when the European Parliament was called to vote in favour or against the Commission proposed by José Barroso.

After weeks of debate on the controversial designation of Buttiglione as Freedom, Security and Justice Commissioner, Barroso had to retire his Commission team not having the necessary majority to pass the Parliament's vote. The European Parliament had

stood its ground, maintaining that such a sensitive portfolio could not be assigned to someone who affirmed that, if a conflict arose between his role and his moral views while performing his duties as a public official, he would give priority to his moral views.

Those who might have envisaged the possibility that the European Commission could fall, certainly had expected that to happen on issues of economics or of corruption as in the past. Instead it had happened on the protection of human rights. The European Parliament, by taking such a stand, has affirmed clearly that human rights are at the very core of the Union and could not be ignored. Equally important, it had affirmed that LGBT rights are integral to human rights causing Barroso and then

Franco Frattini, who substituted Buttiglione, to make a clear and explicit commitment to an active anti-discrimination policy.

Some may think that after this the Commission would be weaker and less capable to live up to the commitments taken. On the contrary, when discussing about the possibility to move Buttiglione to another portfolio or to replace him, Barroso was tightly bound by the will of national governments; today, after the institutional debate that had come about before his new Commission was finally approved, Barroso, however, was able to assure that he would change whatever commissioner lost the trust of the Parliament in the coming years, which is a provision that goes beyond the very tight rules national governments had been

so careful to establish when writing the Constitutional Treaty in order to allow as little independence as possible to the Commission. Thanks to the Parliament's action, Barroso is now in a stronger position when dealing with human rights, being less bound to the whimsy desires of national governments and more to the Charter of Fundamental Rights.

In these past weeks the Parliament has fully played its role as the democratic voice of the people, it has indicated to the Commission the way to follow on human rights and has given it a strong backing to go along that path. Now it is up to Barroso to live up to his pledge - for sure civil society and the European Parliament will again support him if need be.

RICCARDO GOTTARDI

Fundamental Rights: making them more than words?

It seems that today fundamental rights are very high on the cards in the EU institutions, legislation and mechanisms. The new Commission has declared its commitment for fundamental rights following the Buttiglione affair. The Constitution contains a Charter in which different types of rights are enshrined and which is the first international legal instrument to specifically mention sexual orientation. In addition this document provides for some specific mechanisms to ensure the protection of human rights. The Commission has developed a mechanism to measure the impact of decisions taken on fundamental rights protected by the EU Charter on Fundamental Rights. Moreover, the Commission is currently consulting (until 17 December 2004) civil society on the new Fundamental Rights Agency to be created to extend the remit of the European Monitoring Center on Racism and Xenophobia (EUMC) to include fundamental rights.

In principle, the creation of a fundamental rights agency (previously known as the Human Rights Agency) is a good idea especially in the context of the increase of concerns for fundamental rights within the European Union. However, the creation of a fundamental rights agency is an important issue which

needs to be widely debated within civil society. ILGA-Europe, together with other NGOs belonging to the Social Platform, is concerned about the lack of clarity on the role, the vision, the resources and the powers that will be given to this agency. The Commission Communication uses the unfortunate term "light weight structure" which does not appear as a positive omen in this regard. Other issues are opened for debate, for instance the definition of the areas where the agency should operate, the geographical coverage of the agency, or the mechanisms for dialogue between civil society and the agency. So far, there is only one certainty: the agency will be based in Vienna.

Other issues raise question from an LGBT perspective. The Communication stresses that the principal task of the agency would be data collection, and that this is to be done in an objective, reliable and comparable fashion. However, there is no precision as to the type of relevant data. If the data are mostly of quantitative nature, i.e. statistics and numbers, this might have a detrimental effect in relation to LGBT people. This issues need to be thought through carefully in order to avoid "number fetishism".

Council reaches preliminary agreement

New EU gender directive

Plans to adopt a new EU directive on equal treatment between women and men in the access to and supply of goods and services had already been announced at the Nice Council in 2000. Three years later, the European Commission finally adopted a draft proposal that was presented to the European Council for adoption by unanimity. It caused fierce divisions, opposition by some member states and intense lobbying by the insurance industry amongst others. After lengthy negotiations, a compromise proposal by the Dutch EU Presidency was agreed upon by the Council of Ministers on 4 October 2004 and should be adopted at the December 2004 Social Affairs Council. The new directive is relevant also to transgender persons because EU law regards discrimination against transgender persons on grounds of their gender identity as a form of sex discrimination. This principle was established by the European Court of Justice in its 1996 decision in P v S and Cornwall County Council, where it was held that the dismissal of an individual following gender reassignment was unlawful discrimination on the grounds of her sex. ILGA-Europe spoke to Cécile Greboval, policy coordinator at the European Women Lobby, to discuss what the directive has to offer and where it does not go far enough.

You have followed the adoption process of the new directive carefully. Did the final outcome meet your expectations?

Cécile Greboval: To be honest, we are very disappointed. After the Parliament's overwhelming support for a strong directive, the Council compromise is sobering. The Council failed to translate the principle of gender equality into everyday practices. At the end, member states gave in to the pressures of the industry lobby and neglected the unified wishes of civil society and European parliamentarians for a legal obligation of equal treatment between women and men, especially concerning insurances products.

What were the main issues at

stake?

The most problematic issue was the use of sex-based actuarial data in the area of insurance and financial services. At the moment, many insurance companies and other financial services use sex as a factor in calculating premiums and benefits, this leads to situations where, because women live longer, they have to pay more to receive the same life insurance premiums as men. The original Commission proposal - supported by the EWL and other consumers' and social organisations - would have forbidden this practice.

And the final version?

The final version still forbids the use of sex as a factor in the calculation of insurance premiums and

CL

benefits (Article 4.1). Yet, with Article 4.2 member states are granted the right to opt out: "proportionate differences" between women and men are possible "where the use of sex is a determining factor in the assessment of risk based on relevant and accurate actuarial and statistical data".

What does this mean in practice?

It means a continuation of discrimination against women for some insurance products, even though insurance companies will now have to be more transparent and accurate in relation to how they use actuarial data based on sex and which data they use. As to when exactly "the use of sex is a determining factor" and what "relevant" means - that will depend on the interpretation of the courts and remains to be seen. We will of course follow very carefully the monitoring of the implementation of this directive, and if necessary, encourage women to go to court.

From your perspective, does the directive constitute any progress then?

Yes, of course it does, even if limited. The most notable improvement is the explicit prohibition of treating women less favourably for reasons of pregnancy or maternity, including for insurance products. I think, in practice it might mean that women won't pay more for private health insurances because of pregnancy risks and that it won't be possible to exclude those risks any more from insurance products, as is the case at the moment, for example for travel insurance.

Case C-13/94 P v S and Cornwall County Council [1996] ECR I-2143: "Such discrimination is based, essentially if not exclusively, on the sex of the person concerned. ... To tolerate such discrimination would be tantamount, as regards such a person, to a failure to respect the dignity and freedom to which he or she is entitled, and which the Court has a duty to safeguard."



IGLYO Conference

Twenty years of activism for young LGBT people

From 31 October to 7 November, Sofia (Bulgaria) hosted the 18th conference of IGLYO, the International LGBT Youth and Student Organisation. "Past, Present and Future of LGBT Youth Activism" was the main title of the event; the purpose: to celebrate the 20th anniversary of the organisation, an occasion to remember history, share the present and to start building the future all together.

IGLYO was created in 1984 by young activists involved in ILGA who wanted to evidence forces and specific needs of younger age people within LGBT community. Based in Amsterdam, but actually without a logistic centre, IGLYO succeeded in order to activate international collaborations even with public institutions. IGLYO, in fact, finds its strength also in solid partnership with the Directorate of Youth and Sport of the Council of Europe and with the European Youth Forum.

People attending the conference came from 24 countries, not only from member states of the EU, but also from the US, Canada, Balkans, Russia and, for the first time, from the baby movements in the Middle East (Israel, Palestine, Lebanon); a sign of progressive change in these countries.

During the conference, in the calm and inspiring Vladaya's village, young activists from the past and from the present had the possibility to meet and to symbolically "pass the baton" on to each other. And for two days, the activities were also followed by Yael O'Hana, a representative of the Council of Europe (CoE), reporting on the state of human rights on our continent and on the CoE's possibilities of action regarding the rights of LGBT people.

The participants also listened to touching testimonies of Raja, Nada, Cindy and Roei coming from the Middle East. The IGLYO conference made it possible for them to meet as they

cannot meet back home as the Lebanese, for example, cannot enter into Israel. Discussions and workshops were held in which former IGLYO board members Suzy Byrne from Ireland, Dennis van der Veur from the Netherlands, Kris Vanhemelryck from Belgium and Miha Lobnik from Slovenia shared their views and visions on IGLYO's future.

The conference concluded with the participants' commitment to working together at international level. People left with new partnerships and plans for the future regarding new exchanges and support, especially to the communities in Eastern Europe. Next IGLYO meetings to be held are the 2nd Women's Conference in Opatija (Croatia), 5-12 December 2004, a study session in March 2005, and the 19th conference to be hosted in autumn 2005 in Malta. Info: www.iglyo.net or write to info@iglyo.net.

FABIO SACCA

Sexual orientation and gender identity discrimination to be included?

On 13 October 2004, ILGA-Europe organised a side event at the Human Dimension Implementation Meeting (HDIM) of the Organisation for Security and Co-operation in Europe (OSCE) that took place in Warsaw. The meeting was organised on the day set aside for discussion of the OSCE's expanded mandate on tolerance and non-discrimination. Don Bisson, ILGA-Europe's Director, East Europe, Council of Europe and Transgender Programmes, also made several oral interventions during the main session urging the OSCE to add specifically sexual orientation and gender identity as grounds for discrimination in the new mandate.

The side meeting dealt with discrimination on the grounds of sexual orientation and gender identity in OSCE member states. LGBT activists from Belarus, Italy, Poland, Macedonia and Moldova made presentations leaving little space for interpretations: It became obvious that LGBT communities are amongst those most discriminated against in the region. A lesbian couple harassed, and one of them raped in Italy - but authorities remained passive. Pride parades in Belgrade and Krakow were attacked by neo-nazis and skin-heads - police failed to protect

the participants. LGBT persons are constantly blackmailed by the police, discriminated by public authorities and employers in Moldova - again no sign of care on behalf of the state. Do we even need to bring the example of Belarus?

These presentations were followed by discussions with the



OSCE side event

audience, which mostly consisted of representatives of NGOs working in the field of tolerance and minority rights and staff of ODIHR, OSCE's Warsaw-based Office for Democratic Institutions and Human Rights. The latter noted that ODIHR is open for working on the subject. In some countries, however, such as Armenia, Azerbaijan, Georgia, as well as in Central Asia, it is quite problematic. The community is very invisible and intimidated; there is an obvious lack of leaders.

OSCE human rights officers in those countries showed their willingness to help, but noted they would need to know what they could do concretely.

The panel, together with ILGA-Europe, called for the inclusion of sexual orientation and gender identity discrimination in the

> Develop training for law enforcement that includes modules on dealing with victims of hate crimes based on sexual orientation and gender identity

> Seek actively, in co-operation with OSCE missions, the cooperation of human rights institutions and NGOs fighting discrimination on grounds of sexual orientation and gender discrimination, in developing projects on tolerance and non-discrimination. ILGA-Europe stands ready to work with both the ODIHR and the OSCE missions in developing these relationships

> Include modules on sexual orientation and gender identity when developing tolerance education materials

> Work with NGOs fighting discrimination on grounds of sexual orientation and gender discrimination to increase their capacity to monitor incidences of hate crimes based on sexual orientation and gender identity

There was a strong belief among the participants that their voices will be heard. We now have to wait for the decision of the governments of the OSCE member states on whether or not they will adopt the recommendations made. This decision will be made at the OSCE ministerial meeting to take place in Sofia on 6-7 December 2004.

MAX ANMEGHICHEAN

Stonewall to launch the first Corporate Equality Index

Stonewall, the British gay equality organisation, has carried out extensive work with employers in Britain to promote good practice around the employment of lesbian, gay and bisexual staff. Stonewall's Diversity Champions programme, launched in 2001, now engages 85 major employers in both the public and private sectors who between them employ almost 3.5 million people, almost one in eight of the British workforce.

In January 2005, the organisation will launch the first Stonewall Corporate Equality Index for gay employees. This will detail the top 100 British employers for LGB people. Ranking is based on a range of key workplace indicators from provision of equal benefits to the presence of openly gay people on an organisation's senior management board. "The level of engagement in the research process has been remarkable", says Stonewall chief executive Ben Summerskill. "We expected some resistance, however the vast majority of major employers asked to participate have recognised the value of this tool."

Surveys were first distributed to employers across Britain in the early summer. Early results were analysed and shared with participants for review. Final ranking will be carried out by a specialist panel. The Index will be launched in January at an event in central London and will also be published in print and on-line. Publication of the results has been sponsored by IBM, a consortium of investment banks and Britain's Department of Trade and Industry (DTI).

2005 will be the second year in which the British government has supported Stonewall through the DTI. In early 2004, it supported publication of a good practice toolkit for employers based on the experience of members of the Stonewall Diversity Champions scheme and of advice leaflets for employees giving details of the new Europe-wide protections provided by the 2000 equal treatment directive.

With the assistance of other sponsors, 12,500 copies of the employers' guide were printed and distributed alongside more than 250,000 copies of the employees' guide. Both guides are available on Stonewall's website: www.stonewall.org.uk.

New editions of both guides are being produced for publication in early 2005. The guide for employees will be available in print in five further languages commonly used by minority populations in Britain and in five further languages on the Stonewall website.

"Our commitment to work in the employment field isn't just something that we promote as an issue of equality", says Ben

Summerskill. "We're offering employers the opportunity to promote organisational excellence. If they see support for diversity as a way of doing this, then they embrace it much more enthusiastically."

"The new employment laws provide an important framework of protection for gay staff. However, good employers now want to go much further than merely complying with the law. That's where we hope the Stonewall Corporate Equality Index will serve as a change agent, encouraging employers to take action themselves in future without prompting from Stonewall."

Larry Hirst, general manager of IBM UK, an employer expected to rank highly in the Index, says: "Working with Stonewall enables us to share and learn best practice from others and to ensure that IBM is an inclusive and positive company in our dealings with employees and customers alike."

Members of Stonewall's Diversity Champions programme range from IBM, Lehman Brothers and Accenture in the private sector to the Inland Revenue, the Home Office and Birmingham City Council in the public. Recent joiners include the charity Barnardos, Nationwide and the Royal Mail.

Stonewall Diversity Champions also include: Audit Commission, Brighton & Hove City Council, BSKyB, Foreign Office, Department for Work and Pensions, Goldman Sachs, Greater London Authority, HBOS, J P Morgan, Lloyds TSB, Marks and Spencer, NACRO, Office of the Deputy Prime Minister, Shell International.

E-mail: employmentteam@stonewall.org.uk

Diversity Champions
PROMOTING DIVERSITY IN THE WORKPLACE

Court dismisses freedom of movement case



As previously reported (ILGA-Europe Newsletter # 4/03, p. 14), a German-US same-sex couple married in the Netherlands could not move jointly to Austria because Austrian immigration authorities refused to recognise their marriage and to grant stay and work permits to the US spouse of the German who, therefore, could not take on a position at an international organisation in Vienna. US-citizen Lon Williams challenged this refusal and filed a complaint to the country's Federal Constitutional Court (Verfassungsgerichtshof, VfGH) which handed down its - negative - decision last October.

A decision characterised as "scandalous" by Austria's lesbian and gay organisation HOSI Wien which has been supporting the couple in its legal battle. There are two things that make the Court's ruling so appalling. Firstly, the Court's arguments are

partly wrong, completely arbitrary and offensive as the Court refuses to accept that the couple is already married and insinuates wrongly that the couple would seek its "other" relationship to be treated equally with marriage upon which the Court bases most of its negative substantiation. Secondly, the VfGH refused to refer the case to the European Court of Justice in Luxembourg, the competent body to decide upon controversial questions of EU legislation. Thus, the VfGH violated Article 234 EC Treaty that clearly stipulates (in its official German language version which slightly differs from the English version) that a national court whose decision cannot be appealed at national level (which is the case here) is obliged to refer such questions to Luxembourg if requested. Instead, the VfGH dismissed the case and referred it to Austria's Supreme Administrative Court (Verwaltungsgerichtshof, VwGH)

which, however, cannot rule on whether the immigration authorities had violated human rights and, thus, the constitution.

Williams and his lawyer Hubert Wagner have now requested the VwGH to refer the case to Luxembourg. They will continue to basically argue that the right to marry is guaranteed under national - in this case Dutch - law (Article 9 of the EU Charter of Fundamental Rights). Therefore, the non-recognition of that marriage for the purpose of free movement and family reunion regulated by EU law is a violation of the Charter's Article 21 prohibiting any discrimination on the grounds, inter alia, of sex or sexual orientation in the application of EU law by member states. From the definition of "family members" in the new EU directive 38/2004 of 29 April 2004 "on the right of citizens of the Union and their family members to move and

reside freely within the territory of the Member States", which will take effect in April 2006 and replace the existing regulation 1612/68, it is obvious that the term "spouse" already covers same-sex spouses, as it has not been changed or amended while "registered partner" has been introduced as a new concept in the new piece of legislation.

In case the VwGH will also rule against the couple, the only legal remedy will be to file a complaint to the Strasbourg-based European Court of Human Rights, which Williams is determined to do. And if the VwGH will not refer the case to Luxembourg, political remedies must be sought, such as for example persuading the Dutch government to take Austria to the Luxembourg Court.

KURT KRICKLER
Secretary-General, HOSI
Wien

5th regional SEE Q meeting

The 5th regional meeting of the South-Eastern European Queer (SEE Q) Network took place in Skopje, Macedonia, from 8 to 10 October 2004. The Centre for Civil and Human Rights (CCHR) hosted this meeting. The logistics for this meeting was supported by ILGA-Europe who helped to organise and implement the meeting.

The meeting was attended by representatives from LGBT associations from across the Balkans: CCHR, EGAL, MASSO, Lambda, Gayten, Center for Production of Equality, Organization Q, Women's Room, Iskorak, and

Kontra. Certain sessions of the meeting were also attended by representatives from ILGA-Europe (Miha Lobnik) and IGLHRC (Susana Fried).

The SEE Q Network has a policy of being open to new members that show interest in regional co-operation. Free Rainbow (Montenegro) and MASSO (Macedonia) were welcomed to join the network. Most organisations from the region are also members of ILGA and are becoming more and more actively involved in ILGA-Europe's activities and policies. The Regional Lobby, Advocacy and Policy (ReLAP) project is

the first joint effort of the SEE Q Network. The network will also organise the very first regional queer camp, where LGBTIQ activists will have the opportunity to interact, communicate and exchange views and experiences. Other issues of importance to SEE Q Network include psycho-social assistance and education, the "Brazilian Resolution" and other major international LGBT topics, transgender and intersex resolutions and projects, human rights and legislation, religion, media and public relations, exchange programmes with other networks and organisations that face similar situation, and promotion of LGBTIQ culture.

The 6th SEE Q Network meeting is scheduled to take place in



Ljubljana, Slovenia, from 17-19 December 2004. It will be hosted and organised by Legebitra, ŠKUC LL, ŠKUC Magnus and DIH.

RADOMIR TRAJKOVIĆ

Balkans

Lesbian couple marries in Canada and challenges Irish laws

On 9 November 2004, the High Court in Ireland granted leave to apply for judicial review against the Inspector of Taxes (revenue commissioners), seeking to quash or strike down a decision of the Inspector refusing to recognise Katherine Zappone and Ann Louise Gilligan as a married couple in Irish law.

The applicants are seeking a declaration that the provision of the Taxes Acts, in failing to define husband, wife or married couple so as to include same-sex couples, is unjustly discriminatory and in breach of their rights under the constitution.

The applicants also allege that the interpretation of the Taxes

Acts by the revenue commissioners resulting in the exclusion of their application is unjust, discriminatory, and in breach of a number of articles of the European Convention of Human Rights.

Katherine and Ann Louise have lived together as a couple for 23 years. They are both Irish citizens. They were lawfully married to each other on 13 September 2003 in Vancouver, Canada. Their marriage is regarded as valid for all purposes throughout Canada.

On return to Ireland, the applicants applied to the revenue commissioners to obtain the relevant tax allowances applying

to them as a married couple. Their application was refused on the basis that the provisions relating to married couples relate only to a husband and a wife. Although the Taxes Acts fail to define the terms "married persons" or "husband" or "wife" or "spouse", the revenue commissioners relied on the definition in the Oxford English dictionary in reaching their decision.

Phil O'Hehir, a solicitor of Brophy Solicitors representing the couple, said: "This action is being taken to challenge the decision of the Inspector of Taxes, which we allege is discriminatory on the grounds of the gender and/or sexual orien-

tation of our clients. We allege further that the Inspector of Taxes has acted in breach of our clients' constitutional rights, and of their rights under the European Convention for the Protection of Human Rights and Fundamental Freedoms."

Bertie Ahern, Ireland's prime minister, following the decision of the High Court to grant the couple right to appeal against the government, stated that same-sex couples deserve some form of legal recognition. Also the archbishop of Dublin made positive remarks regarding rights for same-sex partners in Ireland.

JL

Ireland

New laws, old attitudes...

The downfall of the communist regime in Eastern Europe led to unstable configurations in ideologies and xenophobia, but also to more pluralistic societies. The radical rejection of the "other" has led to a social climate that can be described as homophobic. The system has changed but not the people's mentality. The integration of these countries into European structures has opened the gate for liberation of their societies from various prejudices, including towards LGBT people. In Bulgaria, this liberation is in its very beginning, and this process will be very long without the strong external help from the EU.

The Protection from Discrimination Act, in force since 1 January 2004, transposing the relevant EU directives, marks a step forward in Bulgaria's accession into the EU. Acknowledged as one of the most progressive in Europe, this act bans discrimination on a number of grounds, including sexual orientation. For this new legislation to be effective,

the Commission for Protection from Discrimination has to become operative without any delay (the deadline was 31 March 2004, but yet none of its 9 members has been elected).

There is no national policy on LGBT issues in Bulgaria. In fact, the authorities are quite passive and often oppressive. The existing legislation, on paper, guarantees rights to LGBT people but the reluctance to enforce it shows that the government and society are not ready to comply with European standards regarding the acceptance of diversity. The implementation of international and national standards continues to be inadequate, and LGBT people experience differential protection from discrimination. There remains an extraordinary lack of awareness about LGBT human rights both within the LGBT community and society at large. LGBT people in Bulgaria are still dis-

criminated against. Many LGBT individuals fear that discovery of their sexual orientation may leave them open to criminal prosecution and loss of access to employment or services. They are afraid to stand up for their rights and report violence experienced, as they would have to declare their sexual orientation and face the shame of mockery and humiliation. Sometimes a presumption may exist that the harassed or abused individuals have provoked the attack.

Fear that police, medical, counselling and other services will not be sensitive to LGBT issues add to this internalised prejudice, which, in turn, leads to low self-esteem. Because of this low self-respect and self-confidence, there is lack of loyalty, solidarity and sympathy within the LGBT community towards other LGBT people.

Homophobia has been implanted into public consciousness. It is still a widely spread social attitude and maintained within each generation. Gender norms are strictly

defined along traditional lines. This inflexibility contributes greatly to the lack of social acceptance of LGBT people.

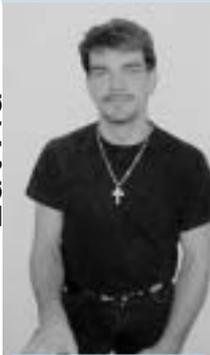
This attitude can even be seen in the parliament. Recently one of its members expressed publicly, and without any consequences, his negative attitude towards LGBT people by saying: "If I catch any faggot and have this power, I will tar him before the General Assembly building, will mount him on a donkey, facing the donkey's but and will cart him in the city as an example for the others". Such statements confirm our concerns that new laws do not change people's mentality and that such attitudes will continue to influence the public opinion by the idea that homosexuality is a perversion.

More info:

www.bgogemini.org

office@bgogemini.org

DESISLAVA PETROVA
Bulgarian Gay Organisation
GEMINI



Māris Sants

European Social Platform study visit

In the end of November, ILGA-Europe took part in a study visit to Latvia organised by the European Social Platform

which brings together European organisations working towards EU's progressive social policies, including ILGA-Europe. Since the 10 new member states joined the EU last May, the Platform is organising such visits to these states.

During this visit we had an opportunity to meet many Latvian NGOs, explain what the Platform does and encourage Latvian NGOs to join the Platform's members and to co-operate among themselves. This was also a useful trip from the LGBT perspective. Currently ILGA-Europe does not

have members in Latvia, there is no single organisation in Latvia representing LGBT people and lobbying for their rights. As we reported in the last issue of the Newsletter, the Latvian parliamentarians refuse to ban sexual orientation discrimination despite Latvia's EU obligation to do so. Platform representatives had also a chance to meet various Latvian officials. One of them was Nils Muižnieks, Minister for Social Integration Affairs. When asked to comment on LGBT issues, he stressed how difficult it is even to raise this issue and compared addressing LGBT issue to a "political suicide" in Latvia.

The positive outcome of the visit was meeting Māris Sants, excommunicated minister of the Latvian Evangelical Lutheran Church (LELC). Within 30 minutes after Māris Sants came out during a

radio interview, he was informed about the decision of the LELC to expell him from the priesthood. Now Sants is working in an open parish which is officially registered by the Latvian state department on religion and whose members are predominately LGBT people. A few months ago he applied for a job as teacher of religion at the Christian school. His application was refused. Sants had no doubts he was refused employment simply because of his sexuality and now is taking legal action against the school. The school which rejected Sants' application insists they did not know about his homosexuality. Alexei Dimitrov, Sants' lawyer who previously worked for the Latvian Ministry for Social Integration, is hopeful that the case will be the first in which sexual orientation discrimination would be acknowledged

and declared as breaching Latvian labour law. Such outcome would be extremely important as the EU equal treatment directive is not yet transposed and sexual orientation discrimination is not explicitly banned. Alexei Dimitrov is enthusiastic about the result of the first court hearing when the judge asked for more evidence on media coverage of Sants' excommunication. This event was widely covered both by Latvian and foreign LGBT media. The next court hearing is due in February 2004.

The other positive outcome of this trip is that ILGA-Europe has now established new contacts with Latvian activists and will work together with them in order to obtain funding for the groups in Latvia.

Switzerland: Details on the partnership law

In June 2004 the Swiss Parliament cleared the final hurdle for a new law allowing same-sex couples to register their partnerships. It adopted a bill that provides for, inter alia, inheritance rights and immigration rights for a foreign partner, but denies the rights to marriage, adoption, in-vitro fertilisation and joint surname. It also

includes various obligations, e.g. the obligation for both partners to mutually assist each other.

However, the Federal Democratic Union, a small religious conservative party, succeeded in gathering enough signatures (50,000 are necessary) to force a nationwide referendum. 67,532 persons had signed the petition that was hand-

ed in to the competent authorities in Berne on 7 October 2004.

The Swiss lesbian and gay associations reacted on 23 October with a colourful national demonstration, gathering more than 6,000 participants and support from politicians of various parties. This was the signal for the launch of their campaign to vote in favour of this piece of

Federal legislation. The referendum will presumably take place in June 2005. It will be the first time ever that a whole nation, by way of referendum, will have to decide on registered partnership legislation for same-sex couples.

More information (in German, French and Italian):
www.partnerschaftsgesetz.ch.

SIMONE BRANDER
Lesbenorganisation Schweiz LOS

United Kingdom: Civil partnership legislation adopted

On 17 November 2004, the House of Lords approved the Civil Partnership Bill. The first registrations under the new Civil Partnership Act 2004 will not take place until next autumn. Once the act receives royal assent, it will require extensive amendments to be made to the tax and benefits systems as well as training for registrars. It will be possible to hold civil partnership ceremonies in exactly the same venues

as civil weddings, from registry offices to stately homes. Registered same-sex partners will enjoy all the rights and responsibilities associated with marriage.

The government's proposal for the introduction of the civil registration scheme for same-sex partners was announced by the Queen during her annual parliament opening speech on 26 November 2003. Prior to the

proposal, the UK government conducted a consultation exercise, and 83% of responses supported the principle of a civil partnership scheme for same-sex partners.

During the early state of the parliamentary debate, the conservative members of the House of Lords passed amendments that would extend partnership rights to family members and carers.

Many LGBT organisations and legal professionals called these amendments unworkable and stated that this Bill would not be the right vehicle for resolving the legal problems for these groups of people and a separate legislation should be developed to address their issues. When the Bill was discussed at the House of Commons, the conservative amendments were removed and the Bill was approved in its original form during the final debate at the House of Lords.

JL

Poland: Preliminary approval to same-sex partnership rights

On 3 December 2004, Poland's upper house of parliament approved a bill that would give gay couples legal partnership rights, immediately drawing sharp criticism from the nation's powerful Roman Catholic Church. The senate voted 38-23, with 15 abstentions, to send the draft to the lower house, or Sejm, where the bill was expected to meet resistance. If it becomes law, the bill would allow gay couples to register with city or town officials, which would give

them inheritance rights and other legal guarantees -though not the right to adopt children. Senator Maria Szyszkowska, a member of Prime Minister Marek Belka's Democratic Left Alliance who authored the bill, said the decision marks the "start of building tolerance in Poland."

But Father Jerzy Kloch, spokesman for the Polish Episcopate, blasted the measure, saying it violates Poland's constitution, which reads that "a mar-



Maria Szyszkowska

riage is a union between a man and a woman." "If this bill was implemented,

it would bring irreparable social damage for marriage and family and upbringing of children," Kloch said. "The church has made its stand on the issue known many times during meetings between the church and the government, and we hope such law will not be implemented in Poland."

Pope John Paul II, a native of Poland whose words carry great sway in this predominantly Catholic country, last month reiterated his outspoken opposition to same-sex marriage. He

warned against attempts to tamper with what he called "the irreplaceable" institution of marriage-based family in an apparent reference to moves like granting gay couples social benefits.

Szymon Niemiec, the head of Poland's Association of Gays and Lesbians, said the upper house's decision is a "huge success for Poland's democracy" but acknowledged it will be an uphill struggle to get the bill passed into law. "This is the first very difficult and very important step toward making this a normal country," Niemiec told Polish news agency PAP. "A long and hard road is still ahead of us, but the most important step has been taken. This is a huge change."

Source: www.advocate.com

Germany: Partnership rights extended

On 26 November 2004, the Bundesrat (upper chamber of the Federal parliament) supported amendments to the existing partnership law. According to these amendments, registered same-sex partners are granted survivor's pension rights and can now adopt each other's children. However, there are still some areas where improvement is needed, for example in the field of inheritance and income taxes. Joint adoption is still not possible.

The Lesbian and Gay Federation in Germany (LSVD) welcomed the vote of the Bundesrat and thanked the Social Democrats, Greens and Liberals for their constructive co-operation on the issue. The law presented by the Federal government (SPD/Greens) could only pass because of the support of the Liberals. LSVD has called upon the Christian Democrats (CDU/CSU) to finally accept societal realities and to co-operate constructively in further improvements to the law

regarding inheritance and income tax. In this regard the Federal government already plans to put forward another bill that, however, will again require the consent of the Bundesrat. Before the vote in the Bundesrat, Berlin's cardinal Georg Sterzinsky, taking part in a Catholic service held in Szczecin, Poland, in commemoration of eleven Catholic priests executed 60 years ago for criticising the Nazis, had called for resistance to any kind of legal upgrading for same-sex

partnerships. According to news agency reports, Sterzinsky said in his sermon that even today protest against laws and law projects could be necessary if "they are contradictory to the law of God". As an example he mentioned the partnership law for same-sex couples.

In an open letter, the LSVD asked Sterzinsky to apologise for this unacceptable remark comparing the resistance against the Nazis with opposition against equal rights for same-sex couples, the less so since thousands of homosexuals were persecuted and murdered by the Nazis.

KLAUS JETZ



Moldova: Dutch development foundation supports LGBT rights

The Dutch development foundation Cordaid, which values are based on social Catholic doctrine, will support Moldovan LGBT organ-

isation GenderDoc-M over the next three years in the implementation of the project "Social Integration of LGBT in Moldova".

Cordaid programme co-ordinator Piet van Gils, Dutch Honorary Consul Robert de Groof, representatives of Moldovan civil society, international organisations (UN, OSCE) and the media were present when the project was presented in Chişinău. Van Gils said that it is the first time that Cordaid offers support to lesbian and gay emancipation, and he looks forward to a fruitful cooperation.

The project aims at promoting the integration of lesbian, gay, bisexual and transgender communities by means of publication and distribution of informational materials, creation of professional networks for tolerance, work outside the capital city of Chişinău and HIV/AIDS prevention. For these purposes professional and institutional development of GenderDoc-M is important. Experts from Moldova and abroad will be involved. The project consists of four programmes: information campaign, regional development, HIV/AIDS prevention and institutional development.

Today, sexual minorities belong to the most excluded groups in Moldovan society, suffering from discrimination and violence both by public authorities, police and often relatives and family.

For additional information please contact GenderDoc-M at: genderdoc_m@mdl.net or visit our website: www.gay.md

MA

United Kingdom: New research on prejudice

New research demonstrates that prejudice against minority groups is still commonplace among white majority Britons. Even where tolerance exists, it can be grudging, and some people still consider their prejudices well founded.

"Understanding Prejudice" builds upon polling conducted for Stonewall, the British LGB rights organisation, which found that two in three people admitted prejudice against one or more minority groups. Prejudice was felt most strongly against asylum-seekers and travellers. Older people and the disabled were subject to the least prejudice.

"Britain is growing up and beginning to recognise and celebrate difference but, sadly, there are still all too many pockets of prejudice against minority groups", said Stonewall chief executive Ben Summerskill. "This report highlights the fact that prejudice is not constrained by culture or background."

Researchers carried out in-depth interviews with individuals and focus groups in London, the West Midlands and the West Country. Attitudes towards disabled people, asylum-seekers, minority ethnic groups, lesbians and gay men, Gypsies, women and transsexuals were examined.

Jacqui Smith MP, minister of state at the Department of Trade and Industry, who has written the foreword for "Understanding Prejudice", said: "I'm pleased that Stonewall has recognised the importance of the links between different types of prejudice. This report exemplifies exactly the sort of 'cross-strand' approach to the equality agenda that will be demonstrated by the Government's proposed Commission for Equality and Human Rights."

"Understanding Prejudice" was carried out for Stonewall by Professor Gill Valentine of the University of Sheffield and Ian McDonald of the University of Brighton. The full report is available at Stonewall's website: www.stonewall.org.uk

JL

United Kingdom: Homophobic murder in London

David Morley, 37, was attacked by a gang of young people in South London early on October 30. He suffered a ruptured spleen, broken ribs and 40 bruises, and died in hospital later that day. Police believe the violence, which took place in South London was aimed at gay men leaving the nearby club Heaven.

Six people have been arrested in connection with the murder. They range in age from a 14-year-old schoolgirl to a 19-year-old market trader.

At a public question and answer session, London Mayor Ken Livingstone announced that two of the attackers took pictures of the beating on mobile phones.

On 5 November 2004, over 1000 people took part in a candlelit vigil and memorial procession outside the Admiral Duncan pub in central London. David Morley was a barman at this pub on the night of the 1999 nail bombing.

London police are still searching for a man who stabbed a gay man in a separate attack on a London night bus in November 2004.

Sources: www.uk.gay.com and www.guardian.co.uk

JL

Montenegro: Hooligans threatening LGBT activists

On 16 November 2004, a seminar on LGBT issues was organised by Free Rainbow, a new LGBT organisation in Montenegro, in cooperation with the COC Netherlands. The organisers were planning to hold a press conference on 17 November. However, prior to the press conference, the organisers received threatening calls indicating that the football supporters' organisation 'Varvari' was preparing attacks on the participants of the press conference.

LGBT activists immediately informed the police but still cancelled the press conference following the advice of the OSCE on the 'non-reliability' of the police force in Montenegro. The night before the planned press conference, 'Varvari' members were already gathering in the centre of Podgorica searching for the LGBT seminar participants and attacked two gay men in a park.

On the morning of the planned press conference the 'Varvari' members gathered in front of the national press centre not knowing that the press conference was organised elsewhere.

On the morning of 19 November another interview on the national television was scheduled by the LGBT activists. About 50 members of 'Varvari' gathered in front of the studio. When arriving at the studio, the LGBT activists had to be protected by the police force from attacks by stones, verbal and non-verbal violence. The attackers were trying to hit Free Rainbow activists and shouted "We can not believe that the National TV can air this show, with homosexuals, because children watch and learn these things, which are bad."

For more information: freerainbow@cg.yu

Postcards from Budapest



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26th ILGA European Conference
27-31 October 2004