

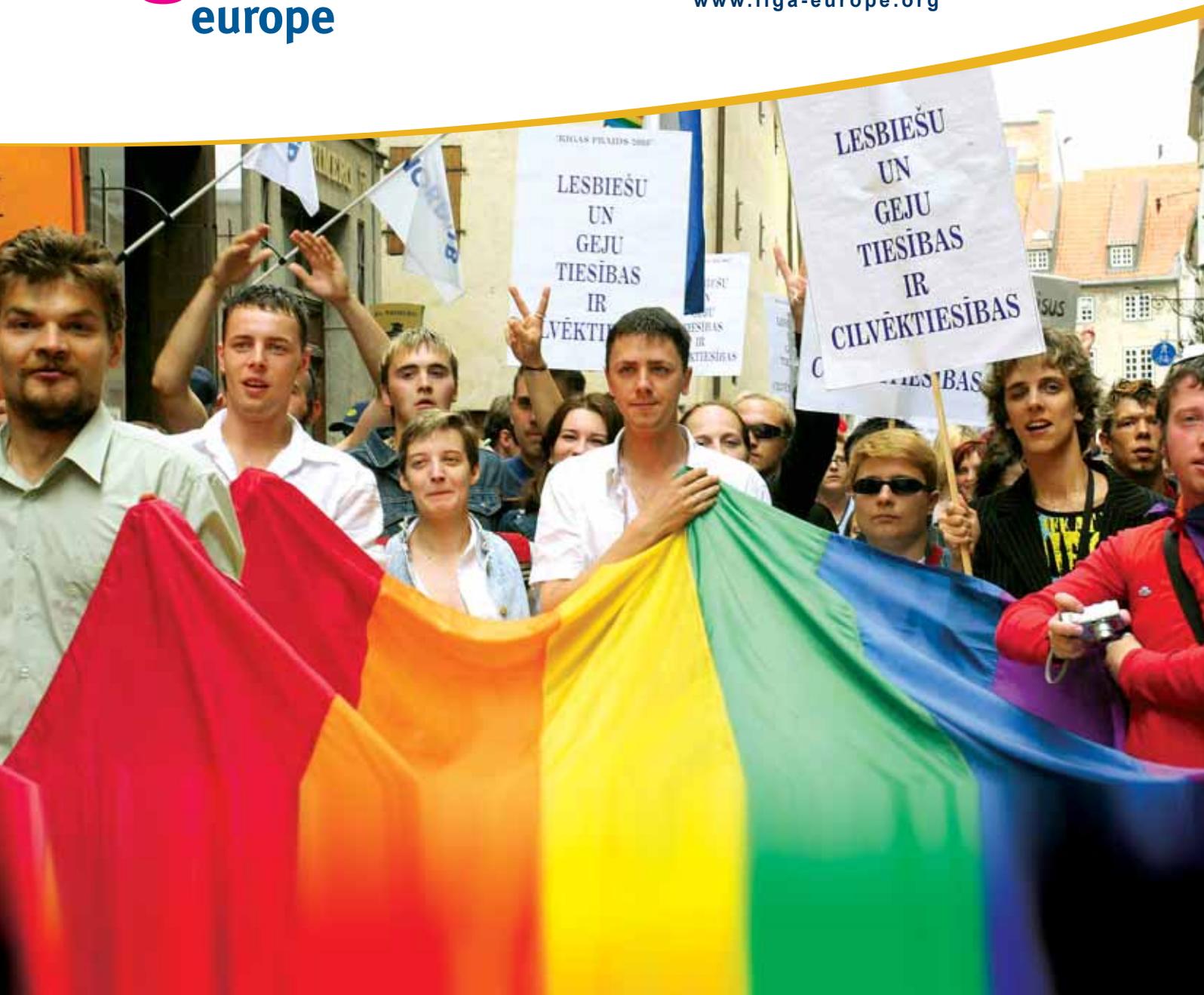
» AUTUMN 2005



# NEWSLETTER

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# PRIDE & PREJUDICE

- » Amnesty International on freedom of expression
- » Chişinău, Bucharest, Warsaw, Rīga... is Moscow next?
- » free speech versus religious belief



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## Message from Patricia

A very warm welcome to the autumn edition of our Newsletter!

Hope you all had a nice summer. For some of us, summer was a relaxing and carefree period; for others, it was a frantically busy time, organising pride events. For many in Europe, the summer ended up being very hot! While in many places the Pride events were as colourful and celebratory as usual, in some parts of Europe they resulted in bitter battles against discrimination and homophobia. LGBT people in some corners of Europe have had to challenge not only ultra nationalists and Christian fundamentalists, but also Prime Ministers (Latvia) and city mayors (Chisinau, Warsaw, Bucharest) for their right to peaceful demonstration and expression. That is why this issue of our Newsletter is entirely dedicated to freedom of expression.

At the end of this month, many of us will gather in Paris for our annual conference. The work programme promises some challenging - but exciting - discussions and workshops on a wide range of topics. On top of the work programme, the local organisers promise the participants unforgettable, glamorous and truly Parisian social programme and entertainment!

From this September the Euroletter is being produced by ILGA-Europe' staff. We would like to say a huge THANK YOU to LBL in Denmark and especially to Steffen Jensen who has been editing and publishing the Euroletter on behalf of ILGA-Europe since 1990. Euroletter became a trustworthy source of information on the political and legal advancement of LGBT rights in Europe not only to activists, but also to academics and politicians. Our thanks also go to all who were involved in editing the Euroletter: Peter Bryld, Torry Kjeldsen, Ken Thomassen, Lisbeth Andersen, Sanne Johl and Søren Baatrup.

We hope you will enjoy this Newsletter and look forward to seeing many of you in Paris!

**PATRICIA PRENDIVILLE**  
ILGA-Europe's Executive Director

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**Maxim Anmeghichean**

## New welcomes! New Programmes Director

Having graduated from Moldovan State University in the field of journalism and communication sciences, Max has linked all of his professional life with the LGBT movement. He has over five years of experience within the Moldovan LGBT movement (Information Centre "GenderDoc-M"), starting it really from scratch and developing, together with the team, into a strong and respected organisation at national and regional

levels. At national level, Maxim was also a member of the NGO Council, founding member of the National AIDS Network, and board member of the National Youth Council of Moldova (NYCM), having in his mandate capacity building and organisational development. Within the NYCM Maxim has coordinated a TACIS-funded project on promotion of social inclusion using psychosocial animation tools (social video, theatre forum, etc.). Not surprising, as cul-

ture and arts, including cinematography, theatre, opera and literature, are among his many personal interests.

For the past three years he has been actively involved with ILGA-Europe as a board member, taking part in development of IE's Eastern European work, lobbying before the Council of Europe and the European Union, and fundraising.

His new post with ILGA-Europe is a professionally challenging one. It combines advocacy work before three major European institutions (OSCE,

Council of Europe and the EU), development of the Eastern European LGBT movement and work on transgender issues. Lobbying the OSCE will be carried out around hate crimes, police trainings, explicit inclusion of sexual orientation, gender identity and gender expression into the ODIHR (Office for Democratic Institutions and Human Rights) mandate. Council of Europe work will evolve around the freedom of assembly and promotion of cases to the European Court of Human Rights. Mechanisms, provided by the European Union in relation to its neighbours will be used to promote rights of LGBT people in Eastern Europe. To make all this work a reality with proper resources, fundraising will be one of the priorities as well.



**Evelyne Paradis**

## New Policy Officer (Networks)

Originally from Canada, Evelyne has been working in the field of human rights for over six years. She has worked for the UN High Commission for Human Rights, the Council of Europe and human rights NGOs in Canada, including Human Rights Internet and the *Action des Chrétiens pour l'Abolition de la Torture*.

Much of Evelyne's academic and professional work has focused on discrimination

based on race, ethnicity and religion. In the context of graduate research and various volunteer activities, she paid attention to social exclusion and racial discrimination in housing, education and employment. Evelyne also participated to the preparation of the European and UN conferences against racism as a visiting researcher to the European Commission against Racism (1999) and a member of the Secretariat of the 2001 World Conference against Racism.

Evelyne's commitment to human rights and to advancing protection against all forms of discrimination led her to work on LGBT issues. In 2001, while

a research assistant to the UN Special Rapporteur on freedom of expression, she was involved in drafting the first letter signed by UN experts which called for submissions of information on violations based on sexual orientation or gender identity. As an NGO representative to the Commission on Human Rights from 2002 to 2004, she followed closely negotiations of a resolution on sexual orientation, and published articles in human rights newsletters. In 2005, she presented a mission report on sexual minorities before the UN Human Rights Committee, on behalf of the International Research Center for Social Minorities. Through these

experiences, she grew to believe that fighting for the rights of victims of discrimination based on sexual orientation and gender identity is a key priority for the human rights movement. Evelyne completed studies in history, political science and European affairs in Canada and in France. She holds a Master's degree in political science from Carleton University (Canada).

I warmly welcome the new additions to our team in Brussels and am delighted we have such dedicated professionals joining the team.

PP



**Miha Lobnik**

## ...yet another good bye...

In September ILGA-Europe says goodbye to Miha Lobnik, project assistant for the Eastern Europe, Council of Europe and Transgender programmes. Miha has been invaluable for his expertise on East European issues and has played a crucial role in the implementation of our OSI funded Health Project. Also very significant was his contribution to the side meet-

ing to the OSCE HDIM (Human Dimension Implementation Meeting) that helped pave the way for our developing collaboration with ODHIR (Office of Democratic Institutions and Human Rights). On that occasion we had the opportunity to appreciate not only his great skills as a presenter, but also his capacity for networking and managing events.

He will be missed a great deal by the organisation but we wish him the best of luck in his new professional and personal life, as well as for his return to grass root activism - we are confident that we will continue to hear a lot about him.

**JACKIE LEWIS  
RICCARDO GOTTARDI**  
Executive Board Co-Chairs



## Let's live *La Vie En Rose* in Paris!

So! here we are, a few days from Paris conference. It's been quite a thrill (and a tremendous lot of work...) from the time, 3 years ago, when we thought about Paris' candidature to host the conference through to the opening this October... We would like to tell you a little more about what is actually going to happen during the week of the conference.

First of all, about the work programme. There was a choice this year to have workshops gathered more thematically under such topics as Family, Employment, Multiple Identities, Social Inclusion, Health and Capacity Building for ILGA-Europe and its mem-

bers. This way the participants will have a more coherent and efficient manner to follow the conference and to work. There will also be more open spaces for proposals by members in terms of the conference programme. Don't forget for those who can, there are also two pre-conferences on 24 and 25 September, one on AIDS (organised by CRIPS) and one on LGBT families (organised by APGL).

Now, moving onto the social program. We have prepared all kind of events for you - some of them we are sure you won't forget for a long time... A few examples : a dinner in a very classy and hip restaurant on the Champs Elysées; a recep-

tion in the main hall of the luxurious Paris City Hall; a closing party in a trendy nightclub; many other wonderful things. You will find that we have also organised an exciting series of events for lesbian delegates, including a walking tour of lesbian Paris, an exclusively lesbian party marking the opening of the international lesbian film festival of Paris (Cineffable) and other events... You will, of course, be able to taste and enjoy unique French gastronomy throughout!

All this was made possible, most notably, because of our partners - especially the City of Paris and IBM. Also thanks to the SNEG (Union of LGBT enterprises) for those who want

to make their own discovery of the busy city night-life, you will receive a package with coupons for parties, free drinks, special offers in many LGBT places in Paris ...

Well, knowing all this, you cannot hesitate. You have to come to the Paris conference. We will do our best - and more - to welcome you and make sure you have the best ILGA-Europe conference ever!

**More information:**  
[www.ilgaeuropeparis2005.org](http://www.ilgaeuropeparis2005.org)  
<http://www.ilga-europe.org/conference/Paris/index.html>

**PARIS TEAM**  
ILGA-Europe Paris 2005

# The review of ILGA-Europe Constitution and Standing Orders enters its second phase.

The review of ILGA-Europe Constitution and Standing Orders has started in Glasgow, when conference approved a proposal by SETA to this effect. The board decided to consult with members on various issues before putting forward specific proposals. As outlined in the Board's report to the Budapest conference the following year, one of the weakest points was the low level of members' involvement in the two rounds of consultation that took place between the Glasgow and Budapest conferences. On the other hand, participation during the Budapest conference workshops to discuss the proposed amendments was significant, so much that an extra workshop had to be scheduled, and interest and debate during the plenary sessions was very high.

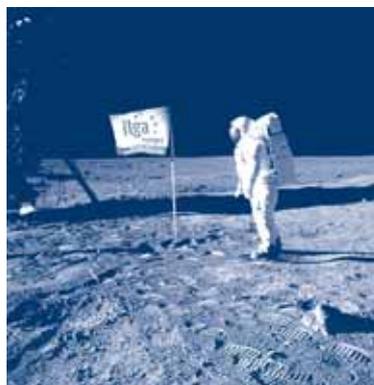
It appeared that there were major drawbacks in the communication systems within the organisation that had made it difficult to participate in the consultation between the two conferences.

In Budapest several amendments have been approved, but it was felt that this process of review was not over and had to enter a second phase. So conference mandated the Board to "set up a process to initiate a second phase of consultation with members in order to look carefully at our structures with a view to realising a stronger organisation, more capable of acquiring the competencies needed to achieve its goals, and more representative of the diversity of its constituency" and that this second phase had to "be aimed at putting forward proposals to the 2005 and/or 2006 Conference, including proposals for further changes in ILGA-Europe's Constitution and Standing Orders".

The only problem is that an effective consultation process could be started only when ILGA-Europe's communication strategy and the corresponding systems were in place. Doing otherwise, following on from last year's experience, would have been a waste of time and energy for everybody.

Shortly before the Paris conference they are expected to be up and running thanks to our Information and Communications Officer. It was considered more effective to put forward some proposals for preliminary changes to the Constitution and Standing Orders and use them to start a debate. This debate could then be carried on after the Paris conference taking advantage of the new communication tools in place by then and be concluded in Sofia in 2006.

Presumably, therefore, in Sofia members will have the opportunity to vote on several different proposals, some with an ambitious and far reaching impact on ILGA-Europe's structures and organisation,



others with a more moderate impact.

Any changes to the Constitution and Standing Orders approved in Sofia would not, however, take effect until the 2007 conference and until then ILGA-Europe would be using the rules approved in Budapest in 2004. It makes all the more

sense, therefore, to start discussions in Paris, not only to initiate the debate but also to try and have them take effect sooner.

This year's proposals are mainly aimed at increasing members' involvement in the board and in securing continuity and sharing of skills within board. To promote participation it is proposed that a limit is put to the number of consecutive terms a board member can serve. To support continuity it is proposed that the term of office be increased to two years and an additional proposal is made to have only half of the board elected each year. Hopefully these proposals will stir a good debate in Paris to serve as a starting point for improving ILGA-Europe's structure and procedures and for their review process.

**RICCARDO GOTTARDI**  
**PIERRE SERNE**  
ILGA-Europe Executive Board

## New ILGA-Europe's website is coming soon!

We are planning to re-launch our re-designed and improved website in October 2005, watch this space!

[www.ilga-europe.org](http://www.ilga-europe.org)

One more step...

## That rope, is it linen or synthetic?

Two young men were hung in early July in a public square in Iran. Whether they were gay or not as it was reported and later denied, does not really matter: Iran remains one of the 9 countries in the world where being gay or lesbian merits you a meeting with the undertaker. The claims that Iran may have started to execute LGB people is certainly the news of the summer. For those of you who did not know Iran has one of the most death-hungry judiciaries, it has been a rude awakening. For LGBT and human rights groups it has been an exhausting exercise, because a condemnation may not be the best way to help folks on the ground, but also because of the gay factor.

Nothing allows us to know whether the two men were hung for being gay or for raping a 13 year-old boy, the "other crime" claimed by the Iranian Justice. This first case was quickly followed by another in which Iran was set to execute two other youths late August. Each time the most contradictory news circulated on their alleged crime. Each time, homosexuality was quoted then denied by human rights NGOs.

Some of us were scandalised that gays were so interested in the "reason"



of their execution. After all, death penalty is revolting enough. Others were worried about increasing Islamophobia. Some went so far as to suggest that calling the boys "gays" was just another reminder of how we force "western" values on others. In doing so, they've sung from the same hymnbook as religious fundamentalists who consider that being LGB is a choice fostered by decadent western culture, thus justifying the criminalisation of same sex.

Were we framed? By a western conspiracy against Iran? By opponents to the regime? Or by Iran, which may have wanted to show it deals with internal affairs as it pleases, in spite of the West? Or on the contrary, because it can no longer bluntly execute LGB people and needs to cover it? Whatever the reason, the exercise leaves a bitter taste as we may have been once again instrumentalised.

The decision of the Dutch and Swedish governments to temporarily put an end to the deportation of LGB asylum seekers from Iran has only been possible thanks to a few dedicated LGBT groups such as COC and RFSL which used this horror to act. We can only be grateful to them.

## "Lesbian and Bisexual Women's Health - Global Concerns, Local Issues": a new ILGA report.



"Many organisations produce material on lesbian and bisexual women's health but there is not, to our knowledge, any international platform that collects this

type of information and facilitates its dissemination" regrets Patricia Curzi, ILGA's Women's Officer. In order to highlight positive initiatives to promote health amongst lesbian and bi-sexual women, ILGA is collecting information on prevention campaigns, training seminars, studies, leaflets... The material will be advertised in a report with a short presentation of the organisation that issued it. "We want to give the opportunity to women in each region to illustrate their work, to inspire each other as well as express their opinion on the work done or its absence in the field of health promotion for us".

## ILGA's work featured on ARTE and ZDF



ARTE and ZDF dedicated a night on LGBT rights in Europe and in the world August 30<sup>th</sup>. A documentary, "At the end of the rainbow" offered a good show of ILGA's work at the United Nations last April. COC, Pink Panthers, Helem and Outrage were also featured in an attempt to answer the questions: What is left to do for activists in Europe when same sex marriage is on its way in many countries? How can LGBT live as Muslims or Catholics when religions

become more radical? The TV crew also follows ILGA activists invited by Campaign against Homophobia and ILGA Europe in Auschwitz and covers the Pride march banned by Krakow's mayor. Impressive images of Pride in 2004 show how homophobia is still very much a violent issue in Eastern Europe. The documentary is a production of Galeria Alaska, some of us may recall for both "TALK STRAIGHT - The World Of Rural Queers" which won a Teddy Award in 2003 and "CYCLE OF PORNS", a documentary about the lives of aging porn actors.

**STEPHEN BARRIS**  
ILGA's Communications Officer

# Made in Norway

Western European LGBT organisations have a long tradition of supporting LGBT movements in countries where there is still oppression and discrimination. The support can have different forms: funding, capacity building, presence at important political events and prides, lobbying before governments to put pressure on the oppressing state. It takes a team of courageous and devoted people to put such work in place, and a sincere desire to help. Starting small, international solidarity can grow into bigger projects and support, beneficial and rewarding for both sides. Norwegian LGBT activists found their own way of expressing queer solidarity, developing and implementing a model, which could be replicated in other countries.

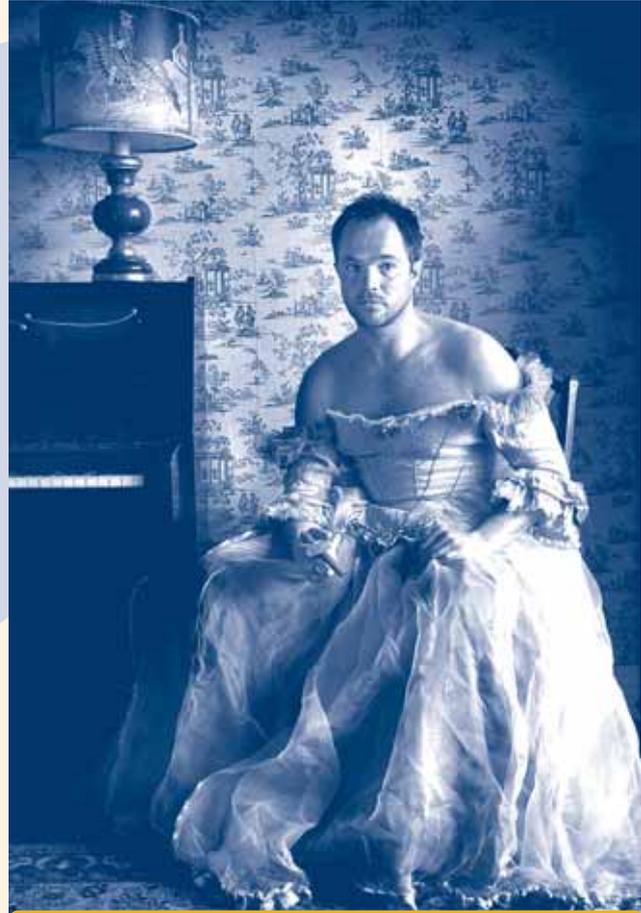
Queer Solidarity is an independent Norwegian organisation which arranges fundraising events for LGBT people around the world. It unites sincere and deeply motivated people, who organise concerts, auctions, seminars during pride events in Oslo to raise awareness on LGBT problems outside wealthy Europe and fundraise for the good cause. This year's solidarity events coincided with Europride. The organisers were very creative and the events successful. In the focus were Moldova and the Murmansk area (north of Russia, bordering with Norway). One particular highlight was a calendar with a series of photos "Se min kjole" ("See my dress") of famous Norwegian heterosexual men in fabulous dresses

(they posed for free). The calendars caused quite a discussion in Norwegian society; the cover being on the front pages of several newspapers. And of course, this very fact already attracted significant public attention to the idea of queer solidarity itself. Famous Scandinavian people of art donated their personal items and pieces of art for an auction, some performed for free in a concert, all the money raised going to two LGBT organisations in the focus countries - no administration cost involved, as it is covered already by sponsors.

For activists from Moldova and Murmansk meetings with various Norwegian LGBT organisations, trade unions, general human rights organisations (such as Norwegian Helsinki Committee and Amnesty International Norway) and AIDS-services were organised. In fact, Amnesty International was co-organiser for the conference on LGBT rights Eastern Europe.

One of most amazing, true activist experiences was talking from one of the parade floats in the main square of Oslo in front of thousands of people about the importance of international work for countries with developed democracies. The whole parade stopped for five minutes, and people were listening to the stories of violence and discrimination taking place in Eastern Europe.

As a follow up, Queer Solidarity is lobbying



Jon Øigarden , Norwegian actor featuring on January page

Norwegian government to be more supportive of the LGBT cause in its development policies and the talks already give positive results. Jason Pollack, Director of London Pride, the capital for the 2006 Europride, promised to organise similar event in London next year. "I am sure I will find 12 gay men to pose nude for a similar calendar, which will be sold for a good cause. Go ask Iain McKellen, by the way [he was also off-stage to shortly receive the Europride flag for next year's pride], I am sure he'll agree to that (laugh)". So it may be that queer solidarity events will become a tradition for Europride.

Hopefully not only for Europride! So many huge parades are organised these

days all over Europe. Demonstrations for international solidarity may give them back a political flavour on top of fun and local politics. There are good examples to follow. Norway is one of them, but there are also Stockholm Pride, Cologne Pride, and some others. Will you be next?

**If you want to organise similar events in your country and want advise, please, visit [www.skeivsolidaritet.no](http://www.skeivsolidaritet.no) or write to Marna Eide at [marna@chello.no](mailto:marna@chello.no)**

MAX ANMEGHICHEAN





Pride March in Poland, 2005

# Freedom of Assembly

Freedom of assembly is a human right. The right to peaceful assembly is protected in several international legal instruments. However, this right is not always granted to all groups in all societies.

The aim of this article is to outline the international legal framework which protects the rights of everyone, including LGBT persons, to assemble and associate, and to explain in detail Amnesty International's position on LGBT rights, especially those relating to freedom of assembly.

## National and international laws protecting freedom of assembly

The right to freedom of assembly is in many parts of the world protected by national constitutions. In most countries there are however restrictions on the right to assemble, for example, by concerns for public safety, health and morals. Authorities can also restrict the time, place and manner of a demonstration to protect public order and safety. Some countries have also banned demonstrations supporting unconstitutional demands or illegal organisations.

A right closely related to the right to assembly is the right to association. This right refers primarily to the right to join clubs, unions and other associations. Although this right is relevant to LGBT persons, this article will focus on the right to assembly.

In many circumstances, it is the ongoing organising, the smaller protests against specific laws or policies relating to LGBT

issues, that are seen by authorities as threatening and worthy of regulation. It is however beyond the scope of this article to take into account all forms of assembly. Examples of LGBT persons' right to assembly will therefore primarily be exemplified with the right to marches and demonstrations.

The right to assembly is generally accepted as applying to everyone. However, certain groups in specific countries feel that they have a hard time exercising this right. This includes the LGBT community, but also, for example, Romani and traveller communities, or other groups which society marginalises.

International human rights law also offers extensive protection of the right to assembly. The 1948 Universal Declaration on Human Rights<sup>1</sup> states in Article 20 that "everyone has the right

to freedom of peaceful assembly and association."

In 1966, the International Covenant on Civil and Political Rights<sup>2</sup> (ICCPR) offered what is possibly the most elaborate protection of the freedom of assembly in international law. Article 21 of the ICCPR outlines that "the right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others." The Convention on the Rights of the Child<sup>3</sup> of 1989 offers similarly worded protection of the right to freedom of assembly in Article 15.

In the European context, the

<sup>1</sup>Universal Declaration on Human Rights, adopted and proclaimed by General Assembly resolution 217 A (III) of 10 December 1948.

<sup>2</sup> International Covenant on Civil and Political Rights. General Assembly resolution 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force 23 March 1976.

<sup>3</sup> Convention on the Rights of the Child. Adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989. Entry into force 2 September 1990, in accordance with article 49.

Council of Europe (CoE), a pan-European institution set up in 1949 and which at the start of 2005 had 46 member states, has affirmed the right to freedom of assembly both through its treaties and through the case law of its European Court of Human Rights. The 1950 Convention for the Protection of Human Rights and Fundamental Freedoms, as amended by Protocol No. 11<sup>4</sup>, states in article 11 that "Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests."

The two other large European intergovernmental organisations, the European Union (EU) and the Organization for Cooperation and Security in

Europe (OSCE), also have jurisdiction relevant to the freedom of assembly. Article 12(1) of the EU's Charter of Fundamental Rights<sup>5</sup> states that "everyone has the right to freedom of peaceful assembly and to freedom of association at all levels," while the OSCE has enshrined the right to freedom of assembly in Article 9(2) of the Document of the Copenhagen Meeting of the Human Dimension of the Conference on Security and Cooperation in Europe<sup>6</sup>, which declares that 'everyone will have the right of peaceful assembly and demonstration. Any restrictions which may be placed on the exercise of these rights will be prescribed by law and consistent with international standards'.

Outside Europe, the right to freedom of assembly is protected by,

amongst other documents, article 11 of the African Charter on Human and Peoples' Rights<sup>7</sup> which states that "every individual should have the right to assemble with others. The exercise of this right shall be subject only to necessary restrictions provided for by law in particular those enacted in the interest of national security, for safety, health, ethics and rights and freedom of others", and Article 15 of the American Convention on Human Rights<sup>8</sup> which states that "the right of peaceful assembly, without arms, is recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and necessary in a democratic society in the interest of national security, public safety or public order or to protect public health or morals or the rights and freedoms of others'.

## Amnesty International (AI) maintains that LGBT rights are human rights

AI maintains that all people, regardless of their sexual orientation or gender identity, should have access to all human rights described in the Universal Declaration on Human Rights. When someone's sexual orientation or gender identity does not conform to the majority they are often seen as a legitimate target for discrimination or abuse. Not only are millions of people across the globe facing discrimination and possibly imprisonment, torture, violence and execution because of their sexual orientation or gender identity, but the very consideration of the issue is seen by many states as a threat to the core principle of the universality of human rights.

Laws implicitly and explicitly criminalising homosexuality legitimise discriminatory social atti-

tudes and encourage the dehumanisation of LGBT persons as their very identity is criminalised. AI considers the use of "sodomy" laws to imprison persons for adult same-sex relations in private to be a grave violation of human rights, including the rights to privacy, to freedom from discrimination and to freedom of expression and association, which are protected in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights<sup>9</sup> and the International Covenant on Economic, Social and Cultural Rights<sup>10</sup>. AI includes in its interpretation of the term "prisoners of conscience" persons who have been detained or imprisoned solely because of their sexual orientation.

The Universal Declaration of Human Rights (UDHR) states

that "all members of the human family have equal and inalienable rights", and that all are entitled to all the rights and freedoms it contains, "without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status". While sexual orientation is not listed specifically as a protected category within the UDHR, many activists, scholars and policy experts have chosen to interpret the term "other status" as including people targeted or persecuted because of their sexual orientation or gender identity. Human rights standards and mechanisms created since the UDHR was adopted have long recognised and affirmed the principle of non-discrimination on grounds of sexual orientation<sup>11</sup>. Paul Hunt, the United Nations's

<sup>4</sup>Convention for the Protection of Human Rights and Fundamental Freedoms, as amended by Protocol 11, Rome, 4 November 1950.

<sup>5</sup>Charter of Fundamental Rights of the European Union (2000/C 364/01) 18 December 2000 Official Journal of the European Communities C 364/1.

<sup>6</sup>Document of the Copenhagen Meeting of the Human Dimension of the CSCE, 29 July 1990, Copenhagen.

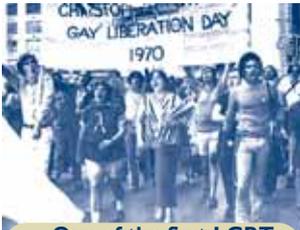
<sup>7</sup>African Charter on Human and Peoples' Rights, adopted June 27, 1981, OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), entered into force 21 October 1986.

<sup>8</sup>American Convention on Human Rights (Adopted at the Inter-American Specialized Conference on Human Rights, San José, Costa Rica, 22 November 1969).

<sup>9</sup>In *Toonen v. Australia*, the Human Rights Committee clearly stated that: "...in its view, the reference to "sex" in articles 2, paragraph 1, and 26 is to be taken as including sexual orientation." CCPR/C/50/D/488/1992 (Australia), 4 April 1992, para.8.7

<sup>10</sup>The Committee on Economic, Social and Cultural Rights has repeatedly addressed the impact of sexual orientation discrimination on the enjoyment of economic, social and cultural rights. This has usually been done in consideration of Article 2 of the ICESCR, indicating that this Committee, like the Human Rights Committee, considers that "sexual orientation" can be read into the Covenant's non-discrimination provisions. The Committee was also the first Treaty Body to include explicit reference to sexual orientation in its General Comment 14 on the right to the highest attainable standard of health (E/C.12/2000/4, para 18).

<sup>11</sup>See for example the 1994 decision of the UN Human Rights Committee in *Toonen v. Australia*, in which laws criminalizing homosexuality were found to be in violation of the privacy and non-discrimination provisions of the International Covenant on Civil and Political Rights. More recently, the Human Rights Committee found that the denial of pension benefits to same-sex partners violated the right to equal protection before the law under the ICCPR (Case 941/2000: *Young v. Australia*).



One of the first LGBT marches in USA



First LGBT Pride March in Malta, 2005



First LGBT Pride March in Greece, 2005

Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, noted in his report to the 60th session of the UN Commission of Human Rights:

"...sexuality is a characteristic of all human beings. It is a fundamental aspect of an individual's identity. It helps to define who a person is. The Special Rapporteur notes the abiding principles that have shaped international human rights law since 1945, including privacy, equality, and the integrity, autonomy, dignity and well-being of the individual. ...In these circumstances, the Special Rapporteur has no doubt that the correct understanding of fundamental human rights principles, as well as existing human rights norms, leads ineluctably to the recognition of sexual rights as human rights. Sexual rights include the right of all persons to express their sexual orientation, with due regard for the well-being and rights of others, without fear of persecution, denial of liberty or social interference."<sup>12</sup>

Regarding women, the former Special Rapporteur on violence against women, its causes and consequences, Radhika Coomaraswamy, has noted that women's sexuality is both regulated and a target for family, community, and state actor abuses. She claims, "women who live out their sexuality in ways other than heterosexuality, are often subjected to violence and degrading treatment ... and that women, "unprotected" by a marriage union with a man, are vulnerable members of the community, often marginalized in community social practices and the victims of ostracism and abuse."<sup>13</sup>

In 2002, the UN's Committee against Torture (CAT) in its Concluding Observations on Venezuela expressed concerns

regarding 'Complaints of threats and attacks against sexual minorities and transgender activists, particularly in the State of Carabobo.'<sup>14</sup> The CAT has also expressed its concerns regarding 'the reports received concerning ill-treatment inflicted on men because of their real or alleged homosexuality, apparently encouraged by the lack of adequate clarity in the penal legislation.'<sup>15</sup>

AI further believes that discriminating against people because of their role defending the human rights of LGBT persons is a violation of their fundamental human rights. LGBT organisations, working to protect people from abuses and discrimination because of their sexual orientation and/or gender identity should be able to carry out their work without fear or restrictions, unless these restrictions are prescribed by law and in accordance with international human rights law and standards. However, when these restrictions are arbitrarily applied by authorities in order to suppress the assembly of specific groups of people, AI notes that these restrictions and laws are in themselves discriminatory.

AI considers that this principle of non-discrimination extends to members of the LGBT community exercising their right to freedom of assembly and/or acting as human rights defenders. A human rights defender is, according to the UN, a person who "can act to address any human right (or rights) on behalf of individuals or groups. Human rights defenders seek the promotion and protection of civil and political rights as well as the promotion, protection and realization of economic, social and cultural rights"<sup>16</sup>. This definition clearly

applies to activists who publicly advocate the rights of LGBT persons. The defence of the rights of human rights defenders is therefore an integral part of the LGBT community's right to assemble.

As Hina Jilani, Special Representative on Human Rights Defenders of the UN Secretary General, has said in an observation on the situation of human rights defenders: "Of special importance will be women's human rights groups and those who are active on issues of sexuality, especially sexual orientation and reproductive rights. These groups are often very vulnerable to prejudice, to marginalization and to public repudiation, not only by State forces but by other social actors."<sup>17</sup>

Governments are obliged to respect human rights defenders and the legitimate work they do to protect and promote human rights as established in the UN's Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, commonly known as the Declaration on Human Rights Defenders, which was adopted on 9 December 1998.<sup>18</sup>

Civil organisations also have a duty to respect other organisations which are seeking to carry out activities for the public benefit within the framework of the law and whose fundamental right to freedom of association cannot and should not be restricted in any way. This means, for example, that counter-demonstrators are obliged to respect the right of advocates of LGBT rights in settings such as Gay Pride parades to assemble and associate. It is further the obligation of the state to act with due diligence to ensure that this duty is respected.

<sup>12</sup>E/CN.4/2004/49, 16 February 2004, para.54.

<sup>13</sup>Report of the Special Rapporteur on violence against women, its causes and consequences, Commission on Human Rights, E/CN.4/1997/47, 12 February 1997.

<sup>14</sup>Committee against Torture, Concluding Observations of the Committee against Torture: Venezuela, CAT/C/CR/29/2 (2002).

<sup>15</sup>Committee against Torture, Concluding Observations of the Committee against Torture: Egypt, CAT/C/CR/29/2 (2002).

<sup>16</sup><http://www.unhcr.ch/defenders/about1.htm>.

<sup>17</sup>(Report of the Special Representative of the Secretary-General on human rights defenders, E/CN.4/2001/94, paragraph 89 g).

<sup>18</sup>General Assembly Resolution 53/144.

## LGBT persons exercise their right to assemble

Although a public event celebrating love between men was organised already in 1543 B.C. in Sodom, arguably the first so-called Gay Pride event ever was the 1969 Stonewall 'rebellion', which started as a protest against discrimination and violence by police against LGBT persons in New York City. This was followed a year later by

simultaneous marches in five different US cities. About 2,000 people participated in the New York march while 1,200 people showed up for the Los Angeles march. In November 1970, a first, small, march was organised by the Gay Liberation Front in London's Highbury Fields. The first proper Gay Pride in London was held on 1

July 1972 when approximately 2,000 persons marched down Oxford Street to Hyde Park.

Since then, the concept of Gay Pride marches has slowly but surely spread throughout the world. Marches advocating LGBT rights and celebrating LGBT pride are now established events in a diverse range of countries, including Australia, Sweden and Spain. However, also in non-Western

countries, people are taking advantage of their right to assembly. In Sao Paulo in May 2005, organisers estimated that almost 2 million people participated in the Gay Pride organised in the city. This is thought to have been the biggest LGBT event ever. In recent years, cities such as Cape Town (South Africa), Warsaw (Poland), Seoul (South Korea), Mexico City (Mexico) and Jerusalem (Israel) have all hosted Gay Prides or similar events.

## AI actions on LGBT persons' right to freedom of assembly

However, LGBT persons are often impeded in their attempts to lawfully assemble and associate. In 2005 alone, public LGBT events have been stopped, or attempted to be stopped, in e.g. Poland, Moldova, Romania and Latvia. When the LGBT community is impeded from assembling, this is often justified by claims that public LGBT events threaten public order and public safety, and public health.

AI has spoken out against violations against LGBT communities' right to assemble on several occasions. In July 1996, AI spoke out against the failure of Zimbabwe to protect LGBT activists during the Zimbabwe International Book Fair. The lack of police protection from groups which had threatened to attack local NGO Gays and Lesbians of Zimbabwe (GALZ) during the book fair resulted in GALZ activists not being able to carry out their work as human rights defenders.

In July 2001, AI condemned the authorities in the Federal Republic of Yugoslavia (FRY) for the failure of the Belgrade police to protect the participants in Serbia's first Gay Pride Celebration from assault by homophobic individuals and

organisations.

AI further recommended that the police and judicial authorities in Serbia should in future act with due diligence to protect LGBT people against violence from the wider community. AI also urged the authorities to make clear that such violence is a criminal offence and will not be tolerated, and that specific directives and training should be given to law enforcement officials on their duty to protect the human rights of all individuals, regardless of their sexuality, and on how to identify and investigate homophobic crimes.

In December 2004, AI spoke out against the way sections of society, the legislature and others in Honduras had condemned Honduras' Interior Ministry's decision to grant legal recognition to three LGBT organisations<sup>19</sup>.

In July 2005, AI reacted to a decision of the Riga city council to withdraw permission for the first LGBT Pride march in Latvia. The withdrawal came after a disapproving statement by the Latvia's prime minister who stated that Latvia is a state based on Christian values and that sexual minorities should not be allowed to march in the capital's centre. The withdrawal was later

overturned in an administrative court and the march went ahead.

AI expressed its deep concern regarding the comments made by the Latvian prime minister and by the deputy speaker of the parliament and the effect they may have had on the subsequent violence against those who participated in the march. AI said it feared such comments from the authorities might have encouraged a climate of intolerance and hatred, and that they could have incited verbal and physical attacks against LGBT persons, such as those that took place during the Gay Pride march.

AI reminded the Latvian government of Latvia's obligations under international human rights law and urged to uphold the rights of to freedom from discrimination, freedom of expression and assembly encoded in the International Covenant on Civil and Political Rights. All further urged the Latvian prime minister to exercise leadership to ensure that the Latvian government actively promotes these rights and work to build a society where they can be enjoyed by all.

## Looking forward

LGBT persons' right to associate and assemble is still threatened in many parts of the world. However, as the major cities in countries like the UK, the US, Australia and Germany are joined in their Gay Pride celebrations by cities like Kathmandu, Sao Paulo, Cape Town and Seoul, one can only hope that the right to assembly will become increasingly available for LGBT communities around the world.

It is important to remember that the right to peaceful assembly is not only a desire, it is a human right, for everyone. As the LGBT movement and the human rights movement move forward, Amnesty International hopes that expressing their desires through the human rights paradigm, increasing numbers will be able to exercise their right to assembly and association, and thus be empowered to advocate their own rights, and to live their lives in freedom and dignity.

**ANDERS DAHLBECK**  
Amnesty International  
International Secretariat  
London

<sup>19</sup><http://web.amnesty.org/library/Index/ENGAMR370152004?open&of=ENG-HND>.

## Court Declares Illegal the Refusal to Authorise a Public Demonstration by a Gay Organisation



**Hans Ytterberg (Ombudsman against Sexual Orientation Discrimination, Sweden), Maxim Anmeghichean (ILGA-Europe), and Alexei Marcicov, President of GenderDoc-M**

The Moldovan Court of Appeal has declared illegal and void the refusal of the Chişinău municipal authorities to give permission for a public pride demonstration by a gay organisation. The case was brought

to the court by the Information Centre GenderDoc-M in May 2005.

The peaceful demonstration in support for anti-discrimination legislation for sexual minorities

and legal recognition of same-sex relationships was to be held on 20 May 2005 within the 4<sup>th</sup> Moldovan LGBT Pride. In his rejection letter the interim city mayor Vasile Ursu made reference to the fact, that Moldova "has already a law on national minorities" and there is no point in a demonstration. During the discussion by the municipal committee of the declaration to hold a demonstration, such reasons as church opinion and the fact that "in Moldova minorities are more protected than the healthy and native population" were mentioned.

The Court decision states: "It is incontestable that GenderDoc-M enjoys the right to organise peaceful demonstrations in accordance with the article 40 of the Constitution". The Court underlines that "making a decision on authorisation or refusal to authorise a public gathering can not be conditioned by the nature of problems upon which public demonstration participants want to draw the attention of the society". The court found the municipal authorities' decision

illegal and charged them to pay the state tax and to reimburse GenderDoc-M's expenses.

The GenderDoc-M vice-director Boris Balanetkii says: "The court's judgment follows the European human rights standards and shows that even in Moldova the rule of law may be a reality for its LGBT communities. We call upon Council of Europe, OSCE and EU to put pressure on our government, as well as Polish, Romanian and Latvian authorities in enforcing the right to public demonstration".

The Chişinău Municipal Authorities keep pursuing their phobic attitudes by having appealed the court's decision in the Supreme Court, the hearing to be held in September. GenderDoc-M, the only organisation in Moldova to promote LGBT rights, plans to organise a public pride demonstration next year in May during its anniversary 5<sup>th</sup> LGBT pride.

**For more information please visit [www.gay.md](http://www.gay.md)**

**MAX ANMEGHICHEAN**

## Is Law and Justice for all?



It all began just seven days after Poland joined the European Union....

On May 7, 2004, in Krakow, skinheads, hooligans and members of the All-Polish Youth, attacked a peaceful demonstration of gays, lesbians, and their supporters with stones. One policeman suffered in an attack with caustic acid. People who took part in the March for Tolerance had to run for cover. Some of them were injured. Police had to use rubber bullets to disperse the attackers. Events took a similar course in Poznan. On November 20, 2004, members of the All-Polish

Youth threw teargas at the feminist and anti-homophobic Equality March.

The Poznan event wasn't even organised by any gay or lesbian organisation, rather by the Green Party and feminist groups. But fascists from the other side saw no difference as to who organised the Poznan March. They shouted: "Faggots and Dykes go home!"

Two members of Poznan City Council, Przemyslaw Aleksandrowicz and Jacek Tomczak, both from the Law and

Justice (PiS) party, said: "This March promotes homosexuality, paedophilia, zoophilia and necrophilia." The organisers of the March sued them for criminal slander. On May 20, 2005, Justice Agnieszka Chlebos issued the following ruling: The two politicians can't be sentenced for a criminal offence because by comparing homosexuality to paedophilia, zoophilia and necrophilia they just said loudly what ordinary Poles think. It means that everybody in Poland can call a gay person a necrophile and it will be legal!

During this year's election campaign, the deputy chairman of the Law and Justice party, Kazimierz Ujazdowski, said: "For those who are responsible for brutal homosexual propaganda, our response will be a 'Dark Night'." On the political scene in Poland, the Law and Justice is not even a far-right grouping. They describe themselves as simply conservatives. According to all surveys, they will become a government coalition partner in October and rule Poland. Law and Justice are not even half as radical as the far-right League of Polish Families (LPR).

When the mayor of Warsaw Lech Kaczynski, the honorary chairman of PiS, banned the Gay Pride parade, he said: "I don't mind them [gays] demonstrating as citizens, but I do mind them demonstrating as homosexuals." One week later, he approved the Normality Parade organised by the All-Polish Youth. He didn't mind the fact that they were demonstrating as heterosexuals. 800 "normal" people took part in that parade. Gay Pride organisers sued the Mayor and later the court decided that the

Mayor has no right to ban a peaceful demonstration and that his ban was against Polish constitution. Organisers of the Gay Pride 2005 event in Warsaw are going to take Lech Kaczynski to the European Court of Human Right in Strasbourg. According to opinion polls, Lech Kaczynski has a great chance of becoming the president of the Republic of Poland. If Gay Pride organisers win in the Strasbourg court, Lech Kaczynski may be the first

say 'zero tolerance for homosexuals'. They should be separated from the rest of the society. Those who are openly gay should be exposed to social intolerance. Those who say that they are gay in their workplace should be fired."

Since then, LGBT people all over Poland have increasingly fallen victim to harassment and physical abuse, including two people being shot and wounded in front of an LGBT club in Katowice. One of them, Marzena Rozlach, is a female

exert pressure on Polish authorities. Without the EU and organisations working on the European level - like ILGA-Europe - we would have nobody to turn to for help. Of course, nobody will change the situation for us and we have to do it on our own.

Second - Polish Leftist parties operate in a strongly Catholic society. The Catholic Church has a huge influence on the social and political life. Leftist



**Robert Biedron, president of Campaigning Against Homophobia, Izabela Jaruga-Nowacka, viceprime-minister, Kazimierz Kutz, deputy speaker of the Senat, Claudia Roth, leader of the Green party in Germany**

president of a European country sentenced by this court. One week after the Warsaw Gay Pride on June 18, 2005, organised against Kaczynski's will and one that he considered illegal, the League of Polish Families and its young affiliates, the All-Polish Youth, organised a legal demonstration called "Normality Parade". Organisers said that it was their response to the homosexual promotion of deviations.

One of the League of Polish Families leaders and a Member of the European Parliament, Wojciech Wierzejski, said: "We

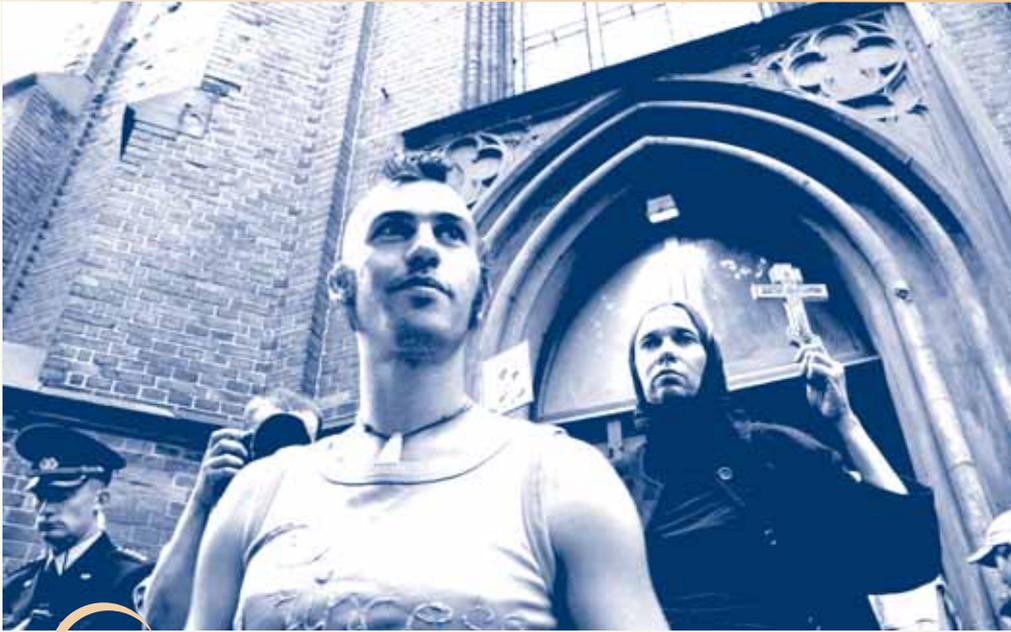
member of the Campaign against Homophobia's national board. Why is the situation getting worse after EU accession? Why don't Polish leftist parties do enough to deal with the situation? We find it difficult to even find the answer and when we do, it will undoubtedly be very complicated.

First - the Law and Justice, the League of Polish Families, and the All-Polish Youth know that they will lose if the EU tries to help. They are simply afraid that Poland will become a real democracy where everybody is equal. The EU has the tools to

parties are too weak to fight it.

On September 25 and November 8, we will have parliamentary and presidential elections. Based on the opinion polls, we can be sure we will have a homophobic majority in Parliament and a homophobic president. The job of the Campaign against Homophobia and its friends is to try to disperse the darkness during the Dark Night."

**TOMASZ SZYPULA**  
Campaign against  
Homophobia



## Homophobia Takes to the Streets: Notes from Riga Pride 2005

Why did July's gay pride march in Riga provoke the largest and most aggressive backlash in any EU member state? Some opposition to the parade was inevitable, given that sexual minorities are little understood and little seen in Latvia as throughout the post-Communist world. But the scale of the backlash - as many as 500 active counter-protesters - and the level of hostility directed at the 100 or so marchers that day far surpassed expectations. After all, at least 600 people marched without incident in the first Pride parade in former Soviet territory last year in Tallinn. Two factors may account for the intensity of the Riga protests. For the first time in an EU member state, politicians at the national level - including the prime minister - spoke out aggressively against the march. And the anti-gay backlash united two previously distinct and even hostile camps - radical Latvian nationalists and evangelical "Christian values" crusaders - and brought Latvians and Russia-speakers together in

a bilingual front against gay rights.

Homophobic popular attitudes and statements by public figures, as well as anti-gay activism, are certainly not new to Latvia. Jānis Vanags, the ultra-conservative archbishop of the Latvian Evangelical Lutheran Church, made headlines in 1994 when he banned practicing gays from receiving Holy Communion in his church (he is also notorious for banning the ordination of women pastors). Both Vanags and Roman Catholic archbishop Jānis Pujāts contributed chapters to *Homosexuality: humanity's shame and ruin*, a book published in 2002 by the radical nationalist Aivars Garda.

If aggressively homophobic rhetoric had primarily been the domain of church leaders and the extremist fringe, the situation changed with the arrival on the political scene of Latvia's First, a.k.a. the "Preachers' Party." Founded in 2002 by a Lutheran pastor and former Soviet dissi-

dent and elected to parliament the same year on an American-style "Christian family values" platform, Latvia's First Party has been explicitly homophobic since its founding congress, and it led the verbal assault on Riga Pride. The mainstreaming of homophobia is one consequence of this newcomer's injection of evangelical Christianity into the political culture of this heretofore decidedly secular society.

Throughout the fifteen years of post-Communist transition, battles over diversity and tolerance have been waged - at both the domestic and international levels - almost exclusively on inter-ethnic grounds: first over citizenship, naturalisation and official language policies, and more recently over the transition to Latvian-language teaching in Russophone public high schools. The rage of nationalist extremists and the anomie of the disaffected masses have largely been channeled into hatred of the

ethnic other, thanks in no small part to the divisive rhetoric of politicians. Latvia's political parties are rigidly polarised on ethnic lines, heavily controlled by powerful economic interests, weakly rooted in society and deeply mistrusted by most citizens. Seeking to boost their weak ratings, office-seekers often resort to emotionally based populist appeals. For most ethnic Latvian-based parties, these emotional appeals have often focused on anti-Russian nationalism. But Latvia's First explicitly endorsed multiculturalism and ethnic integration during the 2002 campaign, seeking to win support among Russian-speaking voters. Its aggressively anti-gay rhetoric suggests that the party views homophobia as a useful replacement for anti-Russian nationalism.

While Latvia has always been a nominally Christian (predominantly Lutheran) nation-state, religion has never been a strong component of national identity (unlike, for example, Catholic Poland and Lithuania or Orthodox Russia). Historically, pre-Christian folklore and agrarian "peasant values" have provided the richest sources of symbolic material for constructions of nation and nationalism. Even after the collapse of communism and its enforced atheism, rates of church-going have remained low. In Latvia, as throughout central and eastern Europe, the chaos and destabilisation of post-communist transition has provided fertile ground for the rapid expansion of Jehovah's Witnesses, Seventh-Day Adventists, Baptists, and other evangelical denominations, or "sects," as they are often pejoratively described in



the Latvian media. It was perhaps only a matter of time before a political party would attempt to capture this growing segment of the electorate: hence, the arrival of Latvia's First in 2002.

The party was founded by Ēriks Jēkabsons, a devout Christian who fled the Soviet Union in 1988 due to alleged KGB persecution and spent the following 13 years in America, where he received a master's degree in theology and served for five years as a Lutheran pastor in Chicago. He is serving as Interior Minister in the current coalition government. Jēkabsons' lengthy stay in the U.S., during a period of increasing political and cultural de-secularisation there, surely played a critical role in shaping his subsequent political agenda. As he observed in an interview shortly after returning to Latvia: "America is definitely a Christian country. There are ordinary [mainstream] churches, but there are also many Bible-based and evangelical churches. ... A lot of incorrect perceptions about the USA have been created in Europe and Latvia. I have travelled all across that country and seen what happens on Sundays

- how America is transformed on these days. Every block or two there is a church and people are gathered there in their Sunday best. ... Many of our parliamentary deputies are not religious, but in America people understand that politics without morality is maimed, and morality without religion is impossible. Latvia's politicians and society don't realise that." Since winning ten seats (and 9.5% of the vote) in the 101-member parliament, Latvia's First has spoken out against abortion and campaigned for including references to Christian heritage in the EU constitutional treaty. As its nickname, the "Preachers' Party," suggests, many party members at the national and local levels are themselves members of the clergy. The party cultivates connections with all of Latvia's mainstream denominations, but it has provoked widespread skepticism through its close ties with evangelical churches, and particularly the "New Generation." This Massachusetts-based charismatic church, with branches in many post-Soviet states as well as Argentina and Israel, has attracted a primarily Russian-speaking congregation at its Rīga headquarters, where pas-

tor Aleksey Ledyayev, according to a report by the non-profit think tank Politika.lv (Policy.lv), "promotes the idea of Christian government, mentioning George Bush's administration in the US as an admirable example." Radical Latvian nationalists have passionately denounced Latvia's First for its association with New Generation. In 2004, the extremist National Front published a lengthy interview with Ledyayev, which quoted Ledyayev as saying: "You're trying to say that a little country like Latvia, such a small nation as Latvians, can talk to Russia and the USA as an equal? What are you, crazy? ... Small nations must submit to big nations and follow their rules. They must understand that small nations are not equal with the rest. If the little ones don't know their place, and make too much noise, then it's no surprise if they get it on the head." Even more alarming to the nationalists were Ledyayev's claims to close ties with Latvia's First and his assertion that the party and his church both favor the strengthening of bilingualism in Latvia. Commenting on this interview, the chairman of the National Power Union, another radical organisation, asked rhetorically whether "a political party with

such close ties to a socially dangerous religious sect, whose leader is hostile to the Latvian nation, can legitimately be represented in the Latvian government? ... Whom does Latvia's First Party serve...?" The author called on the party's coalition partners to investigate its ties with this "scandalous pseudo-Christian community" and to consider expelling it from the government.

In this context, it was very interesting indeed to behold the ethnically "integrated" scene on the sidelines of the gay pride march. Even the extremist nationalist organisation Everything for Latvia remarked approvingly in an online photo essay: "This time Russians and Latvians are standing shoulder-to-shoulder ... this time none of that matters because everyone is standing up against a common enemy." This united front is, most likely, only a temporary marriage of convenience but it should certainly be cause for alarm that ostensibly respectable government ministers are making common cause with extreme xenophobes in attacking a highly vulnerable minority group. Unfortunately, as Latvia prepares for the next parliamentary elections in September 2006, there is every reason to expect that populist appeals to crude prejudices will only intensify.

**KATRINA Z. S. SCHWARTZ**  
Adapted from *Transitions Online*



# Victory for LGBT Community!

The Romanian's first-ever Gay Rights March almost didn't take place. The Mayor of Bucharest refused to provide parade permits. The police chief refused to guarantee the safety of marchers, threatening to use the police to "punish" those who did march. The powerful Orthodox Church opposed the march.

change the course of LGBT history in Romania. We planned strategies for the future and then focused our attention on the upcoming march. Be safe, do not react to taunts, stay together, listen to the organisers of the march, and mostly have fun. We were ready. We arrived and crossed into the park. People stared at us. Media were begin-

ning to gather. We searched for other marchers. People approached us with pamphlets, quoting Bible verses that have long been twisted out of context and used to promote hatred and intolerance of gays, lesbians, bisexuals and transgender persons. Initially we were worried: there appeared to be more press and police than marchers. But as 6:30 approached the community found us and the number swelled, 200, 300, then more. The press later reported that more than 500 people participated.

ber of ILGA-Europe and ACCEPT, Vera Cimpeanu, the staff and volunteers of ACCEPT, to go ahead with the march as an act of civil disobedience.

» MCC's communication officer, Jim Birkitt, who had sent out Action Alerts and press releases, calling for e-mails to be sent to Romania's president and Mayor, alerting the international community to the situation unfolding in Romania.

» Thousands of e-mails were received from around the world, including overwhelming response from members of ILGA and MCC in many countries.

» Two demonstrations of protest were planned in the front of the Romanian Embassy in Washington and the Consulate in New York.

» Michael Cashman, member of the European Parliament.

» The courage of the Romanian's Minister of Justice, Monica Macovei, and the National Council for Combating Discrimination.

» Romanian President Basescu, who stood up and supported the march.

» Finally, Bucharest Mayor Videanu's willingness for ensuring a strong police presence.

All of these things come together as the international community supported the freedom of expression and the freedom of assembly of the LGBT community in Romania. **The willingness of people around the world to speak out for our Romanian LGBT friends demonstrates the power we have to change the minds of political leaders and the course of a nation's government.**

As we marched, I look around and saw people of all ages, parents with their children, straight and LGBT

people, young and old. We were a cross-section of all cultures. To the side, on the sidewalk, I saw posters and angry people carrying them. They were yelling "Shame, Shame" and trying to get through to the marchers in the parade.

You could feel the tension in the marchers increase, but nobody reacted. There was no response to the hecklers; we kept our focus on a peaceful demonstration. The police converged on the hecklers and were hit with the signs, several smoke bombers were thrown, and the protesters were herded into an adjoining road, where the police arrested them. Through the smoke, we continued to march and were not swayed by the scene around us.

Everyone was heading to the terrace on the top of the National Theater, where a party was unfolding. Florentina Ionescu, a volunteer of ACCEPT and one of the partners of the gay club "Queens" in Bucharest, had organized a gay troupe of actors and the show was underway. People were laughing and crying and stories of daring decisions were recounted.

A young man approached me and told of how he had left work at 3 pm and told his employers he was going to the march. He knew that he could be fired, but decided that he had to stand up for his rights.

There was a grandmother who brought her four grandchildren and told us that she wanted them to be brought up knowing that we must always take a stand for justice and that the gay people are just like everyone else.

Repeatedly, I heard the words, "I never thought that this could happen in Romania" and almost through tears. We had done it, together!

**Rev. DIANE FISHER**  
Metropolitan Community  
Churches



But activists around the world went into action - e-mailing and faxing the Mayor of Bucharest and the President of Romania. Both myself and Florin Buhuceanu, the executive director of ACCEPT, have done an average of 10 media interviews per day, both with Romanian and international media, including CNN and BBC, explaining that we will march for acceptance, we will march with pride and for all those unable to be with us, we march because we must. Within days, the President and the Minister of Justice called on city officials to work with LGBT groups - and the Mayor and police agreed to work with ACCEPT.

The day of the March had arrived and ACCEPT was a hive of activity. Downstairs, young activists from around Romania were gathered to strategise about what was needed in their communities. These were the faces that would

» The courageous decision of the Executive Director, Florin Buhuceanu, and the Board mem-

My heart was full and tears filled my eyes. We had faced the obstacles, we had stood our ground, named our rights and had won. As we began to march, I thought of all the people around the world who had helped to make this happen.

» The courageous decision of the Executive Director, Florin Buhuceanu, and the Board mem-

# Passion around the first planned Gay March in Moscow



Evgeniya Debrianska and Nikolai Alekseev

**On 27 May 2006, the 13th anniversary of the decriminalisation of homosexual relationships in Russia, the first ever gay pride dedicated to the fight against homophobia in Russia will be held in Moscow.**

**This event will be part of the first ever Russian gay & lesbian festival.**

On 28 July, at the end of a press conference on the subject of the recent executions of two teenagers in Iran, Nikolai Alekseev, editor of a portal [www.gayrussia.ru](http://www.gayrussia.ru), answering question on the actions of gays & lesbians in Russia said that the first ever Lesbian & Gay pride will take place in the streets of Moscow on 27 May 2005.

This specific date was chosen deliberately. On 27 May 1993, during the presidency of Boris Yeltsin, Russia repealed the law criminalising same-sex intercourse. Gay sex was not criminalised under Lenin in the beginning of the Soviet era, but

was banned by Stalin - who used it mostly as a weapon against his opponents.

**Not just a pride... A real international gay and lesbian festival is scheduled!**

During the three full days of the festival, between 25 and 27 May 2006, several events will take place where many guests and activists from all over the world are expected.

On 25 May, the 111<sup>th</sup> anniversary of Oscar Wilde being sentenced for sodomy, Merlin Holland, his grandson, will give a lecture on his famous ancestor. On the same day two new books will be officially released in Russian: one on the trial of Oscar Wilde; the other, his son's memoirs. On 26 and 27, the first ever International Conference of the International Day Against Homophobia (IDAHO) will take place. Participants include Dr. Robert Wintemute, Louis-Georges Tin, professor Igor Kon, professor A. Kvakin, Yves de Matteis. Activists interested in taking part are kindly asked

to register at [contacts@gayrussia.ru](mailto:contacts@gayrussia.ru)

After the IDAHO conference, the first ever Gay & Lesbian pride march will take place in the streets of Moscow. This festival will end in the evening at a club where a special party will take place. Famous French singer "Desireless" (whose hits include "Voyage Voyage" and "John") will perform especially for the event.

The day after the announcement of this project, Yuri Luzhkov, Mayor of Moscow, answering media questions, said that if such a request is made to his office, he would deny authorisation. A polemic started and the denial of the Mayor was interpreted by the media as "Mayor Luzhkov against Russian Gays and Lesbians". This polemic only attracted more media attention. The organisers of the pride event do not believe that the Mayor will deny them their "constitutional right" to demonstrate. In case of such a

refusal, it is already planned to take the refusal to the European Court of Human Rights if necessary. Additionally, the organisers believe that the participation of European parliamentarians, activists and other famous people will create extra pressure to allow the event. In any case, the pride is only a quarter of the festival. Since the media learned about the event, "Echo of Moscow", one of the leading radio channels in Russia, dedicated a one and a half hour prime time debate on the subject of pride march. There was also some coverage on TV and in the newspapers in Russia and abroad. For the first time in many years, the media has begun talking about homosexuality in a neutral or positive way. The Tabloids did not even write low quality articles - as some would think they might do in these circumstances.

**From an individual initiative...**

The original idea of the pride was inspired by the annual action taken by Nikolai Baev,. He goes for his Christopher Street Day alone each year, through the streets of Moscow with a rainbow flag attached to his bag. Having heard about his story, we just decided to join him and to organise a bigger event, which could really start to change things in Russia. Then, the idea of the festival emerged quickly. We don't need just a march. We need to have all LGBT organisations from Moscow and all the regions to meet in one place and discuss with foreign activists and politicians, their own experience in order to find a path for getting rights and to start to exist in Russia.

**NIKOLAI ALEKSEEV**  
[www.Gay.Russia.ru](http://www.Gay.Russia.ru)

# The Dutch conflict between freedom of speech and freedom of religious belief

## Free to speak but not free to live

Since the couple 'State' and 'Religion' finalised their divorce papers, governments and religious institutions did not really agree with each other. That is, until 2004 when the well-known Dutch filmmaker Theo van Gogh was killed. Two facts about this murder showed the true reflection of the conflict between religious beliefs and the freedom of speech.

The first is that the murderer was a young Muslim who claimed religious legitimacy for this murder. The second is that Mr. van Gogh believed fundamentally in the secular based freedom of speech. The conflict between the two constitutional freedoms suddenly had a face.

## A social earthquake

The murder caused a huge shock at all levels in society. The earth does not shake because she likes to. Underground, there are a lot of pre-shocks. The Netherlands experienced a series of these pre-shocks, which led the way to a big social earthquake. Three of these pre-shocks were visible at an international level...

The broadcasting of an assault by Imam El Moumni on Gay people was one of these pre-shocks. When this Imam was asked about his opinion on homosexuality, he said: "Sodomy is an illness". This sentence led to a collective media offensive towards the opinions of religious people. The media discovered that when it comes to gay and lesbian issues, many Muslims do not even know how to deal with the contemporary gay and lesbian liberation movement. The attack made by the politician Pim Fortuyn towards Muslims when he said: "Islam is backwards" led to greater tension, because Muslim organisations experienced this as politics interfering in religion. The tension between politicians and Islamic spokesmen afterwards, awoke the Islamic consciousness in the Netherlands. Mr. Fortuyn was killed and everybody was shocked. When it became known that Mr. Fortuyn was killed by a Dutch secular milieu -activist, the Muslim organisations went back to sleep. "The killer is not one of us", some said.

The series of assaults made by the ex-Muslim politician Ms. Hirshi Ali and the continuing attacks she made towards Islam and Muslims, culminating in the making of the film 'Submission' by Mr. Van Gogh and Ms. Ali, generated a new power to the social tension.

## Invisible generator for the tension

Unequal opportunities between two citizen groups formed an invisible generator for the tension. These two groups were the Dutch believers in freedom of speech on the one hand, and the Muslims (mostly Dutch from migrant dependency) who believe in the



Theo van Gogh, murdered in 2004

superiority of religious beliefs on the other hand.

This inequality was not in terms of democratic rights, but in the unequal methods and instruments of expression between both. The free speech people used media, film, discussion and other forms of publications. Muslim organisations did not use the same instruments and the same

strategy to say what they like or do not like. Muslim organisations remained silent, or at best, did not raise their voices enough to work on the social tension. One of the results of this situation is that the Muslim youth who grew up in Europe, saw his beloved Islam being attacked with no one to say stop. The Muslim youth took action. And that was the point of the collective wake up call.

The international tension between religious extremism and the western oriented systems, made this internal tension harder and faster.

## The reactions:

The Netherlands was totally shocked by the murder. Just like in London and Madrid, there came a kind of collective awakening. Society and governments recognised processes in society that they neglected or even did not know about.

The media was the first to talk about radicalisation on both sides of society. Doing this the Dutch media showed that there is still a lot of discrimination against Muslims in the Netherlands, in job opportunities for example. They also showed that Muslims use other norms and values - to deal with women, for example. This means that the media did a good job making the problems visible and beginning a change in the thinking about the difficulties. Muslim people deal with as citizens, where problems are and that their problems are as a part of the Dutch society and not as immigrant foreigners.

The government decided to invest a lot of money in recovering the social cohesion and society is making use of this opportunity in initiating new projects to reconcile the freedom of speech with the freedom of religious expression.

## Solutions:

The government and society are experimenting with different methods. Two of these methods are Dialogue and Education. Many projects emphasised social dialogue, where people listen to each other and discuss their own ideas with an open agenda. This is not an easy way in the Netherlands because a lot of people are used to debates where a debater tries to convince the other of his own point of view, so there is a debate winner and a loser. The city of Rotterdam, for example, initiated the Islam Dialog Project. On all levels in Rotterdam there were round table gatherings. The main

results of these gatherings are that the citizens got to know each other and what they should expect of each other. On gay and lesbian issues the Dutch ministry of welfare and sport gave four national organisations the opportunity to establish a wide range of dialogues in the Netherlands. These organisations were: the National Dutch Organisation for the Integration of Homosexuality (COC), the Humanistic League, the YOESUF foundation, and foundation of Islam and citizenship. At the moment, this project is starting the second project period of two years each. One of the results of the first stage of the project is a real mainstreaming of gay and lesbian issues. The four organisations used different methods to fight homophobia, Islamophobia and anti-Semitism at the same time.

### Education

When people do not know whether an idea is based on prejudice or a legitimate judgment, dialogues can end up with debates or even with a verbal fight. A basic education is needed. The ministry of Education made a special budget available to generate new

methods in combating prejudice in schools. The General Pedagogic Support Organisation APS coordinates a programme for schools together with a couple of other National organisations. The YOESUF foundation developed different trainings for teachers and youth social workers who work with Muslims. The YOESUF foundation is promoting a real change in the mentality of gay and lesbian emancipation so that this emancipation reaches out to other processes of social liberation. At the same time the foundation is trying to achieve a change in the interpretation of Islamic terms which prevent dialogue.

### And the show goes on

Nowadays millions of Euros are invested in the Netherlands to recover social its cohesion. If this money and energy goes to the people who can do the job, the right way, then the Netherlands will become the paradise of tolerance it used to be again.

Drs. OMAR NAHAS  
www.yoesuf.nl

## Latvia: no prosecution for hate posters

The Latvian Security Police said there is no legal ground to prosecute a person displaying a poster "Pederasts can be cured only through the gas chambers" featuring skull-and-crossbones (pictured). Although admitting such poster might be considered as inciting hatred and violence towards sexual minorities, the Latvian law does not outlaw homophobic hate.



## Poland: Gay activists fined for offending Catholics

District Court in Elblag sentenced Robert Biedroń, the president of the organisation Campaign Against Homophobia, to a fine of 600 PLN for insulting Roman Catholics. Biedroń has been fined for his comment on the words of Dorota Ekes, activist of a Catholic organisation "Stowarzyszenie Rodzina Polska (Polish Family Association)" who referred to homosexuality as an illness. "[Her words] mirror in full the fascist-nationalist-Catholic character of the witch-hunt against homosexuals", Biedroń then commented.



Robert Biedroń

## Romania: extremist rapped over homophobic comments

Romania's top anti-discrimination body had issued a stern warning to ultra-nationalist party leader Corneliu Vadim Tudor for anti-gay comments on TV. A candidate in last year's presidential election, flamboyant Vadim Tudor, known for his rhetoric against ethnic minorities, recently focused on Romania's homosexual community. "Homosexuals are an aberration of nature... They shouldn't mess with me because I'm going to impale them on wooden stakes and they might like it," he said, alluding to the favourite punishment of Romania's notorious medieval ruler, Vlad Dracula the Impaler.



Corneliu Vadim Tudor

## Sweden: Supreme Court to hear case on hate speech and religion freedom

The case of a Pentecostal pastor accused of hate crimes for denouncing homosexuals is scheduled to go before Sweden's Supreme Court on 9 November. In a sermon in 2003, Åke Green told a congregation on the island of Oland that homosexuals were "a deep cancerous tumour on all of society," and warned that Sweden risked a natural disaster because of leniency toward gays.



Pastor Åke Green

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