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Documents relating to ILGA-Europe can be found at ILGA-Europe's homepage

<http://www.ilga-europe.org/>

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EU COMMISSION WELCOMES NEW STUDY ON ANTIDISCRIMINATION BODIES

A new study undertaken for the European Commission of national institutions to promote equality points to the need to establish bodies with clear terms of reference, with adequate and predictable sources of funding and which deal with equality across the board, rather than with single issues. The study, published today by the Commission, highlights the strengths and weaknesses of existing institutions and encourages Governments to ensure that their institutions have the resources and the independence they need to fight discrimination effectively. All Member States are required to designate such bodies by July 2003 under recently adopted EU equality law.

"National Equality Bodies are a vital tool to support citizens' rights and governments must make sure that they are strong enough to resist interference in their work and well enough endowed to do their job properly" said Anna Diamantopoulou, European Commissioner for Employment and Social Affairs.

The study "Specialised bodies to promote equality and/or combat discrimination" was carried out for the Commission by an independent contractor under the European Community Action Programme to combat discrimination, which is part of a package of measures to promote equality adopted by the Council in 2000 (see annex). The study presents an analysis and examples of the experiences of twenty one existing bodies for the promotion of equality and fighting discrimination from across the EU, drawing on examples from twelve Member States. It also gives information on how a range of existing bodies have been set up and makes recommendations to the Member States for the future. Among the principal findings are that:

The independence of the institution should be guaranteed by statute and a clear mandate financial resources should be granted in the annual budget in order to ensure continuity and independence,

The political role of the institution should be formalised in order for its expertise to be included in legislative initiatives and in reviews of legislation,

An integrated approach to the different grounds of discrimination within a single equality body has advantages in terms of legal coherence, consistency and clarity about citizens' rights,

Assistance should be provided for free, both to victims and witnesses of discrimination and the bodies should be allowed to take up more general cases to raise issues of common concern. The bodies should carry out surveys to analyse the actual level of discrimination and problems regarding equal treatment.

Further details of the report can be found at http://europa.eu.int/comm/employment_social/fundamri/news_en.htm

Annex

The European Community Action Programme to combat discrimination (2001-2006) was established by Council Decision 2000/750/EC of 27 November 2000 under Article 13 of the Treaty establishing the European Community. It has a budget of just under ? 100 million and is designed to support the efforts of the Member States to promote equality and combat discrimination on the grounds of racial and ethnic origin, religion and belief, disability, age and sexual orientation

The anti-discrimination package adopted by the EU's Council of Ministers in 2000 is made up of:

- Council Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin . Under this Directive the Member States are required to establish by 19 July 2003 a body for the promotion of equal treatment irrespective of racial or ethnic origin.
- Council Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation (on the grounds of religion or belief, disability, age and sexual orientation).
- The Community Action Programme (above).

The bodies covered by the study are:
Bodies highlighted in bold are covered in the report as special case studies.

Belgium

Centre for Equal Opportunities and the Fight Against Racism (Centrum voor gelijkheid van kansen en voor racismebestrijding, Centre pour l'égalité des chances et la lutte contre le racisme, CECLR)

Germany

The Commissioner for Foreigners' Affairs of the Berlin Senate (Die Ausländerbeauftragte des Senats von Berlin)

Denmark

1. The Board for Ethnic Equality (1) (Nævnet for Etnisk Ligestilling)
2. The Advisory and Documentation Centre on Racial Discrimination (Dokumentations- og Rådgivningscenteret for racediskrimination, DRC-DK)

France

1. Regional Citizenship Commissions (Commissions Départementales d'accès à la citoyenneté, CODAC)
2. Group to study and combat Discrimination (Groupe d'Etude et de Lutte contre les discriminations, GELD)

Ireland

1. Equality Authority
2. Office of the Director of Equality Investigations (ODEI)

Italy

Commission for Integration Policies(2)
(Commissione per le Politiche di Integrazione)

Luxembourg

Special Commission against Racial Discrimination (Commission spéciale contre la discrimination raciale, CSP-RAC)

Netherlands

1. Equal Treatment Commission (Commissie gelijke behandeling)
2. Expertise Centre Age and Society (Expertisecentrum Leeftijd en Maatschappij, LBL)
3. National Bureau against Racial Discrimination (Landelijk Bureau ter bestrijding van Rasdiscriminatie, LBR)

Portugal:

Commission for Equality and Against Racial Discrimination(3) (Comissão para a Igualdade e contra a Discriminação Racial)

Sweden

1. Disability Ombudsman (Handikappombudsmannen, HO)
2. Ombudsman against discrimination on grounds of sexual orientation (Ombudsmannen mot diskriminering på grund av sexuell läggning, HomO)
3. The Ombudsman against ethnic discrimination (Ombudsmannen mot etnisk diskrimination)

Finland:

The Ombudsman for Minorities

United Kingdom

1. Commission for Racial Equality (CRE)

2. Disability Rights Commission (DRC)
3. Equality Commission for Northern Ireland

No bodies dealing with discrimination on the grounds covered by the EC Action Programme (racial and ethnic origin, religion and belief, disability, age and sexual orientation) have been identified in Greece, Austria or Spain at this stage.

- (1)The Board is due to close by January 2003
- (2)The Italian Commission is currently not operational, as the Italian government has not re-appointed Commissioners after the first three-year period expired in July 2001.
- (3)The Portuguese Commission has not had a chairman since April 2002, as the incoming government has not appointed one.

PARTNERSHIP PROGRESS IN SWITZERLAND

By Pink Corss

The population of the Canton of Zurich has agreed to a partnership law for same-sex couples. Accordingly, umbrella organisations fighting for the rights of homosexuals demand equal treatment of same-sex partnerships on a national level

The population of the canton of Zurich has voted in favour of a cantonal bill which allows same-sex partners to have their partnership registered officially. Furthermore, registered same-sex partnerships will be treated in the same way as married couples under cantonal law. This is the first time in Europe that a popular vote has been held on this subject and the first time world-wide that equal rights have been granted to same-sex partnerships by popular vote. However, the effects of this law are limited, seeing that it only concerns the territory of the canton of Zurich and – as matrimonial rights in Switzerland are regulated by federal law – it doesn't grant same-sex couples matrimonial status. But from now on, cantonal authorities will treat same-sex partnerships equally as far as tax law is concerned. Same-sex couples will further have the right of access in case of hospitalisation of one partner as well as the privilege to refuse to testify against each other. The national umbrella organisations welcome the result as being of great symbolic importance in their fight for equal rights of gays and lesbians in Switzerland. The result shows that the Swiss population is prepared and willing to grant same-sex partnerships the same rights as married couples. Therefore the organisations press the federal

government to present a national registered partnership law as soon as possible. This law should grant same sex partners the same rights and duties as marriage does for heterosexual couples. The Swiss government has promised to propose a bill for same-sex partnerships to parliament by the end of the year 2002. It has also announced that it is not willing to grant same-sex partnerships the same rights as married couples. According to the bill proposed by the federal Government, especially access to artificial procreation and the right to adopt children should be prohibited.

NO OBJECTIONS AGAINST THE ACCESSION OF THE CANDIDATE COUNTRIES FROM THE LGBT PERSPECTIVE

By ILGA-Europe

In its Strategy Paper 2002 'Towards the Enlarged Union' released today, the EU Commission recommends that accession negotiations with ten candidate countries – Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovak Republic and Slovenia – are concluded by the year end, with the Accession Treaty being signed in Spring 2003.

This development brings to a successful conclusion a four-year campaign by Members of the European Parliament, national LGBT organisations, and ILGA-Europe. Its objective was to use the process of enlargement of the European Union to force accession countries to repeal discriminatory laws. The campaign began in 1998 when the European Parliament passed a resolution stating that it would not "give its consent to the accession of any country that, through its legislation or policies, violates the human rights of lesbians and gay men". The resolution was drafted by ILGA-Europe, and put forward by the Austrian Liberal MEP, Friedhelm Frischenschlager. At that time 6 accession countries, Bulgaria, Cyprus, Estonia, Hungary, Lithuania and Romania had discriminatory laws.

However, the Parliament's resolution was not in itself any guarantee that these countries would be forced to change their laws. The status of human rights criteria (part of the so-called "Copenhagen criteria") in the accession process was unclear, and there was a strong concern that in the overall context of the enlargement of the European Union, laws discriminating on the basis of sexual orientation would be ignored.

Nonetheless, the adoption in December 2000 of the European Union Charter of Fundamental Rights, which bans discrimination on the basis of sexual orientation, was a considerable boost for the campaign.

ILGA-Europe and its member organisations worked together during 2000 and 2001 to prepare detailed documentation on discrimination in the accession countries. This was published in a report, "Equality for Lesbians and Gay Men -- a Relevant Issue in the EU Accession Process", which formed the main information on discrimination presented at a hearing in the European Parliament organised by the Parliament's Intergroup for Gay and Lesbian Rights in June 2001. The European Commission clarified its position at this hearing, when the representative of the Enlargement Commissioner confirmed that there was "no flexibility in negotiations regarding equal opportunities and minorities". The Commissioner, Günter Verheugen, was even more explicit in a letter in July 2001 reacting to ILGA-Europe's report. He confirmed that the "the principle of elimination of discriminations due to sexual orientation" was among "the principles that new Member States will be expected to accept upon accession".

In March 2000, September 2001 and June 2002 the European Parliament again reiterated its concern over those accession countries with discriminatory laws. Many MEPs from several political groups contributed significantly to the pressure on the accession countries, particularly those working within the Intergroup.

Lithuania was the first of the six countries to repeal its discriminatory laws in September 2000 (although the new legislation is not yet in force), followed by Estonia with effect from September 2001, Romania in December 2001, Cyprus in July 2002, and Hungary and Bulgaria in September 2002.

ILGA-Europe's Executive Director, Ailsa Spindler, commented: "this is a truly historic success for the human rights policies of the European Union, for the European Parliament, and for Europe's LGBT movement.

Changes which could have taken decades without international pressure have been effected a few years. They demonstrate that LGBT rights are now being taken seriously at the European level, and gives us strong encouragement to pursue actively other areas of discrimination".

ILGA-Europe Board member, Adrian Coman (ACCEPT, Romania) added: "the progress made by the accession countries in repealing discriminatory laws emphasises all the more the hypocrisy of those existing member states - Ireland, Greece, Portugal and the UK - which still have discriminatory laws."

Annex:

In some candidate countries progress have been achieved, e.g. in:

- Romania, where in June 2001 decriminalised homosexuality by repealing art 200 of the penal code. It ensures that sexual offences are governed by the same legislation, irrespective of sex. Also a law approving the 2000 government ordinance on preventing and punishing all forms of discrimination entered into force in January 2002.
- As regards Cyprus, fixed the age of consent for both, heterosexual and homosexual relationships at 17 years and this new disposition abolishes the previously existing difference regarding age of consent depending on sexual orientation.
- In Bulgaria, the Bulgarian NGO sector has contributed to draft changes in the penal code to abide discrimination on grounds of sexual orientation, but not law has yet been passed. There is a commitment to adopt a bill on the prevention of discrimination 2002, which would incorporate provisions to transpose a number of directives on equality of treatment for women and men, as well as directive 2043, which is implementing the principle of equal treatment between persons and directive 2078, which is establishing a general framework for equal treatment in employment and occupation. This law will provide for the establishment of a new body, the Commission for Prevention of Discrimination, elected by the National Assembly for a four years term, which will enforce the law for monitoring activity mediation and sanctions.
- The Czech Republic, legislation providing specific protection against sexual orientation discrimination has been passed. The Parliament amended the labour code, including a provision, which is penalising discrimination in the grounds of sexual orientation.

- Lithuania also passed legislation, a new criminal code, which will enter into force in January 2003. It eliminates the difference on the age of consent depending on sexual orientation and includes provisions banning discrimination on this basis.

EUROPEAN COMMISSION APPOINTS GROUP OF SEXUAL ORIENTATION LAWYERS

On 24 October 2002, the Commission of the European Communities has awarded the contract for establishing a European Group of Experts on Combating Sexual Orientation Discrimination to the Universiteit Leiden in the Netherlands.

The main task of this group will be to inform and advice the European Commission (mostly through an annual comparative report) about the implementation of Directive 2000/78/EC on equal treatment in employment. This directive (based on the new Article 13 in the EC Treaty) requires all 15 member-states to enact legislation against sexual orientation discrimination before December 2003. So far only eight member-states have such legislation in place (Ireland, Spain, France, Luxembourg, Netherlands, Denmark, Sweden and Finland). Therefore the impact of the directive will be felt most in the other seven (Belgium, Germany, Austria, Greece, Italy, Portugal and the United Kingdom), and eventually in the ten candidate member-states.

The group consists of 15 independent legal experts, one for each member-state. The group will be coordinated from the Leiden Faculty of Law, by the Dutch expert, Dr. Kees Waaldijk, assisted by the Italian lawyer Mr. Matteo Bonini-Baraldi. The group further consists of legal academics from universities in Seville, Leicester, London, Louvain, Paris and Berlin, plus several practising lawyers, including the Swedish Ombudsman for Sexual Orientation Discrimination.

The contract for the group is for one year, but may be renewed for up to five years (under the Community action programme to combat discrimination of 2000). An increasing number of legal materials collected by the group will be found in the online database of the Center for Research and Comparative Legal Studies on Sexual Orientation and Gender Identity in Torino, Italy, <www.cersgosig.informagay.it>.

More information about the European Group of Experts on Combating Sexual Orientation Discrimination and its members can be found at

<http://www.meijers.leidenuniv.nl/index.php3?m=10&c=98>

2ND INTERNATIONAL CONFERENCE ON VIOLENCE AGAINST LESBIANS: DOMESTIC VIOLENCE

The conference focuses on Domestic Violence in lesbian partnership. We welcome researchers and projects to present their work. Special focus will be laid on:

- Specifics of lesbian battering (e.g. differences between gay and lesbian AND lesbian and heterosexual DV)
- Dynamics of lesbian battering relationship
- Child abuse and its impact on the development of lesbian identity
- Work with lesbian perpetrators
- How to build networks to provide psycho-social care for lesbians experiencing violence in their relationship

The conference will take place 30./31. May 2003 in Frankfurt/M, Germany.

The call for papers has to be in English, whereas the workshops will be in German, French and English.

The papers have to be send to daphne@lesben-gegen-gewalt.de till 15th of January 2003

BELGIUM MOVES TOWARDS GAY WEDDINGS

By Reuters Thursday, October 24, 2002

Belgium moved a step closer towards becoming the second country to allow same-sex marriages after the Netherlands.

The Senate's Justice Commission voted 11-4 in favour of a bill that would effectively give gay couples the same legal status as heterosexual ones.

"This proposal will put right what many homosexuals view as discrimination - the ban on marriage until now," Green Senator Josy Dubie told RTBF radio on Wednesday.

The draft law has to be passed by the upper and lower chambers of parliament before it becomes law.

Three parties opposed the bill -- the Franco-phone Liberals, the Vlaams Blok and the Francophone Christian Democrats.

Belgium, whose population of 10 million is 75 percent Roman Catholic, has increasingly broken from its conservative traditions.

The government legalised so-called mercy killings earlier this year and decriminalised the possession of cannabis for personal use in 2001.

Although the Netherlands has recognised registered gay partnerships since 1998, it only passed laws allowing same-sex couples to marry and adopt children in December 2000.

VATICAN TO TEST IF TRAINEE PRIESTS ARE GAY

By Jenifer Johnston, Sunday Herald

Pope expected to demand that seminary students who display homosexual tendencies are not ordained

The Vatican is to introduce psychological tests to 'out' gay seminary students and ask them to leave their training for the priesthood. The new law, currently being reviewed by the Pope, canon lawyers and medical experts, is also expected to demand that students who display homosexual tendencies are not ordained as priests even if they have completed their training.

Due to be published in the next few weeks, the sensitive policy document was developed in Rome by the influential groups The Congregation for Education, which supervises seminaries, and the Congregation for the Doctrine of the Faith, the Vatican's doctrinal watchdog.

Moves to rid seminaries of homosexuals and prevent them from being ordained as priests have been discussed for some time in Rome, but without agreement on what action should be taken.

In the wake of hundreds people who claim to have been abused by priests coming forward, the issue of homosexuality in the priesthood has been given new attention by the Vatican. Earlier this month Pope John Paul II told visit-

ing bishops that men with 'obvious signs of deviations' must be barred.

Tim Hopkins, spokesman for Equality Network, a campaigning organisation for gay, bisexual, lesbian and transgender people, said using personality tests to rid seminaries of gay men meant lessons were not being learned by the Church.

'On the one hand, the Church stands accused of taking a softly approach towards priests who have abused children and young people, and on the other they are wanting to be seen as taking a hard line against homosexual priests, as if the two are related. The Vatican is using gay people as a scapegoat for the abuse of children and young people by priests.

'This would be a major mistake for the Vatican -- it is a formal policy of apartheid. There are thousands of good gay priests and many gay members of congregations of Catholic churches. It seems the Vatican is determined to kick out a lot of very good gay priests without dealing with the problem of child abuse by its members.'

One American study suggested that up to 60% of priests under the age of 40 are gay, and a Channel Four documentary last year alleged that seminaries across the UK were places of 'high camp activity'.

The Bishops Conference of Scotland announced in June that Scotus College in Bearsden was being considered for closure since the number of students training for priesthood continues to fall.

Peter Kearney, spokesman for the Roman Catholic Church in Scotland, said that while he had not read the Vatican document, personality testing had been carried out for some time on new recruits to the Church.

He said: 'This is not something that is being introduced afresh - to an extent it goes on now. We look specifically at the area of sexual disposition for two reasons - for the individual it makes clear that they are entering into a life of celibacy, and for the Church we want to know that we have the right recruits.'

Kearney also pointed out that the six years of training involved posed a considerable cost to the Church. 'We spend just under a million pounds a year on training in seminaries, and it

works out at about £100,000 per student to get them trained and ordained.

'Mainstream employment cannot be compared with careers in the Church, where priests give up wealth, sexual freedom and take a vow of obedience - it is the opposite of the secular world.'

Sexual evaluation tests are a form of psychometric testing, measuring attitudes, habits and values. There are agree/disagree questions like 'I am strongly attracted by members of my own sex' and 'I have been disappointed in love'. Asking about sexual orientation in such tests has been made illegal in California after lawsuits against the testers alleged they were intrusive.

Andrew Johnson, co-director of the Equality and Discrimination Centre at Strathclyde University said testing for homosexual character traits was an unhealthy signal from the Catholic Church. He said: 'When a large institution such as the Church gives a signal like this, it provides oxygen for homophobia.'

Johnson believes that 'testing' for homosexuality within recruits to the priesthood is part of a wider trend of employers checking the fine detail of potential employees' suitability for a job. 'It is part of the trend in recent years to scientifically measure everything that moves. The implications are quite severe - the Church will be dealing with homosexuality as if it is a treatable illness.'

A Church spokesman said the Bishops of England and Wales, currently reviewing their training and formation programme for priesthood candidates at a study week in Guernsey, are unlikely to have had the opportunity to formally discuss the forthcoming Vatican document. But he added: 'When it does reach us it will be studied with enormous interest and almost certainly it will be implemented by our bishops.'

The Scottish bishops have already drawn up a revamped programme of the norms for the selection, education and formation of candidates for the priesthood, and it is presently in the Vatican for approval. Bishop Vincent Logan of Dunkeld, who was responsible for the document, confirmed that issues of sexuality have been included. He said: 'When the new Vatican guidelines are received they will certainly be studied. Any suggestions that might improve our programme would be welcomed.'