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UK: LEGAL GAY PARTNERSHIPS BEFORE CHRISTMAS

By politics.co.uk

New legislation that will enable gay couples to register their relationship as a civil partnership will come into force before Christmas this year.

The Civil Partnerships Act will come into force on December 5, meaning that the first couples will be able to formally register their partnerships on 21 December, after the standard 15 day waiting period.

Once a partnership is legally registered, couples will gain increased employment and pension rights, access to life assurance provisions as well as recognition for immigration and nationality purposes.

Any dissolution of the partnership would have to be made by a court.

Equality Minister Jacqui Smith said: "This legislation is going to make a real difference to these couples and it demonstrates the Government's commitment to equality and social justice.

"I hope this act will help create a more equal society. It opens the way to respect, recognition and justice for those who have been denied it for too long."

Over the next year the Government will offer guidance and training to employers on implementing the changes.

Gay rights group Stonewall enthusiastically welcomed the announcement.

Chief executive Ben Summerskill said: "We're delighted. We've received countless enquiries from people across Britain wanting to know when they will be able to register. At last, lesbian and gay couples can begin to plan their future lives together."

He added: "We're looking forward to lots of pre-Christmas celebrations!"

UK NAVY WANTS GAYS TO COME OUT

By Rex Wockner

The United Kingdom's Royal Navy is partnering with leading gay-rights group Stonewall in an effort to increase gay enlistment and encourage more sailors to come out of the closet, The Sunday Times reported.

Vice-Admiral Sir James Burnell-Nugent said sailors' coming out would contribute to a culture in which "all our people are valued for themselves and are thus able to give 100 percent to their job."

As a part of the campaign, the Navy will advertise in the biweekly gay newspaper The Pink Paper.

"[The ads] will show those who are gay and are uncomfortable about the environment [here] that our position on diversity is not just empty talk," said Commodore Paul Docherty. "It is quite possible that we will have a gay admiral in the fullness of time. ... We have had gay admirals in the past but they haven't come out."

The UK lifted its military gay ban in 2000.

In related news, the Ministry of Defence announced Feb. 20 that same-sex couples who register under the Civil Partnership Act that comes into force in December will be allowed to live in military family housing.

An MoD spokesman told the Telegraph newspaper, "If same-sex couples commit themselves to a registered civil partnership that is founded in statute and provides rights and obligations that are comparable to a marriage, the MoD would expect to afford the same recognition in its own policies towards service personnel."

In Malaysia, meanwhile, the head of the Royal Malaysian Navy, Adm. Datuk Sri Mohamed Anwar bin Haji Mohamed Nor, told the New Straits Times that Malaysia absolutely will not follow the UK's lead.

"We do not condone such acts," Anwar said. "The RMN will never accept them [gays] as we have to protect the Navy."

The RMN is in the process of distributing 10,000 copies of an Islamic education book from the Army's Religious Corps to all Muslim Navy personnel, Anwar said.

The 152-page book covers the basic principles of the faith and offers detailed instructions on how to conduct prayers while on a ship or the battlefield, the New Straits Times said.

SWEDEN TO ALLOW IN VITRO FOR LESBIANS

From EuroQueer

Stockholm - Sweden's government will soon vote to give lesbians joined together in a civil union the same right to undergo in vitro fertilisation as heterosexual couples,

media reported on Wednesday 2 March.

While Swedish law today allows only women living in a heterosexual marriage or union to receive artificial insemination treatment, Swedish public radio reported that the government would this week propose permitting esbian couples to undergo the same procedure.

The move is considered a next logical step in Sweden, which is known for its liberal attitudes towards homosexuality, allowing gay couples to adopt and permitting same-sex partnerships akin to marriage.

Quoting unnamed political sources, radio news program Ekot reported that the ruling Social Democratic Party, along with the Left Party and the Greens, had agreed to propose a change to the rules on Thursday, and that the new law would take effect on July 1 this year.

Lesbians living in a civil union would have the same access to different types of fertilisation treatment in Sweden as heterosexual couples, and once the child is born, both women would be regarded as its mother.

If the couple undergoes fertility treatment outside of Sweden however, the pregnant woman's partner will, as today, have to adopt the child for it to be considered hers, according to Ekot. - Sapa-AFP

DUTCH CHANGES IN ADOPTION LAW

By Kees Waldijk

Yesterday (9 March 2005) the Dutch Minister of Justice agreed in Parliament to introduce legislation which would allow inter-country adoption by same-sex couples in the Netherlands. A majority in the lower house of the Dutch Parliament has been pushing for such an amendment for several years.

Under the current legislation inter-country adoption is excluded from the adoption possibilities that same-sex couples have since 1 April 2001. It could take one or two years before the new amendment would be law. Even then, however, not many intercountry-adoptions by same-sex couples would take place, since hardly any country in the world allows their children to be adopted by (Dutch) same-sex couples.

On my website (www.emmeijers.nl/waaldijk under Latest news) you will find the provisional figures for marriages and partnership registrations in 2004.

For those of you who read Dutch: my overview of all the

opinions of the Dutch Equal Treatment Commission about alleged case of discrimination on grounds of sexual orientation, gender identity, civil status etc. since 1995, has now been updated to include the opinions given in 2004 (see www.emmeijers.nl/waaldijk under Oordelen commissie gelijke behandeling). These include a new opinion about the exclusion of same-sex from taking part in ballroom dance competitions (opinion 2004-116).

Again the Commission considers the exclusion of same-sex couples from such competitions as a form of direct sex discrimination. Unlike its previous opinion in such a case (opinion 1997-29), the Commission now also considers this to be a form of direct sexual orientation discrimination (in 1997 it concluded that there was indirect sexual orientation discrimination).

THE CZECH PARLIAMENT DISMISSED SAME-SEX PARTNERSHIP LEGISLATION FOR THE FOURTH TIME

By GLL, Prague - 11th February 2005

Chamber of Deputies, the Lower House of the Parliament of the Czech Republic, dismissed the fourth attempt to adopt the Registered Partnership Act. The adoption of this same-sex partnership legislation would have at least partly reduced the scope of discrimination and approximated the Czech Republic to the democratic standards in other European Union countries.

Gay a lesbická liga (Gay and Lesbian League) will continue in their effort to legalise same-sex partnerships by all possible lawful means and thus to eliminate discrimination of the GLB community in the Czech Republic

WHAT THIS BILL ALLOWED

- partners would have become “close persons“ according to the Civil Code
- partners could have acted on behalf of each other in common affairs
- mutual duty to maintain and support
- surviving partner would have automatically belonged into the first inheritance group
- common assessment of partners for the purposes of social support and subsistence minimum legislation
- partners could participate in each other's business activities but were not to be allowed to employ one another
- entitlement to refuse to give testimony should this endanger the other partner
- entitlement to select a counsel for the partner
- the entitlement to use the partner's rented apartment for the duration of the partnership

WHAT THE BILL DISALLOWED

- estate by entirety
- common or double surname
- impact on citizenship, residence or work permit acquisition
- survivor's pensions
- advantages stemming from income tax law
- financial compensation in case of partner's death
- adoption of children

HISTORY OF SAME-SEX PARTNERSHIP LEGISLATION IN THE CZECH REPUBLIC:

- In 1992/3, the Cabinet drafted a set of amendments to the Civil Code, the articles on same-sex relations were rejected, however.
- In 1995, two Civic Democratic Party Deputies presented a same-sex partnership Bill (it only contained inheritance rights and the right to the common use of rented apartment). Its discussion was postponed several times and eventually never took place due to Parliament elections.
- In 1997, a comprehensive Bill was presented by deputies of the Communist Party, Social Democratic Party and Civic Democratic Party. The Bill referred to the family law, explicitly excluding the possibility of common upbringing and adoption of children. The Cabinet assumed a negative position and the Chamber of Deputies, after an extensive first reading, decided to turn the Bill down.
- In 1999 another, more precise bill was presented by representatives of all parliamentary political parties except the Christian Democrats. The Cabinet supported the Bill but the Chamber of Deputies dismissed it in the second reading.
- In 2000, following the initiative of the Government's Human Rights Council, the Ministry of Justice drafted a very thorough and detailed Cabinet Bill. The Chamber of Deputies unexpectedly rejected it straight in first reading. It returned to the Cabinet for revision, which never materialised as it was interrupted by Parliament elections in 2002.
- In 2003, the Ministry of Justice drafted a new Bill. It was never considered by the Cabinet and Prime Minister Spidla proposed for the bill to be presented as a Deputies' initiative (for details, see below).
- In spring 2004, representatives of all parliamentary political parties except the Christian Democrats drafted a new Bill, based on the Ministry of Justice proposal, taking into account the comments by Gay a lesbická liga. The Cabinet did not express a positive view. The Bill passed through the first two readings

in the Chamber of Deputies. It was turned down in the third reading in February 2005.

THE STORY OF THE LAST REGISTERED PARTNERSHIP BILL

- 28th Jan Cabinet should have considered a same-sex partnership bill drafted by the Ministry of Justice. Gay a lesbická liga organised a public rally called "Heart for partnership" in front of the Government Office. Due to the absence of key ministers, the Cabinet postponed the debate for a week.
- 4th Feb Prime Minister Vladimir Spidla withdrew the Bill from the Cabinet agenda indeterminate due to protests of the Christian Democratic Party, member of the Government coalition.
- 26th Feb First meeting of Gay a lesbická liga with a group of deputies - the future presenters of a new bill.
- 20th Apr A new Registered Partnership Bill was presented to the Chamber of Deputies.
- 19th May The Cabinet discussed and commented the Bill.
- 18th Jun Chamber of Deputies considered the Bill in the first reading, the proposal of Christian Democratic deputy Vlasta Parkanova to turn the bill down did not pass.
- 7th Jul Petition Committee of the Chamber of Deputies received a 4.000+ signature petition, organised by Gay a lesbická liga, to support registered partnership legislation.
- 14th Jul Petition Committee of the Chamber of Deputies recommended to its Plenary Session to pass the Bill with minor amendments.
- 22nd Sep Chamber of Deputies discussed the bill in the second reading, the Christian Democratic deputy Vlasta Parkanova repeated her proposal to turn the Bill down.
- 15th Oct The third reading was to be held but the Plenary Session finished before the discussion could take place.

- 5th Nov The Communist deputy Zuzka Rujbrova suggested a repeated second reading as the Bill contained an inapplicable date of entry into effect.
- 16th Nov Petition Committee recommended the adoption of the Bill again.
- 24th Nov The second reading was repeated, the Christian Democratic deputy Jaromir Talir proposed to turn the bill down.
- 14th Dec Following consultations with Gay a lesbická liga, Tana Fischerova, one of the Bill's presenters from Union of Freedom-Democratic Union suggested to suspend the third reading until the February 2005 Plenary Session.
- 11th Feb The Bill was turned down in the third reading by one vote.

A VERY NARROW VOTE

Our House of Deputies has 200 members. To pass an ordinary bill (and send it then to the Senate), a simple majority of Deputies present is needed (=quorum). Present are those Deputies, who have their voting cards inserted in the slots of the electronic voting machines. Therefore, if there is a bill to be passed, five options are possible: a) the Deputy is ill/somewhere out/simply not present in the building of the House of Deputies b) the Deputy is in the building but doesn't have his/her card in the slot. Such an attitude in fact means silent support of the bill, because although in the building, the person is officially "not present" and thus lowers the quorum needed for the bill to be passed c) the Deputy is in the building, has his/her card in the slot but doesn't push any button. This means that he/she abstains and in fact it means a silent refusal of the bill. That's because he/she increases the quorum (=is officially present) but doesn't vote in favour of the bill d) the Deputy votes "NO" e) the Deputy votes "YES"

In this case, out of the 200 Deputies:

7 were somewhere out or ill
 28 were in the building but didn't insert their voting cards into the slots of their voting machines
 18 abstained (=had their cards inserted but didn't push any button)
 65 voted "NO"
 82 voted "YES"

The quorum was counted as >50% of those "officially present" (=with their cards in the voting machines), i.e.

$18+65+82=165$ divided by two and rounded up. Thus the quorum needed was 83 but there were only 82 who voted YES. Therefore, the bill didn't go through.

If you like, here you can also see the attitudes of Deputies according to their political affiliation:

We have 5 political parties in the House of Deputies:
 CSSD = Social Democrats, our main ruling party, left wing, in total 70 Deputies
 ODS = Civic Democrats, our main opposition party, right wing, in total 57 Deputies
 KSCM = Communists, extreme left, in total 41 Deputies
 KDU-CSL = Christian Democrats, very conservative centrist, ruling in coalition with the CSSD, in total 21 Deputies
 US-DEU = Union of Freedom, moderately liberal right-of-centre, ruling in coalition with the CSSD, in total 10 Deputies
 Independent = one Deputy, ex-US-DEU, quit the party some 2 years ago and currently is not a member of any party

(abbreviations: Y=voted YES, N=voted NO, A=abstained P=present in the building but not with card in the voting machine O=out of the building/ill)

CSSD (Social Democrats): 38 Y, 7 N, 8 A, 13 P, 4 O
 ODS (Civic Democrats): 13 Y, 31 N, 8 A, 3 P, 2 O
 KSCM (Communists): 24 Y, 5 N, 2 A, 9 P, 1 O
 KDU-CSL (Christian Democrats): 21 N
 US-DEU (Union of Freedom): 6 Y, 1 N, 3 O
 Independent: 1 Y "

ANTI-DISCRIMINATION PROTOCOL COMES INTO FORCE, BUT MANY EUROPEAN STATES DELAY ITS RATIFICATION

By ILGA-Europe

On 1 April 2005, Protocol 12 to the European Convention on Human Rights comes into force. Protocol 12 brings a major strengthening of the anti-discrimination provisions of the Convention and is potentially beneficial to lesbian, gay, bisexual and transgender Europeans.

However, only a few European countries ratified the Protocol and therefore its implementation is being delayed. So far only 11 of 46 European countries who are signatories to the European Human Rights Convention ratified the Protocol (see the list in the notes below). Regrettably EU member states are not on the front line of this important process - only 3 EU member states ratified the Protocol.

Currently, the European Convention on Human Rights does not provide a separate right not to be discriminated against. Secondly, prohibition of discrimination applies only in respect of one of the other rights protected by the Convention. Protocol 12 creates an independent right for individuals not to be discriminated against and a positive duty for public authorities not to allow discrimination. Sexual orientation and gender identity are not listed among prohibited grounds of discrimination. Nevertheless earlier case-law of the European Court of Human Rights clearly stated that discrimination on grounds of sexual orientation and gender identity in some areas breaches the Convention rights. Additionally, the Explanatory Memorandum to the Protocol does make reference to sexual orientation discrimination.

Patricia Prendiville, Executive Director of ILGA-Europe, said: "This is a very significant legal development in European anti-discrimination legislation which has great potential for lesbian, gay, bisexual and transgender people in Europe who still experience discrimination in many areas of their lives. We urge national parliaments and governments in European countries to sign and ratify the Protocol without delay and to demonstrate their commitment to eliminate discrimination across Europe. We call upon the current Luxembourg Presidency of the European Union to take a lead in encouraging the EU member states to do so."

TENDERS INVITED FOR A MAPPING STUDY

A call for tender has been launched to carry out a mapping study on national legislative measures and their impact in tackling discrimination – outside the field of employment – on the grounds of sex, religion or belief, disability, age and sexual orientation.

The results of this exercise will feed into a feasibility study to be conducted by the European Commission on the potential for aligning the legal protection against discrimination on these grounds to that conferred by the Race Equality Directive.

Full information is available on the Commission's website:

http://europa.eu.int/comm/employment_social/fundamental_rights/callspt/calls_en.htm

EU PARLIAMENT SUPPORTS BRAZILIAN RESOLUTION

On 24 February 2005, the European Parliament adopted a

resolution

“On the EU's priorities and recommendations for the 61st session of the UN Commission on Human Rights in Geneva (14 March to 22 April 2005) [B6-0086/2005](#) which expresses the Parliament's support for the Brazilian Resolution:

13. 13- Reiterates its request to the Presidency to continue its efforts in favour of the Brazilian initiative on discrimination on grounds of sexual orientation and gender identity by gathering other countries' support for a resolution on this problem.

EU PARLIAMENT PREPARES ITS ANNUAL REPORT ON HUMAN RIGHTS IN THE WORLD

On 30 March 2005, Committee on Foreign Affairs of the European Parliament (AFET) supported a number of amendments referring to violations against LGBT people:

Amendment by Kinga Gál

Amendment 40

Paragraph 8

8. Recalls the findings contained in its special in-depth reports on the accession/candidate countries Bulgaria, Romania and Turkey, and congratulates them on the progress they have achieved with regard to human rights; urges them to continue and to redouble their efforts in this regard, *especially by applying the standards adopted in the field of discrimination against vulnerable groups and ethnic, linguistic and religious minorities;*

Amendment by Héléne Flautre, Raúl Romeva i Rueda, Jean Lambert, Milan Horáček, Alain Lipietz

Amendment 189

Paragraph 50 a (new)

50a. Calls on the Government of Jamaica to repeal sections 76, 77 and 79 of the Offences against the Person Act, which criminalise sex between consenting adult men and are used as justification for the harassment of men who have sex with men and of HIV/AIDS educators working with them; calls on the Government of Jamaica to actively combat widespread homophobia, violent acts against and police harassment of gay men in Jamaica;

Amendment by Michael Cashman, Richard Howitt and María Elena Valenciano Martínez-Orozco,

Amendment 273

Paragraph 114 a (new)

114a. Urges states which impose the death penalty on persons accused of same-sex consensual sexual relation-

ships to abolish such laws and judicial practices;

Amendment by Michael Cashman, Richard Howitt and María Elena Valenciano Martínez-Orozco
Amendment 352
Paragraph 151 k (new)

151k. Calls on the Council and the Commission to address and take concrete measures in respect of those countries that have laws that discriminate on the grounds of sexual orientation; calls on those countries that have laws making same-sex consensual sexual relationships between adults a criminal offence to abolish them;

Report on the Annual Report on Human Rights in the World 2004 and the EU's policy on the matter:
http://www.europarl.eu.int/meetdocs/2004_2009/documents/PR/554/554200/554200en.pdf
EU Parliament will debate this report on its plenary on 27 April 2005.

FIRST REFERENDUM APPROVES THE EU CONSTITUTION

On 20 February 2005, Spain became the first among the EU member states to approve the future European Constitution during a national referendum. If ratified by all EU member states, A Constitution for Europe will become the first international legally binding document explicitly banning sexual orientation discrimination.

Last October heads of the EU member states signed the Constitution in Rome but it will only come into force after each individual EU member state approves it either by referendum or by an act of national parliament. National parliaments in three countries already ratified the Constitution – Lithuania, Hungary and Slovenia. Spain is the first EU member states where the faith of the Constitution will be decided by the voters. The Constitutions was also approved by the Italian parliament.

You can find more information about the Constitution and its relevance to LGBT people on a special Constitution section of our website: www.ilga-europe.org.

FACT SHEETS NOW AVAILABLE ONLINE IN ALL 20 OFFICIAL EU LANGUAGES

Do you know how best to deal with discrimination in the workplace? Or how can employers benefit from actively promoting diversity in their company? And how can employees be sure that their behaviour is not discriminating against others? You can find the answers to these and

many more questions on five free fact sheets that are now also available in the languages spoken in the 10 new EU Member States at www.stop-discrimination.info. Printed versions for the new Member States are also planned for this year.

The fact sheets describe how to tackle discrimination in the workplace. Rather than focusing merely on legal issues, they provide useful information about how to improve the working environment. For example, victims of discrimination will find advice on what they have to include in their documentation of discriminatory situations and how they can approach their superiors. Employers can read about what action they can take to help their companies become discrimination-free places. The fact sheet entitled "I don't discriminate...Do I?" questions everyday behaviour and provides tips on how to ensure that your own behaviour towards colleagues and fellow employees is not discriminating others.

The fact sheets were created in collaboration with an international diversity consultant, with the assistance of non-governmental organisations, unions, employers' associations and ministries.

EU GENDER INSTITUTE

The creation of an institute for gender equality was requested by the European Council in June 2004. It should be up and running in 2007. Funded by the Commission, with a proposed budget of 52.5 million EUR for the period 2007 to 2013, this new European Institute will support the EU institutions and the Member States in promoting equality between women and men and combating sex discrimination. The Institute will gather, analyse and disseminate reliable and comparable research data and information needed by policy-makers. It will have a documentation centre and a library which will be open to the public.

The Institute is also aimed at stimulating research and exchanges of experience by organising meetings between policy-makers, experts and stakeholders; it will raise awareness of gender equality policies with events including conferences, campaigns and seminars. Another task will be to develop tools for supporting the integration of gender equality into all Community policies. Proposal for a Regulation of the European Parliament and of the Council establishing a European Institute for Gender Equality:

http://europa.eu.int/comm/employment_social/news/2005/mar/genderinstitute_en.pdf

SLOVENIAN GOVERNMENT PROPOSED SAME-SEX PARTNERSHIP BILL

By Public relations and media office of the government of the Republic of Slovenia
<http://www.uvi.si/eng/slovenia/publications/slovenia-news/1883/1899/>

The government debated a bill on the registration of same-sex partnership at its regular session on 31 March 2005, referring it to parliament for first reading. The bill sets down the conditions for the registration of same-sex unions, as well as legal consequences resulting from it and the termination of such a union. It does not deal with the relations between the partners and the children of either of them.

The Ministry of Labour, Family and Social Affairs drafted the bill on the basis of the "fact that a same-sex partnership is a specific union between two adults (two men or two women)".

Due to the specific nature of such a relationship it proposed its legal status be regulated by means of a special law. The proponents say its aim is to legally regulate the status of same-sex unions and enable same-sex couples to realise their rights and meet their obligations to their respective partners. The bill identifies rights and obligations of partners who register their same-sex union in relation to their common property and earnings, housing, inheritance, acquiring information on the health condition of the partner who is ill, and the right to visits in health institutions.

The ministry says it has involved NGOs in preparing the bill, who made their proposals. From the rights they proposed, the right to inheritance of common property has been included in the law.

The government plans to draw up changes to other laws within six months after the same-sex partnership bill has been adopted. Legislation dealing with criminal proceedings, lawsuits and other proceedings will be amended to include the rights resulting from the registration of same-sex unions.

Earlier this month, parliament rejected the opposition-sponsored bill on same-sex partnership. The main objection raised by coalition MPs was that the bill put same-sex partnership on an almost equal footing with heterosexual marriages.

HUNGARY: GAY 'PARTNERSHIP RIGHTS' POSSIBLE BY 2007

By Tamás S Kiss, Budapest Sun,
http://www.budapestsun.com/full_story.asp?ArticleId={92AD4C7B74C348A081161BEED27FB409}&From=News

The government says it is working towards introducing a legal framework for homosexual couples, which could be brought before parliament in 2007, though it will still fall short of allowing same sex marriages.

While the Constitutional Court has never explicitly ruled on whether same sex marriages would be against the constitution, it has said that marriage is an institution upheld for heterosexual couples only, says Katalin Makai, head of department for civilian issues at the ministry of justice (IM).

Therefore, even if gay couples win what would probably be called domestic partnership registration, they are not entitled to a civil wedding ceremony or certain family rights, such as adopting children.

"The government is now working to lay down clear legal foundations while amending the Civil Code and Family Code," Makai said, adding that the IM has examined similar codes in neighbouring countries. "By the end of this year the proposals of the Civil Code will be public and in 2006 will be followed by debates before being drafted to parliament in 2007," she added.

Benefits for the so-called domestic partnership would include a legal framework for the couples sharing certain social securities benefits, apartment or house-sharing benefits and sharing of other fixed and non fixed assets. Inheritance would probably also be covered. Balázs Pálfi, the presenter of a program dealing with gay issues on Petöfi Radió, said gay and human rights groups are lobbying for the state to go further and legalize same sex marriages. "It's a political issue and the general elections [in 2006] may hinder social dialogue," he said.

While the Fidesz stance on legal rights is as yet unclear, Péter Gusztos, a member of the Free Democrat (SzDSz) youth group Újgeneráció (New Generation), said a proposal to introduce same-sex marriages is very likely to feature in the SzDSz's next manifesto.

He said that he hoped gay marriages would be incorporated into the new Civil Code.

TURKEY: CONCERNS ABOUT NEW PENAL CODE SHOULD BE ADDRESSED

By Amnesty International

<http://www.amnestyusa.org/news/document.do?id=80256DD400782B8480256FCD006B8334>

On March 23, 2005, Amnesty International expressed its concern about the new Turkish Penal Code. One of the issues Amnesty International raised was "penalizing discrimination based on sexual orientation".

In recent days, press groups in Turkey have articulated their concerns regarding the new Penal Code which is due to come into effect on 1 April. Professional bodies such as the Press Council and Society of Turkish Journalists have called on the government to urgently review the new law which they are concerned will restrict press freedom. Justice Minister Cemil Cicek has stated that the government may review the legislation. Amnesty International shares these concerns and urges the government to take further steps to bring Turkish law into line with international human rights law and standards related to freedom of expression.

While the new Penal Code has introduced many positive changes - most notably in the removal of gender-discriminatory articles - it still contains numerous restrictions on fundamental rights. Some provisions, which the authorities had used before to breach international standards related to freedom of expression, were carried over from the old Penal Code. For example, Article 159 which criminalized acts that "insult or belittle" various state institutions, and which Amnesty International has repeatedly called for to be abolished, reappears as Article 301 of the new Penal Code in the section entitled "Crimes against symbols of the states sovereignty and the honour of its organs" (Articles 299 - 301). Amnesty International is concerned that this section could be used to criminalize legitimate expression of dissent and opinion.

In other cases, new articles have been introduced which appear to introduce new restrictions to fundamental rights. For example, Article 305 of the new Penal Code criminalizes "acts against the fundamental national interest". The written explanation attached to the draft, when the law passed through Parliament, provided as examples of crimes such acts as "making propaganda for the withdrawal of Turkish soldiers from Cyprus or for the acceptance of a settlement in this issue detrimental to Turkey... or, contrary to historical truths, that the Armenians suffered a genocide after the First World War". Amnesty International considers that the imposition of a criminal penalty for any such statements - unless intended or

likely to incite imminent violence - would be a clear breach of international standards related to freedom of expression

Many of the provisions in the new law envisage higher sentences if the "crime" has been perpetrated through the press and raise the possibility of custodial sentences for journalists. Chair of the Press Council Oktay Eksi has evaluated the new law as "an unfortunate reversal from the point of freedom of expression and of the press".

Background:

The new Penal Code was presented by the government as a less restrictive and democratic piece of legislation and hastily passed by Parliament in September 2004 as a result of pressure from the European Union. This pressure appears to have resulted in insufficient consultation with members of civil society, such as press and human rights groups, and may have contributed to the continuing problems in the law.

Amnesty International is also concerned about aspects of the Penal Code which are related to areas other than freedom of expression. For example, Article 122 of the draft of the new Penal Code which forbids discrimination on the basis of "language, race, colour, gender, political thought, philosophical belief, religion, denomination and other reasons" was amended at the last moment so that "sexual orientation" was removed from the draft. Amnesty International is therefore concerned that discrimination on the basis of sexuality was therefore not criminalized in the new law.

In addition, Amnesty International is concerned that the statute of limitations (the time limit) still applies in trials in which individuals are accused of torture. While the new law has extended this time limit, trials against alleged torturers are frequently deliberately delayed and therefore dropped through this provision thereby contributing towards a climate of impunity. Given the frequency with which this happens and the status of torture as a peremptory norm of general international law, Amnesty International considers that there should be no statute of limitations for the crime of torture.

KAOS GL'S NOTE:

On April 1, 2005, the new Turkish Penal Code that was to go into effect on April 1, 2005, has been pushed back to June 1, 2005 pending approval by parliament. Turkish Prime Minister Recep Tayyip Erdogan acknowledged that his government had decided on a postponement of "45 to 60 days after demands from some institutions."

CELEBRATE – EUROPEAN CONFERENCE FOR LGBT POLICE OFFICERS

What is Celebrate?

Celebrate is a European conference hosted by the Gay Police Association (GPA) on behalf of the British Police Service. Key note speeches, workshops and drama presentations will tackle a range of subjects from the recruitment, retention and development of gay police officers and staff, through to external community safety and partnership issues. Details of the [programme](#) and [workshop](#) can be found at: <http://www.celebrate.gay.police.uk>.

The Gay Police Association was formed in 1990 to promote equality for gay police officers and police staff and to improve relations between the police and the gay community. During the last fifteen years the British police service has learned much about valuing the contribution of gay staff and respecting the needs of the wider gay community. This conference will examine what progress has been made, what good practice we can share with European colleagues and what future challenges exist for gay equality in the service.

We believe that the measure of true equality is the ability to actively celebrate difference, not merely to tolerate or even to respect it. We also believe that it is as important to celebrate the journey to equality as it is to celebrate the intended destination. This conference will celebrate our shared history and our united future.

Who should attend?

Celebrate is aimed at gay police officers and police staff, police managers, police diversity trainers and gay community groups who have a strategic interest in working with the police service to promote community safety and/or improve service delivery. Celebrate is a European event and delegates from all member states are encouraged to attend.

When and where is it?

Celebrate will take place in London, United Kingdom, between Thursday 30th June and Friday 1st July 2005. The main conference will be held at the Novotel London West Conference Centre. details the [location](#) and [venue](#) links on our website:

<http://www.celebrate.gay.police.uk>.

On Saturday 2nd July 2005, police officers and police staff from across Europe will join members of the Gay Police Association, leading the Pride Parade through London in uniform.

How much will it cost?

Celebrate is funded by the Gay Police Association in partnership with the British police service. We recognise that expensive conferences often exclude the people who

most need to attend and so the majority of delegate places are free.

How do I register?

It is vital that we achieve a balanced profile of delegates and as such we have identified a range of registration categories, through which we will allocate places. Potential delegates should pre-register their interest through our site. Confirmation of registration will be sent to all successful applicants within four weeks. Please complete the [pre-registration page](#) if you would like to attend Celebrate: <http://www.celebrate.gay.police.uk>.