

EURO-LETTER

No. 121

May 2005

This EuroLetter is available in pdf-format at http://www.steff.suite.dk/eurolet/eur_121.pdf

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The Euro-Letter is published on behalf of ILGA-Europe - The European Region of the International Lesbian and Gay Association by The International Branch of The Danish National Association for Gays and Lesbians with support from the European Community - The European Union against Discrimination.

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SPANISH PARLIAMENT OKS SAME-SEX MARRIAGE

By Rex Wockner

Spain's Congress of Deputies voted to legalize same-sex marriage and adoption April 21. The vote was 183 to 136 with six abstentions.

The bill now moves to the Senate where it should pass as well, although the Senate's approval is not necessary for the bill to become law.

The measure modifies the Civil Code in 16 places, mostly replacing the words "husband" and "wife" with "spouse," and the words "father" and "mother" with "parent." It also states: "Matrimony will have the same requirements and effects when both parties are of the same sex or of different sexes."

Spain will be the third country to legalize full same-sex marriage, following the Netherlands and Belgium. Eight Canadian provinces and territories and one U.S. state also allow same-sex couples full access to marriage.

About 66 percent of Spaniards approve of gay marriage, polls have found.

The first same-sex weddings should occur by September.

NATIONAL SEMINARS ON ANTI-DISCRIMINATION FOR NGOS

In the framework of the EC-funded project entitled "mapping capacity of civil society dealing with anti-discrimination", national seminars are being organised during June 2005 in each of the new Member States, Bulgaria, Romania and Turkey.

The seminars will focus on the role of NGOs in combating discrimination on the grounds of racial or ethnic origin, age, disability, religion or belief and sexual orientation. The programme deals with the concepts of discrimination as set out in the EU Directives 2000/43 and 2000/78, awareness raising, dialogue with the government, support to victims and litigation in the context of the national situation of government legislation and policies. Each seminar will take place over two days.

Further information and registration forms are available from the website:

http://europa.eu.int/comm/employment_social/fundamental_rights/civil/map_en.htm

EUROPEAN PARLIAMENT ADOPTS ANNUAL REPORT ON HUMAN RIGHTS IN THE WORLD

On 5 April, the European Parliament adopted its annual report on human rights in the world – A6-0086/05. Following ILGA-Europe efforts, the report makes references to human rights violations based on sexual orientation and in particular:

82. Calls on the government of Jamaica to take effective action to stop the extra-judicial killing of people by security forces; also 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 unacceptable harassment, notably against HIV/AIDS educators; asks the Government of Jamaica to actively fight widespread homophobia;

168. Urges states which impose the death penalty on persons accused of same-sex consensual sexual relationships to abolish such laws and judicial practices;

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

Full text of the report:

<http://www2.europarl.eu.int/omk/sipade2?PUBREF=//EP//TEXT+TA+P6-TA-2005-0150+0+DOC+XML+V0//EN&LEVEL=3&NAV=X>

EUROPEAN PARLIAMENT'S REPORT ON MINORITIES AND ANTI-DISCRIMINATION

On 10 May, the Committee on Civil Liberties, Justice and Home Affairs of the European Parliament passed the report on the protection of minorities and anti-discrimination policies in an enlarged Europe. The report now will have to be adopted by the plenary.

ILGA-Europe submitted a number of amendments to the report referring to specific needs of LGBT people, a need of taking more actions against discrimination based on sexual orientation and gender identity, need for more funds to organisations working in the area of equality and non-discrimination (PROGRESS), the Fundamental Rights Agency, all of which were incorporated in the report.

Full text of the report:

<http://www2.europarl.eu.int/omk/sipade2?PUBREF=-//EP//NONSGML+REPORT+A6-2005-0140+0+DOC+WORD+V0//EN&L=EN&LEVEL=2&NAV=S&LSTDOC=Y>

EUROPEAN PARLIAMENT SEMINAR ON FUNDAMENTAL RIGHTS

On 25-26 April, the European Parliament organised a public seminar "Promoting EU Fundamental Rights Policy: from words to deeds or how to make rights a reality?"

The objective of this seminar was, within the context of two reports currently under consideration by LIBE - the report of Mrs. Kinga Gál on the "promotion and protection of fundamental rights: the role of national and European institutions, including the Fundamental Rights Agency" and the report of Mr. Claude Moraes on the "protection of minorities and anti-discrimination policy in an Enlarged Europe" - to get an overview about the current European and national policies and practices with regard to the fundamental rights, anti-discrimination and minorities issues and to discuss further developments in this area.

Commissioners Barroso, Frattini and Špidla committed to mainstream equality, in the Commission's work and implement fundamental rights impact assessment of their policies. Public declarations are available on the seminar's website (click on the name of the Commissioner and the participants to view their statements): http://www.europarl.eu.int/comparl/libe/elsj/events/hearings/20050425/default_en.htm

TOWARDS A CULTURE OF FUNDAMENTAL RIGHTS IN EU LEGISLATION?

The European Commission adopted on 27 April a new mechanism to ensure that all Commission legislative proposals are checked for compatibility with the Charter of Fundamental Rights. The new mechanism is based on a process of systematic screening of legislation from the earliest preparatory work through to inter-service consultation. The other key instruments consist of: impact assessments on the effect of legislation on individual rights; and an examination of the legal reasoning for legislation - with an assessment of its effects on fundamental human rights.

This mechanism is the first initiative of the new Commissioners Group on Fundamental Rights, Anti-discrimination and Equal Opportunities which was established under the Barroso Commission. Other issues under preparation by this new group include: proposals for a Fundamental Rights Agency and for an Institute for the Equality between Men and Women; the preparation of proposals for an anti-discrimination strategy and a European Year for equal opportunities for all; and the preparation of an initiative on the protection of children.

BULGARIA AND ROMANIA SET TO JOIN THE EUROPEAN UNION

On 25 April, the Treaty of Accession with Bulgaria and Romania was signed by Bulgaria and Romania. With the signature of the Treaty, Bulgaria and Romania will now focus on their final preparations for membership. These two countries are now active observers in the work of the Council and its preparatory bodies. The Accession Treaty needs to be ratified by the present and future Member States and will enter into force on 1 January 2007. The Bulgarian national parliament on 11 May ratified its EU accession treaty

Treaty of Accession of Bulgaria and Romania to the EU - http://www.mie.ro/tratat_aderare/English/toc.htm
More info on the enlargement process: http://www.europa.eu.int/comm/enlargement/index_en.html

CALL FOR PROPOSALS - SUPPORT TO KEY EUROPEAN NETWORKS INVOLVED IN THE FIGHT AGAINST POVERTY AND SOCIAL EXCLUSION

This call for proposals will support key European networks under the Community Action Programme to encourage co-operation between Member States to combat social exclusion. Proposals may come from European-level networks of organisations whose main purpose is to contribute to the fight against poverty and social exclusion and whose membership is composed of organisations who are active in the fight against poverty and social exclusion. Applicants must be non-profit organisations whose members are themselves non-profit organisations established in at least twelve Member States of the European Community.

It is envisaged that approximately six European networks will be selected following this call. The deadline for submitting applications is **29 July 2005**

at the latest. More information:

http://europa.eu.int/comm/employment_social/calls/2005/vp_2005_007/tender_en.htm

NGO CAPACITY TRAINING SEMINAR “HOW TO ADDRESS THE ISSUE OF MULTIPLE DISCRIMINATION”: REGISTRATION IS OPEN!

Dateline: 7 June

On the 7th of June 2005 the Social Platform is organising a NGO capacity building seminar on “How to address the issue of multiple discrimination?” (9.15 to 13.00 - at Social Platform - Square de Meeûs, 18 – 1050 Brussels). The aim of this capacity seminar is to develop the understanding Social NGOs have of the concept of multiple discrimination and to provide them with practical tools to address this issue more effectively.

This goal will be achieved by providing the participants the opportunity to:

- Share their experience in the fight against multiple discrimination and put in common resources and information on this issue (a questionnaire will be circulate in advance of the seminar to help establishing a database of NGOs initiatives in this field)
- Engage in a debate with an Katherine E. Zapone, expert on the issue of multiple identity and coordinator of a joint research commissioned by the Joint Equality and Human Rights Forum on “Re-thinking Identity: The Challenge of Diversity” - http://www.ihrc.ie/fileupload/publications/Joint-Proposals-ReThin-Ing_Identity_The_Challenge_of_Diversity.pdf
- Put in practice the knowledge acquired through smaller workshops on concrete cases

A handbook on multiple discrimination as well as a web page will be developed in relation to the seminar, which will include internet resources on multiple discrimination, information about translational project dealing with multiple discrimination and any other resources that could be of interest to Social NGOs. The targeted audience for this seminar is European Social NGOs working on discrimination issues, NGOs provider of services and NGOs dealing with horizontal issues such as poverty, homelessness, public health etc...

For the programme, registration form and questionnaire

to help preparing the seminar contact:

roshan.dipuppo@socialplatform.org

NEW BOOK - PARTNERSHIP RIGHTS, FREE MOVEMENT, AND EU LAW

This book considers the case for modernising partnership rights in EC family reunification law. Existing Community law traditionally guarantees immigration rights only to spouses and yet there is a growing diversity of national laws on same-sex marriage, registered partnerships and recognition of cohabitation. The Community institutions which have recently framed new legislation seem to view this as a question that can be settled by political agreement with little or no outside constraint. The book challenges this assumption.

The book outlines recent developments in national legal systems and traces the development of the recent Community legislation. Then, drawing on basic ECHR principles, the place of the ECHR in Community law, and on basic Community law principles of free movement and discrimination the book argues that the right of a migrant EU Citizen to family reunification for a cohabiting partner is presumptively protected and therefore justification for refusing to admit such partners must be provided.

It also considers the possible justifications for marriage-partners only immigration policies and concludes that although possible, such justifications are far from certain to succeed. The discussion also tackles the question of whether judicial activism is appropriate or whether there should be judicial deference to the legislative process recently completed.

The book concludes with a wider discussion of the proper response of Community law to the increasing diversity of Member States family laws and policies beyond the field of immigration rights. The book will be of value not only to immigration lawyers, but also to those interested in partnership rights generally, as well as to a wider audience of EU lawyers, primarily academics but also graduate students and practitioners.

Helen Toner studied law at Cambridge, the London School of Economics and Oxford. She was a College Lecturer at Oxford University between 1987 and 2004, when she became a lecturer in law at Warwick University. Her main interests are in EU law and migration/immigration law generally.

To order:

<http://www.hart.oxi.net/bookdetails.asp?id=654&bnd=0>

www.ilga-europe.org.

REVIEW ON CASES AND STATUTES ON DISCRIMINATION LAWS WITHIN EU

By Mark Bell

You may be interested in this new review, which will be published twice a year. It contains some short articles and briefings on new cases and statutes on discrimination law within the European Union Member States.

The first edition is available at:

<http://www.migpolgroup.com/publications/default.asp?action=publication&pubid=150>

ILGA-EUROPE LAUNCHES "ANGELS" SCHEME TO RAISE MONEY FOR ANNUAL CONFERENCE SCHOLARSHIPS

Scholarships to ILGA-Europe's annual conferences have long been a very important way of supporting the development of LGBT human rights activism, particularly in Eastern and South Eastern Europe and for the transgender community. But funds for these scholarships are becoming increasingly difficult to find. So ILGA-Europe is setting up a "scholarship angels" scheme to enable supporters -- both organisations and individuals -- to contribute a sum of money each year towards the conference scholarship fund.

Donors will be encouraged to give a fixed sum of money equivalent to the cost of conference participation, or conference participation and travel. They will be told which scholar their money has supported, and be given background information about their organisation and work.

Supporting the launch of the scheme, Max Anmeghichean, Executive Director of Moldova's LGBT organisation GenderDoc-M (and IE Board Member) commented:

“I strongly believe that participation in ILGA-Europe conferences is of major importance for activists from Eastern Europe. I remember very well my first conference in Bucharest in 2000. When the conference ended, I was a different person, and could proudly call myself an LGBT activist. If you're able to support the "Scholarship Angels" scheme, I would very much encourage you to do so. Your support will be one of the best and surest investments in the future of the LGBT movement in Europe.”

Please support this scheme! Become a scholarship Angel!
For full details, visit the ILGA-Europe web site,