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PARTNERSHIP RIGHTS IN SWITZERLAND AFTER REFERENDUM

By *swissinfo* June 5, 2005

<http://www.swissinfo.org/sen/swissinfo.html?siteSect=105&sid=5845155>

Gay rights' groups are celebrating after voters on Sunday approved a new law allowing homosexual couples to register their partnerships.

The result means that gay couples will now be granted the same legal rights as married couples in the areas of pensions, inheritance and taxes. But they will not be allowed to adopt children or have access to fertility treatment.

The results of Sunday's referendum put support for registered partnerships at 58 per cent, which the "yes" campaign described as "wonderful".

Speaking at celebratory gathering after the vote, campaign spokesman Christian Verdon told *swissinfo* he was "very happy".

"[The result] shows that we are a pluralistic society that defends its minorities. Homosexuals have earned their place in society today."

Verdon added that the outcome was also a big step forward in the fight against homophobia. "It will give gay couples far more visibility," he said. "People only fear what they don't know."

Although the registered partnerships law had been given the go-ahead by parliament, a small conservative religious party, the Federal Democratic Union, collected enough signatures to force Sunday's referendum.

Nicole Béguin, co-president of Switzerland's lesbian organisations, said the result was a clear sign that homosexuals were now accepted in the country.

"Ten years ago, such a proposal would never have been approved."

Ten years ago, such a proposal would never have been approved.

Disappointment

Reacting to the result, the "no" campaign, which has lobbied hard against gay partnerships in the run-up to the vote, said it wasn't disappointed with the outcome and accepted it.

"We are surprised by the result which is better than we expected since we managed to get over 40 per cent of the vote," said the Federal Democratic Union's Christian Waber. "But Swiss citizens must now take their responsibility for the vote."

Opponents of registered partnerships are already warning of what they call the "consequences" for society and policies. According to Waber, gay couples will now start demanding the right to adopt children and fertility treatment.

Supporters of the "no" campaign say they will also fight plans for gay people to explain to schoolchildren what homosexuality is.

"Children especially will no longer understand what heterosexuality represents," Waber told *swissinfo*. "We will see society become more 'homosexual.'"

Registered partnerships previously only existed at a regional level in cantons Zurich, Geneva and Neuchâtel.

The approval of the law - the first time it has been voted on at a national level in Europe - brings Switzerland into line with neighbouring Germany and France.

The government-backed measures are aimed at stamping out inequalities in the present system, which can prevent homosexuals from visiting ill partners in hospital or being subject to heavy inheritance taxes.

We still have plenty of work to do... to explain what being gay and registered partnerships mean.

Not marriage

In the run-up to the vote, the government was at great pains to stress that registered partnerships were not equivalent to traditional marriage.

"A registered partnership is not a marriage; it is an institution for those people who by definition cannot marry," said Justice Minister Christoph Blocher.

Most political parties were in favour of allowing registered partnerships for same-sex couples, but the issue was opposed by Blocher's rightwing Swiss People's Party.

The religious community was also divided. The Roman Catholic Bishops' Conference was against the law, but the Federation of Protestant Churches in Switzerland supported it.

Most of the gay community were also in favour of the

move but some were concerned the legislation didn't allow for families or symbolic gestures, such as saying yes in a ceremony - like in marriage - or using the same name.

Gay associations are now expected to take time now to reflect on the result, and should not make any demands such as adoption for homosexual couples in the near future, according to Verdon.

"It would be a mistake to demand [adoption rights] now. We still have plenty of work to do at the national level to explain to people what being gay and registered partnerships mean."

UPDATE ON SLOVENIAN BILL ON REGISTRATION OF SAME-SEX PARTNERSHIPS *By Tatjana Greif, SKUL-LL*

On **17 June 2005** the **Bill on Registration of Same-sex Partnerships** went through its 2nd reading in the Slovenian National Parliament. The bill, which was drafted by the new conservative government without consulting LGBT NGOs is clearly discriminatory, introducing sexual apartheid instead of equal rights and protection.

The June parliamentary debate on the bill was extremely **humiliating for LGBT citizens**, who were called as **"ill"** and **"in need of medical treatment"**, and compared to **alcoholism and kleptomania**. **"This love is a disease"**, was stated among others by MP mr. **Anton Kokalj** (NSi). Furthermore, during the debate MP mr. **Pavel Rupar** (member of the leading governmental SDS party) suggested to introduce the **"obligatory gynaecological test of genitalia"** for two MPs from the opposition parties: mrs. **Majda Potrata** (DS) and mrs. **Majda Sirca** (LDS), who suggested several improvements of the bill. The vice-president of the National Parliament mr. **Saso Pece** refused to stop the extremely vulgar discourse and continued with the procedure. This was the reason for the members of DS and LDS to leave the session and walk out.

The new **Bill on registration of same-sex partnerships** is considerably poorer comparing the old draft (Bill on Same-Sex Unions), and is covering only the property relations, the right and obligation to support socially weaker partner and only partly the inheritance rights. It does not introduce any social security rights (the transfer of social and health insurance, pension rights), and it does not give the status of a next-keen to the partners.

The bill on **Registration of Same-sex partnerships** is to be further discussed and presumably adopted by the National Parliament on **June 22**.

The long way of Slovenian NGOs struggle for legalization of same-sex unions, which **started in 1997** is now in stuck in the dead end. While the former, liberal government needed seven years to get the issue into the Parliament, and the lack of political will was more than obvious, the new, conservative government is rushing into the partial legalization of gay and lesbian partnerships with obvious lack of civil dialogue, ignoring the real needs of LGBT citizens. The discussion about gay and lesbian rights in Slovenia has become an arena of political fights between the two political blocks, each of them taking extremely different sides. There is no winner in this situation; the ones who are actually losing are gay and lesbian couples.

It was a huge disappointment of LGBT organizations and community in Slovenia, when the new government as one of its first measures removed the **Bill on same-sex unions** from the Parliamentary agenda in December 2004. Before the government changed Slovenian National Parliament already discussed the bill in July 2004. The (old) Bill on same-sex unions was drafted in cooperation between the ex-government and NGOs. It was supposed to bring all the rights comparing to marriage except adoption rights.

WILL FRENCH AND DUTCH 'NO' VOTE UNDERMINE PROTECTIONS AGAINST DISCRIMINATION?

Last May two founding member states of the European Union, France and the Netherlands, delivered 'No' vote during their referenda on the European Constitution. The UK government put the idea of a referendum in this country on hold. Two rejections by the oldest and traditionally most pro-European member states in a course of a week and a freeze of the referendum in the UK caused serious political crisis and raised questions over the entire 'European project'. Despite the call from Brussels that the ratifications of the Constitution should continue in other EU member states, there is a real and serious doubt over its future.

The European Constitution, if ratified by all EU member states, would become the first international treaty explicitly banning sexual orientation discrimination. It would put EU institutions and EU member states under obligation to not discriminate against on the grounds of sexual orientation when implementing EU law.

'No' votes in France and the Netherlands raise uncer-

tainties about the future of the European Constitution and could lead to its re-negotiation by all 25 EU member states. ILGA-Europe is concerned that it might be difficult to reach unanimous agreement to give fundamental rights, including a ban on sexual orientation discrimination, a high profile place in EU basic document. Patricia Prendiville, Executive Director of ILGA-Europe said: "Whatever the outcome of the current crisis over the European Constitution, we call upon EU institutions and EU member states to remember that equality and non-discrimination are the core fundamental principles of the Union and we hope the Union will continue its work and commitment to fight all forms of discrimination, including against lesbian, gay, bisexual and transgender people."

More about the European Constitution on our website: www.ilga-europe.org

ILGA-EUROPE CONTINUES TO LOBBY FOR LGBT RIGHTS WITH OSCE

LGBT issues are becoming more visible and prominent, while OSCE (Organization for Security and Cooperation in Europe) continues to develop its mandate on tolerance and non-discrimination, introducing new instruments and holding big intergovernmental events. It is true, however, that hate crimes and discrimination against LGBT communities are given far less space and meaning than anti-Semitism, Racism or even a newly invented concept – christianophobia. Discussions on anti-Semitism and christianophobia were dominating the OSCE conference on Anti-Semitism and other Forms of Intolerance which took place in Cordoba on June 7 – 9. ILGA-Europe was actively lobbying during the three days, being represented by the Executive Director Patricia Prendiville and the newly appointed Programmes' Director Maxim Anmeghichean.

ILGA-Europe has made one verbal and one written intervention, calling upon the member states to decriminalize homosexuality (still punished with prison in Turkmenistan and Uzbekistan), equalise age of consent, introduce anti-discrimination legislation, which would include sexual orientation, gender identity and gender expression grounds, and mainstream LGBT issues into law-enforcement trainings and other educational mechanisms. It is important to mention that a significant number of speakers, such as those on behalf of the US, Luxemburg EU Presidency, the Netherlands, Sweden, Germany, and Spain have mentioned sexual orientation when talking about hate crimes. A working relationship was established with Personal Representative of the Chairman in Office of OSCE on Racism, Xenophobia and Discrimina-

tion, Mrs. Anastasia Crickley. Mrs. Crickley has made a representation to the Polish government regarding banning of the Warsaw March for Tolerance. ILGA-Europe has also organised a side-event on hate crimes against LGBT communities. The main speaker was Ricardo Soares from Portugal, who had the courage to share a story of a hate crime he has been the victim of, committed by Portuguese militia.

Unfortunately, Cordoba Declaration, adopted by the member states during the conference, does not contain any references to sexual orientation, gender identity or gender expression, as well as Roma people. The fact is striking in itself and shows that there is still a lot of work to be done to make OSCE a more inclusive international organisation. And ILGA-Europe is up for it!

ILGA's Interventions

OSCE CONFERENCE ON ANTISEMITISM AND ON OTHER FORMS OF INTOLERANCE

Cordoba, 8-9 June, 2005

Session 3: Responding to anti-Semitic and hate motivated crime

Intervention by Patricia Prendiville, ILGA-Europe

We have had reports of physically violent hate crimes motivated by homophobia in Bulgaria, Moldova, Sweden, Germany, the Netherlands, Ireland, Turkey, the United Kingdom, Greece, France, the United States of America, Portugal all within the past six months.

In many of these situations the victim has had to report the crimes in an environment where it was either impossible or very difficult to name the motivation for the assault. In some cases the danger of reporting and subsequent consequences for the person were too great and the crime was unreported.

In the past two months Pride parades – Marches for Diversity, Culture for Tolerance parades have been disallowed in Moldova, Romania and Poland.

We recognise the very positive work by ODIHR in developing a working definition of hate crimes which includes on the grounds of sexual orientation, the pilot police training programme and the development of the data base of documenting hate crimes.

We further recognise the role of the Personal Representative of the Chairman in Office in discussing these situations with Representatives of Member States

We call on OSCE and all member states to

- To amend the draft Cordoba Declaration as circulated to include harassment and incitement to hate crime motivated by sexual orientation, gender identity and gender expression.
- Adopt and use the working definition of hate crimes developed by ODIHR
- Encourage all Participating States to include sexual orientation and gender identity in the definition of hate crimes
- Develop police training so that no crimes based on homophobic violence go unreported out of subsequent fear
- Participate in the pilot training developed by ODIHR for law enforcement on hate crimes
- Develop awareness of, and support tolerance in all societies, in particular with regard to social and cultural events by minority groups

We call on states and institutions to support the further development of the recording and monitoring of hate crimes

We are ready and available to work with other NGO's building on their experience of documenting, reporting and monitoring of hate crimes.

But as with all forms of hate crime and intolerance it can not be left to the NGO's and the lesbian, gay, bisexual and transgender community to undertake this task alone. States and institutions must also play their role in a meaningful way.

Intervention by Maxim Anmeghichean, ILGA-Europe

ILGA-Europe member organisations all across the OSCE member states have documented numerous cases of human rights violations, hate crimes and discrimination on the grounds of sexual orientation, gender identity and gender expression. These violations are coming from prejudiced social groups, but in many instances are institutionalised and practiced by state authorities. They can take the form of discriminatory laws (homosexuality is still criminalised in two OSCE member states: Uzbekistan and Turkmenistan), as well as discriminatory practices, the source of which very often, in particular in Eastern European states, are law enforcement authorities.

In this context we call OSCE member states to:

- Put pressure on Turkmenistan and Uzbekistan governments to decriminalise consenting homosexual relations

- To abolish discriminatory legislation in relation to lesbian, gay, bisexual and transgender rights, in particular in relation to discriminatory age of consent in some of the member states
- To develop educational tools for promotion of tolerance in schools and other educational institutions, inclusive for all minority issues, including sexual orientation, gender identity and gender expression
- To ensure ODIHR has sufficient resources to work on tolerance and anti-discrimination initiatives
- To provide resources for NGOs to ensure proper partnerships between ODIHR and civil society, as well as possibility to implement joint projects, for example in the field of data collection on hate crimes
- To ensure continuity, strengthen and fully resource the offices of the three Personal Representatives of the Chair-in-Office

On behalf of the European LGBT community we would like to express our regret for the fact that Slovenian Chairmanship did not make references anywhere in the text of the draft Cordoba declaration to discrimination or incitement to hatred against lesbian, gay, bisexual and transgender communities, as well as Roma, Sinti and Travelers. We hope that this major omission can be rectified by the end of the conference or in the coming weeks.

EUROPEAN PARLIAMENT'S RESOLUTION ON THE PROTECTION OF MINORITIES AND ANTI-DISCRIMINATION POLICIES IN AN ENLARGED EUROPE

On 8 June 2005, the European Parliament adopted a resolution on the protection of minorities and anti-discrimination policies in an enlarged Europe (2005/2008(INI)).

Several amendments prepared by ILGA-Europe were incorporated into the report and adopted. Series of amendments highlight the issue of homophobia and homophobic hate crime. Other series of amendments strengthen the link between anti-discrimination NGOs and the EU Structural Funds, namely the European Social Fund.

Full text of the resolution:

<http://www2.europarl.eu.int/omk/sipade2?PUBREF=-//EP//TEXT+TA+20050608+ITEMS+DOC+XML+V0//EN&LEVEL=3&NAV=X#sdocta5>

2007 TO BE 'EUROPEAN YEAR OF EQUAL OPPORTUNITIES FOR ALL'

The European Commission has designated 2007 as 'European Year of Equal Opportunities for All' as part of a concerted effort to promote equality and non-discrimination in the EU. The European Year is the centrepiece of a framework strategy designed to ensure that discrimination is effectively tackled, diversity is celebrated and equal opportunities for all are promoted. The strategy is set out in a Communication adopted by the European Commission today.

The four core themes of the European Year proposed by the Commission are:

Rights – raising awareness of the right to equality and non-discrimination;

Representation – stimulating a debate on ways to increase the participation of under-represented groups in society;

Recognition – celebrating and accommodating diversity; Respect and tolerance – promoting a more cohesive society.

The Year's proposed budget of €13.6 million will cover preparatory actions in 2006 as well as the various activities taking place during the European Year itself in 2007. In addition to the European Year, new initiatives announced by the Communication include:

A feasibility study to look at possible new measures to complement existing EC anti-discrimination legislation; The creation of a high-level advisory group to look at the social and labour market integration of minorities, including the Roma.

http://www.europa.eu.int/comm/employment_social/fundamental_rights/news/news_en.htm

EUROPEAN POLICIES CONCERNING YOUTH: THE COMMISSION'S PROPOSALS

On 30 May, the European Commission adopted a [Communication on "European policies concerning youth"](#). This text is a follow-up to the adoption of the [European Youth Pact](#) by the European Council in March 2005, which proposed taking action for young people in the fields of employment, integration and social advancement, education and training, mobility, and reconciling family and work life.

The Communication points out that unemployment among young people is more than double the overall unemployment rate in Europe, while young people as a group are particularly at risk of poverty. According to the Communication, the Lisbon goals of more growth and jobs can only be met "if young people are equipped with

knowledge, skills and competences through high quality, relevant education and training, and if barriers such as growing up in poverty and social exclusion are removed". The Communication announces a consultation process on youth policy, beginning with an Internet consultation this summer, and culminating in the Youth 'Etats Généraux' - 'Youth takes the floor' at the end of 2005. (Source: EC)

For further information, see:

http://europa.eu.int/comm/youth/index_en.html

11TH SUMMER MEDITERRANEAN UNIVERSITIES OF HOMOSEXUALITY

Registering is once again possible for the 11th Summer Mediterranean Universities of Homosexuality (UEEH) (<http://www.ueeh.org>). Taking place in Marseille on the Leminy Campus, it will last from Tuesday the 19th to Tuesday the 26th July 2005.

During an entire week, several hundreds of lesbians, gays, bisexuals, and trans, of all genders, sexes, ages, origins and nationalities will meet for this 11th edition. Open to all, the UEEH is a space of exchanges, debates, of discussions groups. This is done through conferences, workshops, expositions, fun activities, shows, and more.

The programme will work with the projects built by associations and individuals in France and elsewhere put into practice all throughout the year that aim to increase the visibility of lesbians, the Trans question, health, discrimination at the workplace, and more. Those who wish to contribute their own projects can do so via the project proposal form located on the website of the UEEH.

There will be a seminar on the 22nd July, which will focus on the theme "Feminisms and the question of Gender: The Body at War"

The international nature of the UEEH will be assured by the strong presence of representatives from a number of LGBT organisations in Turkey, Moldova, Poland, even Libya and Albania! Italians, Spaniards, Portuguese, Belgians, Swiss, and Canadians from Quebec are also planning to attend.

A preliminary programme can be found on the UEEH website and registrations are open, the form is available in both French and English. The number of rooms available at the University is 400, so do sign up quickly!

Once again, the UEEH remains a unique event, a centre of exchanges and creation, a meeting point for many di-

versities

SALTO-YOUTH RAINBOW 2005 TRAINING

A Training Course for youth workers (social workers, peer educators,...) working with gay, lesbian, bi, and trans/cross youth (symbolised by the rainbow) - about how to use the European YOUTH programme as a tool to reach a higher acceptance, visibility and inclusion of this target group. (Deadline for Applications 7 September 2005). More information: <http://www.salto-youth.net/tcrainbow/>