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www.ilga-europe.org/europe/publications/euro_letter.

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The information contained in this publication does not necessarily reflect the position or opinion of the European Commission.

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ILGA European Conference, 26-30 October 2005, Paris
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ILGA-Europe

Nearly 200 delegates from all over Europe gathered on 26-30 October 2005 in Paris for the 27th ILGA's Annual European Conference under the slogan "United in Diversity". The Conference was co-organised and hosted by ILGA-Europe Paris 2005, a team of French lesbian, gay, bisexual and transgender (LGBT) organisations.

During more than 30 workshops, caucuses, plenary sessions and open spaces, the delegates discussed a whole range of issues such as freedom of assembly, recognition of same-sex families, employment discrimination, lesbian, bisexual and transgender issues, and many more.

The Conference has also elected a new ILGA-Europe Executive Board: Philipp Braun (LSVD, Germany), Vera Cimpeanu (Accept, Romania), Riccardo Gottardi (Arigay, Italy), Vanja Hamsic (Q Organisation, Bosnia and Herzegovina), Kurt Kruckler (HOSI-Wien, Austria), Deborah Lambillotte (Holebifederatie, Belgium), Jackie Lews (UNISON, UK), Miha Lobnik (Legebitre, Slovenia), Maya Salvado (APGL, France) and Pierre Serne (Commission LGBT des Verts, France).

Reserve Board members elected are Elisabet Qvarford (TCO, Sweden) and Inge-Lise Paulsen (LBL, Denmark).

The Conference also confirmed Jackie Lewis (UNISON, UK) and Janfrans Van Der Eerden (COC, Netherlands) as representatives of ILGA-Europe on the Executive Board of ILGA.

Reserve representatives of ILGA-Europe on the Executive Board of ILGA are Ruth Baldacchino (Malta Gay Rights Movement, Malta) and Yves de Matteis (360, Switzerland).

Full conference report will be available on our website in January 2006: www.ilga-europe.org

The next ILGA European Conference in 2006 will take in Paris, France and the conference voted to have 2007 conference in Vilnius, Lithuania.

ILGA-Europe takes part in Business benefits of diversity conference

by ILGA-Europe

Diversity policies make good business sense say 83% of the companies that have adopted them. This is one of the conclusions of a recent European survey that asked 800 companies, from blue chip to SMEs, about their attitudes to and policies on diversity. The survey results are published in a report, together with a collection of good practices from various companies with diversity policies (http://europa.eu.int/comm/employment_social/fundamental_rights/pdf/events/busicase_en.pdf).

The report was launched at a [European conference](#) on the business case for diversity that took place in Brussels on 28-29th November. The project is funded through the Action Programme to combat discrimination (<http://www.conference-board.org/worldwide/europediversity.cfm>). ILGA-Europe took part in this conference and distributed a hand-out on sexual orientation diversity in employment (soon to be available on our website: <http://www.ilga-europe.org/europe/issues/employment>).

Funding opportunity - Daphne II Programme to combat violence against children, young people and women.

Source: European Commission

Please note that this is only preliminary indicative information to allow potential applicants to start preparing DAPHNE projects for 2006, pending the publication of the call for proposals.

Calendar : Publication : around end November/beginning December 2005
Deadline : 10 February 2006

New this year :

only one call (instead of two as in 2004 and 2005)
maximum EC funding per grant : €175.000 for each 12 month-period (instead of 125.000 € previously); funding of 12 and 24 months projects.

maximum 80% co-financing by the Commission
in addition to EU, EFTA/EEA and candidate countries, this year the programme is open, for participation on a non-funded basis, also to: Albania, Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia and Serbia and Montenegro.

Priorities :

Peer violence and peer protection mechanisms
European legislation relating to violence
Participation of children, young people and women in violence prevention and victim support
Indicators and related data collection
Extraction of policy issues from work achieved by Daphne-funded projects
Exchange, adaptation and use of existing good practices

Details at:

http://europa.eu.int/comm/justice_home/funding/daphne/funding_daphne_en.htm

Bi-annual meeting between Social Platform and the Commission

by Evelyne Paradis, ILGA-Europe

On 18 November 2005, NGO members of the Social Platform met with representatives from the European Commission as part of the Platform's ongoing dialogue with the Commission. This bi-annual meeting with the Commission addressed the following issues, among others: the streamlining of the Open Method of Coordination in the field of social inclusion, the communication on social services, and the 2007 Year of Equal Opportunity.

Participants at the meeting reiterated their concerns over a weakened commitment of the EU social agenda at the expense of the economic agenda. In response to concerns raised by NGOs, Ms Odile Quintin (Director-General of the DG Employment, Social Affairs and Equal Opportunity) encouraged participants to continue working towards protection of individuals as opposed to the protection of jobs. She also mentioned the importance of fundamental rights in ensuring social protection in context of increased flexibility and mobility of workers.

On a more practical note, Commission representatives confirmed that the proposal on the European Year of Equal Opportunity will likely be adopted by the Parliament in early December. NGOs were also told to expect a communication on social services by early 2006. ILGA-Europe will be monitoring these Commission initiatives over the next months.

NGOs were also encouraged to follow closely discussions leading up to the Spring Council Summit, and to expect key political decisions to be made in Vienna regarding the future of the EU Social Agenda.

EU: Anti-discrimination law: the 25 Member States compared

Source: EU Campaign For Diversity Against Discrimination, 9 November 2005
www.stop-discrimination.info

The European Commission's [Network of Legal Experts in non-discrimination](#) has issued a new comparative analysis of anti-discrimination laws in the 25 EU Member States – drawing on the comprehensive country reports it has already produced. The report compares and contrasts the different national laws, identifying trends and common aspects in implementation of the two Directives. By considering each of the different grounds of discrimination in turn and collectively, it provides a comprehensive overview of national legislation to combat discrimination across the EU.

The report is available in

English:

www.europa.eu.int/comm/employment_social/fundamental_rights/pdf/legnet/05compan_en.pdf

French:

www.europa.eu.int/comm/employment_social/fundamental_rights/pdf/legnet/05compan_fr.pdf

German:

www.europa.eu.int/comm/employment_social/fundamental_rights/pdf/legnet/05compan_de.pdf

Remedies and sanctions in EC non-discrimination law

The network has also published a new report examining the concept of “effective, proportionate and dissuasive sanctions” – and what it means for the implementation of the Race and Employment Equality Directives. As a background, the report discusses the development and meaning of the concept in EC sex equality law (where it has its historic origin) and in general EC law. It then turns to requirements under international human rights law. Finally, it discusses remedies and sanctions in the specific framework of the EU Directives, as well as upper limits on compensation.

The report is currently available in **English:**

www.europa.eu.int/comm/employment_social/fundamental_rights/pdf/legisl/remsan_en.pdf

French and German versions will be available shortly.

Community action programme to support bodies working in the field of active European citizenship

Source: European Commission

The general objective of the Programme is to support work in the field of active European citizenship by promoting the actions and operation of bodies working in this field. This support takes the form of an annual operating grant to co-finance expenditure related to the permanent work programme of such a body. To be eligible for an operating grant, an organisation must satisfy the following requirements: it must be a public or a private organisation, with a legal status and legal personality; it shall be a non-profit-making and independent organisation in the field of active European citizenship; it shall be so structured as to accommodate actions having a potential impact throughout the EU.

The total available budget for 2006 is EUR 3,360,000. At least 20% of the budgets of the bodies must be co-financed from non-Community sources.

Application must be sent at the latest on **30 December 2005**.

The full text of the call for proposals and the application forms are available on the following website:

http://europa.eu.int/comm/dgs/education_culture/activecitizenship/5905/index_en.htm

Making Brussels more transparent?

Source: European Commission, 9 November 2005

Who gets Community funding? What influence do the lobbies have? What rules of conduct do those in charge of the European institutions have to follow? On 9 November, the Commission decided to launch a "European Transparency Initiative". A Green Paper is to be published by the beginning of 2006 to launch a debate with all the stakeholders on how to improve transparency on the Community Funds, consultation with civil society and the role of the lobbies and NGOs in the European institutions' decision-making process. This initiative is a logical complement to [Plan D for Democracy, Dialogue and Debate](#).

For further information:

http://europa.eu.int/comm/commission_barroso/kallas/transparency_en.htm

EU Enlargement documents 2005

Source: European Commission

On 9 November, the European Commission adopted new documents for the EU enlargement process. Its "enlargement package" outlines progress and prospects for Croatia and Turkey and the potential candidates in the Western Balkans (Albania, Bosnia and Herzegovina, Serbia and Montenegro and Kosovo).

Relations between the EU and Croatia and Turkey entered a new phase with the opening of accession negotiations on 3 October 2005. The [Progress Reports](#) describe political and economic developments in Croatia and in Turkey as well as the country's ability to transpose and implement EU legislation. They highlight the main achievements and pinpoint the shortcomings.

While sexual orientation is mentioned in all of them, only in a couple of reports provide concrete evidence and examples relating to specific cases/events about LGBT people/organisations (Turkey and Bosnia Herzegovina).

Report on **Croatia:**

http://europa.eu.int/comm/enlargement/report_2005/pdf/package/sec_1424_final_en_progress_report_hr.pdf

Report on **Turkey:**

http://europa.eu.int/comm/enlargement/report_2005/pdf/package/sec_1426_final_en_progress_report_tr.pdf

Report on **Albania:**

http://europa.eu.int/comm/enlargement/report_2005/pdf/package/sec_1421_final_en_progress_report_al.pdf

Report on **Bosnia Herzegovina:**

http://europa.eu.int/comm/enlargement/report_2005/pdf/package/sec_1422_final_en_progress_report_ba.pdf

Report on **Serbia-Montenegro:**

http://europa.eu.int/comm/enlargement/report_2005/pdf/package/sec_1428_final_en_progress_report_cs.pdf

Report on **Kosovo:**

http://europa.eu.int/comm/enlargement/report_2005/pdf/package/sec_1423_final_en_progress_report_ks.pdf

Lithuania: Conservative MP against ILGA European conference in Vilnius

Source: *The Baltic Times*, 9 November 2005

www.baltictimes.com/art.php?art_id=13980

Conservative MP Vilija Aleknaite-Abamikiene was outraged by plans to hold an international conference of lesbians and gays in Vilnius.

Intentions to organise such a conference in 2007 are a "big mistake," she said. "Recognising and respecting the rights of minorities, we must see and assess a wider social context.

For Lithuania, the majority of citizens of which consider themselves Catholics, such intentions may look like a provocative and unfriendly move," a press release cites Aleknaite-Abamikiene as saying.

Vilnius was approved as a venue for ILGA-Europe 2007 conference last October in Paris.

Belgium: Another win for gay adoption rights

Source: Expatriate Online, 10 November 2005
www.expatriate-online.com/news/index.cfm

The Belgian parliamentary committee has approved the proposal affording homosexual and lesbian couples the right to adopt children. The motion was passed with 9 votes for and 7 against.

The Flemish socialists and liberals voted in favour of adoption rights for same sex couples, along with the Francophone socialists and greens. The Christian democrats and far right Vlaams Belang were not in agreement with the proposal.

The proposal, presented by Guy Swennen (Flemish socialist), has been the source of much commotion over the past few months.

The Flemish Christian democrats backed the idea initially but had a change of heart as a result of pressure from its more conservative faction and the traditional family organisation, Gezinsbond.

Both the Flemish Christian democrats and the Francophone liberals suggested various amendments to the proposal before the parliamentary recess. These were all voted out at the time.

The proposal is now to go before the lower house in parliament. It is not yet certain if the majority there will also be in favour of the proposal as it now stands.

The voting patron within the Francophone liberal party could swing the vote one way or the other. Also, not everyone within the Flemish liberal party is completely happy with the current proposal.

UK: Stonewall 'delight' as government bows to pressure on goods and services

Source: Stonewall media release, 9 November 2005

Stonewall today expressed delight as the Government finally bowed to pressure to introduce protections for gay people against discrimination in the provision of goods and services, from NHS care to holidays and insurance. Ministers announced this afternoon in the House of Lords that they would accept the substance of Stonewall amendments to the new Equality Bill tabled by Waheed Alli and Chris Smith.

'Tonight's decision will have a hugely significant impact on the lives of hundreds of thousands of lesbians and gay men,' says Ben Summerskill, Stonewall Chief Executive. 'In 2005, gay men are still struck off by their NHS GPs and lesbians refused hotel rooms. We're delighted that the government has at last accepted the urgent need to end these blatant discriminations which blight people's everyday lives.'

The decision follows months of lobbying from Stonewall through a 'Give us the Goods' campaign. The move had received support from both the Liberal Democrat and Conservative front benches at Report Stage on 19 October in the House of Lords but the government had until now resisted pressure to amend the Bill.

'Thankfully, signs saying "No Blacks" or "No Irish" have become a thing of the past,' says Ben Summerskill. 'It's shocking that hotels can still put up signs in 2005 saying "No gays" and we look forward to early implementation of the promised new law.'

The Equality Bill began its passage in the House of Lords and passed its final stage, Third Reading, this afternoon with the new amendments included. It is expected to be introduced in the House of Commons in the next fortnight.

Ireland: Constitution review urges rights for unwed couples

Source: Carl O'Brien, Social Affairs Correspondent, The Irish Times, 7 November 2005

Unmarried couples living together in long-term relationships should receive benefits similar to married couples in areas such as tax and social welfare, according to a review of the Constitution by an all-party Oireachtas committee.

It is one of a series of proposed constitutional and legislative changes aimed at providing greater recognition for families not based on marriage. The changes would have wide-ranging implications for the estimated 77,000 cohabiting couples in the State, of whom at least 1,300 are same-sex couples.

However, the 14-member committee, chaired by Fianna Fáil TD and solicitor Denis O'Donovan, will not recommend changes to the definition of the family as being based on marriage. Minutes of meetings seen by The Irish Times show some committee members feared that changes to the traditional definition of the family could open the door to recognition of gay marriage.

While a minority of members favoured changing the definition of the family, others warned that a referendum on this point could be "misinterpreted and divisive". It was noted that the majority of submissions wanted the traditional family to be retained.

The All-Party Oireachtas Committee on the Constitution, which has been reviewing the constitutional provisions relating to the family for more than a year, is set to recommend:

A constitutional amendment to underpin the individual rights of children. This would also give added protection to the rights of natural fathers and lone parents;

Legislative changes to give tax, inheritance and stamp duty concessions to the estimated 77,000 unmarried and same-sex couples.

A constitutional amendment to make the provision relating to women in the home gender-neutral;

... Legislative changes aimed at strengthening the natural father's position before the family law courts.

In deciding not to recommend changes to the definition of the family, the committee has chosen not to go as far as the Constitutional Review Group in 1996, which backed plans for a clause which would guarantee all individuals respect for family life "whether based on marriage or not".

Instead, most members agreed that by enhancing the rights of non-marital families through legislation and giving special recognition to the rights of the child in the constitution, recognition for co-habitees and single parents would be substantially improved.

The report is expected to be published in the coming weeks.

Taoiseach Bertie Ahern has endorsed the need for a degree of recognition and protection of irregular unions, whether same-sex or not, but has delayed taking action until the publication of the report.

UK: Let gays wed, says top woman judge

Source: Joshua Rozenberg, Legal Editor, Telegraph, 9 November 2005
www.telegraph.co.uk/news/main.jhtml?xml=/news/2005/11/09/nhale09.xml&sSheet=/news/2005/11/09/ixnewstop.html

Britain's senior woman judge argued last night that homosexual couples should be allowed to marry.

Lady Hale, the only woman to have been appointed a law lord, said that from next month the Civil Partnership Act would allow same-sex couples "a status which is marriage in almost all but name".

"Not all homosexuals are equally thrilled by this," she noted, but added:
"If people want both the privileges and the responsibilities of marriage, I do not see why we should deny it to them."

Not allowing gay partners to wed "would have made sense in the days when marriage was there to protect the purity of the male line, but that is not what it is all about these days", Lady Hale said. "Couples of any sexual orientation can all aspire to the commitment and inter-dependence involved in marriage."

Lady Hale, who divorced in 1992 and remarried, said that, "contrary to popular belief", she had never argued for the abolition of marriage.

"It still provides the best protection for the more vulnerable members of the family: the children and their carers," she said. "It is still convenient for bureaucrats who would otherwise have to make qualitative decisions about whether a couple qualified for certain advantages."

But there were "concerns about imposing marriage-like norms and expectations upon people who have chosen a different way of life".

Lady Hale, who was delivering the 29th F A Mann lecture arranged by the law firm Herbert Smith, called for changes to the laws on marriage.

While accepting that there should continue to be a privileged status for couples, she said there was support for a legal arrangement short of marriage. Alternatively, pre-nuptial agreements could be made binding.

Another option was to increase financial redress for cohabiting couples who had decided to separate.

A further possibility was to extend the benefits of marriage to single people who brought up other people's children, or who cared for others in old age.

But that was not the priority: first it was necessary to get the law right for the married and "good as married".

50,000 gay couples in the Netherlands

Source: Expatica, 14 November 2005,

http://www.expatica.com/source/site_article.asp?subchannel_id=19&story_id=25307&name=50%2C000+gay+couples+in+the+Netherlands

The number of gay couples in the Netherlands has risen sharply in recent years.

There were 53,000 gay and lesbian couples living together in the Netherlands at the beginning of 2005, according to Statistics Netherlands (CBS). Ten years ago there were less than 39,000 gay or lesbian cohabiting couples.

Almost a quarter of the gay or lesbian couples are married or in a registered partnership. Of these, 12 percent are married and 10 percent are in a registered partnership.

The CBS said there are 29,000 all-male couples and 24,000 lesbian couples. Despite the significant increase in the number of gay and lesbian couples, the group is equal to just over 1 percent of the total number of cohabiting couples in the Netherlands.

About 9 percent of the gay or lesbian households in the Netherlands include one or more children. Lesbian couples are more likely to have a child; 18 percent of cohabiting lesbians have a child, compared with just 1 percent of gay couples.

Gay and lesbian couples seem to have a preference for big cities. About a quarter of these couples live in one of the four big cities in the Netherlands (Amsterdam, The Hague, Utrecht and Rotterdam). And 13 percent of all gay and lesbian couples lives in Amsterdam.

Polish City Bans Gay March for Security Reasons, Organizers Claim Religious Influences behind Decision

Source: Warsaw Independent, November 15 2005.

The mayor of Poznan, a metropolitan city in western Poland, banned a gay parade Tuesday, Nov. 15.

Anna Szpytko, the spokesperson for the Poznan mayor Ryszard Grobelny, said Tuesday, Nov. 15, that the decision was made due to security concerns. Organizers of the parade, called the Equality March, claim Grobelny gave in to the demands of the ruling right-wing Law and Justice (PiS) party and the far-right League of Polish Families (LPR).

LPR, its affiliates, and the daily *Nasz Dziennik*, held by a religious right group that also runs the radio station *Radio Maryja*, have fiercely criticized the march. Local PiS and LPR politicians, as well as the members of the Social Council of the Poznan Archbishopric, said the march would cause "depravation and pose a threat to the Poznan residents."

The Poznan municipality and Mayor Grobelny had earlier indicated there were no reasons for the ban. The decision comes half a year after a similar march was planned and banned in Warsaw by the mayor of the capital Lech Kaczynski, who was elected Poland's new president on Nov. 23.

The Poznan march, expected to gather some 500 demonstrators, was supposed to take place on Nov. 19 as part of the Days of Equality and Tolerance in Poznan, organized by leftist, ecological, and feminist groupings. A similar, though legal, event was supposed to take place in 2004, but was blocked when far-right activists of the All-Polish Youth, an organization affiliated with the LPR, began throwing stones at demonstrators.

The Poznan city official Katarzyna Wilk is quoted by the PAP news agency as saying the ban was issued after consultations with the police and the road authority in the city.

"The mayor of Poznan decided that there is a conflict between the rules of the freedom of gathering and the protection of private property," Wilk reportedly said, adding the city had earlier asked organizers to turn the march into a stationary picket, but the offer was turned down.

The Greens 2004, one of the organizers of the march, indicated Tuesday they would appeal the decision of the Poznan mayor to the voivode, or the representative of the central government in Poznan. According to the organization's Marta Jermaczek, a picket is one of the options considered.

Izabela Kowalczyk of the Greens 2004 was also quoted as saying that the ban is a political decision that has nothing to do with security reasons. She said her organization had earlier been assured by the local police of the readiness to ensure security during the march.

"I am sorry that the mayor of Poznan surrendered to the demands of the politicians from PiS, LPR, and the All-Polish Youth. I'm sorry that tolerance and democracy fell under this pressure," Kowalczyk said.

After banning the gay marches in Warsaw in 2004 and 2005, Poland's ruling PiS indicated they would not allow homosexuals to teach schoolchildren, while Poland's new Prime Minister Kazimierz Marcinkiewicz said in an interview with the Polish version of Newsweek he considered homosexuality abnormal.

The new Polish minority government, led by Marcinkiewicz and supported by far-right and leftist populists, has recently decided to liquidate the Office of the Government Plenipotentiary for the Equality of Men and Women, which also promoted equal treatment of homosexuals. The official plans of turning it into the Office of the Government Plenipotentiary for Family and Women were also undermined Monday, Nov.

14, by the daily *Nasz Dziennik*, which criticized Joanna Kluzik-Rostkowska, a candidate for the government plenipotentiary, for her public support of artificial insemination. Polish Prime Minister Kazimierz Marcinkiewicz put the nomination of a top government official on hold after those protests.

On Tuesday, Marcinkiewicz told reporters the office would not be created, while Kluzik-Rostkowska will have the rank of the undersecretary of state at the Labor and Social Policy Ministry, effectively becoming Deputy Labor and Social Policy Minister.

The decision to ban the Poznan march comes on the 20th anniversary of the start of the Hyacinth law enforcement action in Poland, aimed at secretly gathering information about homosexuals by the security forces. The action began on Nov. 15, 1985, on orders of the communist Internal Affairs Minister Czeslaw Kiszczak and lasted for two years, during which the police, then called the militsiya, gathered information about some eleven thousand homosexuals, many of which they interrogated and fingerprinted.

Homosexual activity has not been illegal in Poland since 1932.

Europe needs to react immediately on discrimination and homophobia in Poland

ILGA-Europe media release, 21 November 2005

On 19 November 2005, another peaceful demonstration in support of equality and tolerance was banned in a Polish city of Poznan. The march was organised by a number of Polish women's and lesbian, gay, bisexual and transgender rights organisations. Despite the ban the march went ahead but was blocked by the police, the participants were arrested and interrogated. ILGA-Europe is deeply disappointed and concerned about the level of continuing and blatant discrimination by the Polish authorities. ILGA-

Europe calls upon European organisations and the European states to immediately denounce such intolerable actions by the Polish authorities.

By joining the European Union (EU), the Council of Europe (CoE) and the Organisation for Security and Cooperation of Europe (OSCE), Poland agreed on the principles of non-discrimination, equality and freedom of peaceful assembly.

ILGA-Europe calls upon European organisations and the members of the EU, CoE and OSCE to voice their protest and take immediate actions to urge Poland to comply with its international obligations.

Patricia Prendiville, Executive Director of ILGA-Europe said:

“We are deeply concerned with the development in Poland for the last few months. Such discriminatory acts by the Polish authorities as banning peaceful demonstrations in Warsaw earlier this year and in Poznan last weekend, closing down the Poland’s equality body are sending very worrying messages that Poland completely disregards its obligations it agreed to implement by joining various European organisations.

It is time for the European organisations and states to send their firm message to the Polish authorities that such behaviour is not tolerable and contradicts European agreement and values.”

Notes for editors:

(1) ILGA-Europe is the European Region of the International Lesbian and Gay Association (ILGA) and works for lesbian, gay, bisexual and transgender human rights and equality at European level.

(2) Article 12 the Charter on the Fundamental Rights of the European Union guarantees everyone the freedom of peaceful assembly and Article 21 provides that discrimination on the grounds of sexual orientation will be prohibited. The 2000 EU Employment Equality Directive 2000/78/EC specifically requires EU’s member states to ban sexual orientation discrimination in employment.

(3) Article 11 of the European Convention on Human Rights guarantees everyone the right to peaceful assembly and the European Court of Human Rights on many occasions declared that discrimination on the grounds of sexual orientation is in breach of the Convention’s provisions.

(4) Article 9.2 of the Document of the Copenhagen Meeting of the Conference on the Human Dimension of the Conference for Security and Cooperation in Europe provides guarantees everyone the right of peaceful assembly and demonstration.

ILGA-Europe’s letter to EU officials regarding the situation in Poland

ILGA-Europe, 22 November 2005

Following letter has been sent to the President of EU Commission Barroso, President of the European Parliament Fontelles, EU Commissioners Spidla and Frattini:

We are writing to you to express our deep disappointment and serious concerns regarding the continuing and blatant homophobia and discrimination against lesbian, gay, bisexual and transgender (LGBT) people in Poland.

We understand that you are to meet the Prime Minister of Poland this week and urge you to immediately denounce such intolerable actions and take concrete actions against the discriminatory acts and homophobic attitudes by the Polish authorities.

For the last few months LGBT people in Poland have been subjected to unacceptable expressions of hate by the leading Polish politicians, including Poland's Prime Minister.

On 19 November 2005, another peaceful demonstration in support of equality and tolerance was banned in the Polish city of Poznan. The march was organised by a number of Polish women's and LGBT organisations. Despite the ban the march went ahead but was blocked by the police, many of participants were arrested and interrogated.

By joining the European Union Poland agreed to the principles of non-discrimination, equality and freedom of peaceful assembly.

Eliminating various forms of discrimination, including on the grounds of sexual orientation, is one of the fundamental principles of the European Union. Article 21 of the Charter on the Fundamental Rights of the European Union provides that discrimination on the grounds of sexual orientation will be prohibited in the EU. The 2000 EU Employment Equality Directive 2000/78/EC specifically requires EU member states to ban sexual orientation discrimination in employment. Moreover, Article 12 of the Charter on the Fundamental Rights of the European Union guarantees everyone the freedom of peaceful assembly.

Article 11 of the European Convention on Human Rights guarantees everyone the right to peaceful assembly and the European Court of Human Rights on many occasions declared that discrimination on the grounds of sexual orientation is in breach of the Convention's provisions. Moreover, the Court confirmed that there is a positive duty and obligation on a state to protect those exercising their right of freedom of peaceful assembly from violent disturbance by counter-demonstrators. [1]

We urge you to raise the issue of homophobia and discrimination against LGBT people in Poland during your meeting with the Polish Prime Minister and to send a firm message to the Polish authorities that such behaviour is not tolerable and contradicts European agreements and values. We urge you to remind Poland's Prime Minister and the Polish authorities that as a member of the European Union and according to the Article 6 of the Treaty of Nice, Poland is under obligation to respect and protect minority rights.

Paradoxically, just a few days ago the Polish Prime Minister announced the closure of the country's equality body which dealt with the issues of discrimination on the grounds

of gender, disability, race and sexual orientation. Given the extremely high level of discrimination and hateful comments against LGBT people, we find this decision unhelpful, to say the least. From our experience, national equality bodies dealing with protection of minority rights are an extremely useful tool to eliminating various forms of discrimination and increasing respect towards and understanding of minority groups.

Therefore we urge you to raise the issue of re-instalment of the equality body to ensure the country effectively deals with various forms of discrimination, including on the grounds of sexual orientation.

We would be very happy to meet to discuss this matter in greater details or provide more background information.

Sincerely yours,

Patricia Prendiville
Executive Director of ILGA-Europe

[1] Platform 'Arzte fur das Leben v Austria No 10126/82, 44 DR 65

Europarlament's Gay and Lesbian Rights Intergroup on the situation in Poland

By Gay and Lesbian Rights Intergroup, 24 November 2004

New Kind of Totalitarianism descends on Poland

The President and Officers of the Lesbian and Gay Rights Intergroup are shocked by the passed week's events in

Poland. They are deeply concerned about the breach of Human Rights and Fundamental Freedoms within the EU Member State.

Despite the Mayor of Poznan and the Regional Authorities banning the Equality March, on Saturday 19 November 2005, the Equality March took place in

Poznan in the light of the celebrations of the International Day of Tolerance. "*We believe that the celebration and March create a space for discussion on tolerance, solidarity and anti-discrimination through several cultural, social and educational activities.*"

The event was incorrectly called "Gay Pride" and argued as a danger to public safety and property. The peaceful March only tried to promote the values of tolerance, anti-discrimination and human rights. During the March several extreme right protestors attacked the peaceful Marchers, the Police decided to arrest around 60 of the marchers.

It is unacceptable to see that the practice of such discriminatory behaviour, and comments by politicians and authorities of EU Member States, is tolerated within the EU. Preaching only one way of thinking and excluding minorities is a step backwards.

Poland as signatory of the EU Charter of Fundamental Rights should respect its obligations under the Charter, which enshrines the non-discrimination principle in the national laws.

Michael Cashman, President, European Parliament's Intergroup on Gay and Lesbian Rights

Sophie in 't Veld , Raúl Romeva, Alexander Stubb
Vice Presidents, European Parliament's Intergroup on Gay and Lesbian Rights

Amnesty International on the situation in Poland

*Source: Amnesty International - Public statement AI Index: EUR 37/002/2005 (Public)
News Service No: 318,
25 November 2005*

Amnesty International is concerned about a climate of intolerance in Poland against the lesbian, gay, bisexual and transgender (LGBT) community, characterised by the banning of public events organized by the LGBT community, openly homophobic language used by some highly placed politicians, and incitement of homophobic hatred by some right-wing groupings. Against this backdrop, Amnesty International also notes with concern the recent abolition of the government office responsible for promotion of equal treatment for sexual minorities.

On 15 November 2005, the mayor of the city of Poznań, Ryszard Grobelny, banned a public event known as the Equality March which had been organized by a number of Polish feminist and LGBT organizations and was set to take place on 19 November. According to the organizers, the Equality March was intended to provide a platform for discussion about tolerance, anti-discrimination and respect for the rights of sexual minorities.

The mayor issued the banning order due to "security concerns" and an alleged "threat to the Poznań residents". However, it has been reported that security issues, including changing the route of the march in order to comply with security requirements, had already been agreed between the municipality and the march organizers. Amnesty International is concerned that the decision to ban this march, as with other previous instances, was dictated by intolerance towards the members of the LGBT community in Poland rather than purely security considerations.

Despite the ban, a few hundred people gathered together on 20 November for a demonstration. They were reportedly harassed and intimidated by members of a right-wing grouping known as All Polish Youth (Młodzież Wszechpolska), who allegedly shouted "Let's gas the fags" and "We'll do to you what Hitler did with Jews". The police intervened towards the end of the march in order to disperse it, reportedly roughly handling several individuals, and arrested and interrogated over 65 people, who were later released.

Amnesty International is concerned that the events in Poznań are not a one-off event, but part of a series of bans on events by the LGBT community. The Equality March in Poznań in November 2004 was interrupted when the police failed to provide protection to demonstrators from the members of the All Polish Youth who blocked the event; the Equality Parades in the capital, Warsaw, in June 2004 and again May 2005, were banned.

When he refused for the second year running to authorize the Equality Parade in Warsaw in May 2005, the then mayor of the city, Lech Kaczyński of the Law and Justice (Prawo i Sprawiedliwość) party — who was later elected the President of Poland — held that such an event would be "sexually obscene" and offensive to other people's religious feelings. The improvised parade still took place on 10 June, gathering more than 2,500 participants. Less than a week after that, the mayor authorized the so-called "normality" parade, during which members of the All Polish Youth reportedly demonstrated on the streets of Warsaw and shouted slogans inciting intolerance and homophobia. In September 2005, a Warsaw court ruled that the mayor's decision to ban the Equality Parade was illegal.

During the year other political figures were also reported to have made openly homophobic statements, including that if a homosexual "tries to infect others with their homosexuality, then the state must intervene in this violation of freedom", calling for "no tolerance for homosexuals and deviants" and: "Let's not mistake the brutal propaganda of homosexual attitudes for calls for tolerance. For them our rule will indeed mean a dark night."

Given this climate with regard to the LGBT community in Poland, Amnesty International is concerned about the recent abolition of the Office of the Government Plenipotentiary for the Equality of Men and Women, which was responsible for promotion of equal treatment of sexual minorities. The abolition of the Office makes Poland the only European Union (EU) country without a statutory equality watchdog and puts into question its compliance with the EU legislation on prohibition of discrimination. In 2004, the UN Human Rights Committee had welcomed the appointment of the Plenipotentiary and "the extension of the Plenipotentiary's competence to issues relating not only to discrimination on the basis of sex but also on grounds of [...] sexual orientation." This was in the context of the Human Rights Committee's concern that the right of sexual minorities not to be discriminated against was not fully recognized in Poland, and that discriminatory acts and attitudes against people on the ground of sexual orientation were not being adequately investigated and punished. The Committee recommended providing adequate training to law enforcement and judicial officials in order to sensitize them to the rights of sexual minorities and called for explicit prohibition of discrimination on the basis of sexual orientation in the Polish law.

International law prohibits discrimination on any grounds and encourages states to introduce legislation that protects individuals from incitement to hatred. In particular, both the International Covenant on Civil and Political Rights (ICCPR) and the European Convention for the Protection of Human Rights and Fundamental Freedoms oblige states parties to guarantee all individuals the enjoyment of their human rights without discrimination on the basis of sexual orientation. Poland is a signatory to both these instruments and is fully bound by their provisions.

Amnesty International calls on the Polish authorities to fulfil these obligations under international human rights law, including by explicitly prohibiting discrimination against sexual minorities, and investigating and penalizing all public expressions of incitement of hatred and intolerance against sexual minorities. Members of the government and other leading politicians should not only refrain from public homophobic remarks, but exercise leadership to ensure that the fundamental rights to freedom from discrimination, freedom of expression and freedom of association are actively promoted, and work to build a society where they can be enjoyed by all.

Sweden: Åke Green cleared over gay sermon

Source: *The Local*, 29 November 2005,
<http://www.thelocal.se/article.php?ID=2590&date=20051129>

Åke Green, the Swedish pentecostalist pastor sentenced to one month prison for a sermon in which he condemned homosexuality has been acquitted by the Supreme Court in Stockholm.

Green, from Borgholm on the Baltic Sea island of Öland, said he felt “relieved” by the verdict, in which he was cleared of the crime of ‘agitation against minority groups.’

“I was prepared for the fact that I could be acquitted, but also that I could be convicted,” he told news agency TT from his church.

Gay right groups have condemned the verdict, saying that it makes a nonsense of the law.

“It is extremely serious when the church is turned into a free zone for agitation,” said Sören Andersson, chairman of gay rights group RFSL.

“We are now going to face increased religious agitation from extreme right-wing Christian groups that use the church as a forum to spread their message of hatred.”

Green said the judgment was important for him and for his fellow preachers.

“We can now feel more free to preach the word of God,” he proclaimed, but said there would be no more sermons from him about homosexuality.

“Everyone knows where I stand on that question,” he said.

In a written judgment, the Supreme Court noted that Green’s comments went beyond what could be considered an objective and sound discussion about gay people. Åke Green deliberately spread the comments in his sermon in the knowledge that they would be seen as offensive.

But the court decided that a conviction would not be upheld by the European Court. Several comparable cases have resulted in acquittals in the European Court, Supreme Court chairman Johan Munck told TT.

“Another reason for the verdict is that the sermon was held in front of his own congregation. Still, I don’t believe that this gives the green light for similar sermons,” Munck said.

When all the circumstances surrounding Green’s comments were taken into account, it is clear that they did not constitute hate speech, the judgment said.

This included the most radical parts of his sermon, in which “sexual abnormalities” were described as a tumour. Seen in the context of the rest of his sermon, they could not be seen to incite or condone hatred towards gay people, the court decided.

Green had said, among other things, that “sexually twisted people will even rape animals.”

Green and his lawyer Percy Bratt argued that these comments were simply a literal interpretation of the Bible.

Prosecutor Stefan Johansson argued that Green had gone much further than the Bible, and had expressed his own views.

Kalmar District Court originally sentenced Green to one month in prison, but the Göta Appeals Court overturned that judgment.

Amina Ek, director of anti-discrimination organisation Centrum mot Racism, warned that Green’s acquittal could lead to increased racism and homophobia.

“Hate crimes are increasing, especially those targeted against LGBT (lesbian, gay, bisexual and transsexual) people,” she said, arguing that it is often the same groups that spread hate propaganda on the internet against Jews, Roma, Muslims and gay people.

RFSL’s Sören Andersson said that the judgment showed the need for the law to be strengthened.

He dismissed those who argued that instead of convicting Åke Green, homophobic opinions should be confronted in debate.

“What you’re forgetting is that RFSL, among others, have been doing this for a long time.”

“Agitation and threats, such as those uttered by Åke Green, limit LGBT people’s rights and opportunities to participate in debate.”

Sweden: Kissing lesbians 'not discriminated against'

Source: *The Local*, 15 November 2005,
<http://www.thelocal.se/article.php?ID=2497&date=20051115>

A restaurateur who threw out two lesbian women after they kissed in his restaurant did not break the law, an appeal court in Stockholm has decided.

The Svea appeals upheld a decision of a lower court that the prosecutor had not proven that the restaurant owner had intended to discriminate against the women, Swedish Radio's Ekot programme reported.

The incident occurred in 2003 in a restaurant in the Kungsholmen district of Stockholm. As well as facing criminal prosecution, the restaurant owner has been sued by the women in the civil courts. In Tuesday's judgment in the criminal case it was ruled that prosecutors had not produced sufficient evidence to prove the restaurateur's intention to discriminate.

The woman may have felt violated, the court decided, but there was no support for the claim that the women were thrown out because of their sexual orientation.

In the civil case, the burden of proof lies with the restaurant owner. He has already been ordered to pay 50,000 kronor in damages to the women, but an appeal of that decision is due to be heard by the Supreme Court.

Bosnia and Herzegovina: IIVQM Legally Recognised

By Vanja Hamzic, 15 November 2005

After long negotiations with the authorities in Bosnia and Herzegovina and the necessary preparatory activities, the International Initiative for Visibility of Queer Muslims (IIVQM) has become legally recognised and registered as a non-governmental organisation in Bosnia and Herzegovina. As such, it is the first ever officially recognised queer Muslim society in a predominantly Muslim country (or a country where Muslims are not considered minority), as well as the only queer faith-based organisation in the Balkans.

IIVQM was founded in November 2004, by a group of young LGBTIQ activists from Bosnia and Herzegovina and Lebanon. Its primary goal is to establish a faith-based dialogue between the sexual, gender and cultural minorities and the rest of our societies. It aims at gathering queer Muslim scholars and activists who will speak out for the oppressed queer Muslim community, contribute to the creation and development of the LGBTIQ Movement especially in so called "Muslim countries", and represent its interests in the international religious and human rights arena.

If you would like to find out more about IIVQM, how you can join or support us, please feel free to contact us by e-mail: iivqm.bih@gmail.com.

Sweden: Persecution on grounds of gender or sexual orientation may give refugee status

*Source: Swedish Parliament's website, 17 November 2005,
http://www.riksdagen.se/templates/R_PageExtended_7779.aspx*

Individuals who run the risk of persecution on grounds of gender or sexual orientation may fulfill the criteria for refugee status. On Thursday, the Committee on Social Insurance said yes to the Government's proposal. The Committee also proposed that victims of human trafficking should be allowed to stay in Sweden under certain conditions.

According to the Government's proposal, which has been approved by the Committee, individuals with a well-founded fear of persecution on grounds of gender or sexual orientation and who, under present provisions are given protection as "people otherwise in need of protection" will instead receive protection as refugees. The idea is to give these individuals greater protection in practice. The proposal applies, inter alia, to homosexuals, or women who risk genital mutilation or violence in the name of honour.

Today, refugee status can be granted to persons who risk persecution on grounds of race, nationality, membership of a particular social group, or on account of religious or political beliefs.

It is proposed that the legislative amendments enter into force on the same date as the new Aliens Act, on 31 March 2006.

Norway: Artificial insemination for lesbians

Source: Aftenposten, 16 November 2005,
<http://www.aftenposten.no/english/local/article1158034.ece>

Equality Minister Karita Bekkemellem believes that the government should assess giving lesbians the right to assisted fertilisation.

In Norway only a heterosexual woman living in a stable relationship with a man can receive assisted fertilization. Norwegian lesbians who wish to have children go to neighbouring Scandinavian countries for help - such procedures are legal in Denmark, Sweden and Finland.

Equality Minister Karita Bekkemellem believes it is time for the government to consider falling in line, the newspapers' news bureau ANB reports.

"It is natural that this is assessed in the work involved with preparing the gender-neutral marriage act," Bekkemellem told the ANB by e-mail.

The minority parties in the left-centre alliance have different views on the matter of homosexual couples gaining the same rights to adoption and fertilization as heterosexual couples.

The agrarian Centre Party is opposed while the Socialist Left (SV) has said in its party platform that assisted fertilization should be allowed for lesbians living in a stable relationship.

SV health policy spokeswoman Inga Marte Thorkildsen was pleased to hear that Bekkemellem was considering the proposal, saying her party was against discrimination at any level.

The dominant Labour Party is far from unanimous on this controversial topic. At the party's national congress this spring the proposal to allow lesbians to receive assisted fertilisation was voted down.

Czechs more tolerant towards gays than Poles, Slovaks – poll

Source: Czech Happenings, 28 November 2005,
http://www.ceskenoviny.cz/news/index_view.php?id=159948

Czechs are more tolerant towards homosexuals than people in the neighbouring Poland, Slovakia and in Hungary, according to a poll conducted by the CVVM, CEORG and Focus agencies and released.

Homosexuals' right to registered partnership is supported by more Czechs than Poles, Slovaks or Hungarians.

According to the CVVM poll, in which 1,075 people aged over 15 participated, 42 percent of Czechs agree that homosexuals should have the right to be joined in matrimony.

Only 21 percent of Poles, 25 percent of Hungarians and 24 percent of Slovaks agreed with homosexual marriages. On the contrary, 58 percent of Czech respondents, 70 percent of both Poles and Hungarians and 69 percent of Slovaks are against it.

Citizens in all four countries show more tolerance towards registered partnership.

According, to the poll, 62 percent of Czechs, 42 percent of Poles, 36 percent of Hungarians and 39 percent of Slovaks agree with registered partnership of homosexuals, while this right is opposed by 30 percent of Czechs, 47 percent of Poles, 58 percent of Hungarian respondents and 53 percent of Slovaks.

The highest share of people in all four countries are against the homosexual couples' adoptions of children. This opinion was expressed by 72 percent of Czechs, 84 percent of Polish respondents, 70 percent of Hungarians and 77 percent of Slovaks.

Only 18 percent of Czechs, 9 percent of Poles, 26 percent of Hungarians and 14 percent of Slovak respondents agree that homosexuals should have the right to adopt children.

Czechs also more frequently admit that they know a gay or lesbian personally. In the poll, 43 percent of Czechs, 30 percent of Slovaks, 14 percent of Poles and 8 percent of Hungarians said they know some homosexual person.

On the contrary, 50 percent of Czech respondents, 87 percent of Hungarians, 83 percent of Poles and 64 percent of Slovaks say they do not know any homosexual.

European Gay and Lesbian Sport Federation – outreach letter

by EGLSF

Perhaps some of you have heard about us and our organisation, the EGLSF (European Gay and Lesbian Federation) and have visited already our webpage (www.eglsf.info).

EGLSF was created in 1989 by several European LGBT sport clubs with the idea of promoting integration, antidiscrimination and visibility through sport. Currently, EGLSF counts over 100 clubs with around 10.000 athletes from 17 countries. Furthermore, EGLSF, with the selected cities, organize its annual event, EuroGames (www.eurogames.info). The last edition, the 10th, took place last June in Utrecht, The Netherlands.

The EGLSF, as organisation, has been recognised as adviser, with NGO status, by the Council of Europe. In this sense, the EGLSF cooperates with other bodies and organisations (European Union, Council of Europe, ILGA-Europe, etc.) giving its input and experience to programs like FARE (Football Racism in Europe). We think this is an important part of our activity in order to fully achieve the goals and ideas of our association.

Next 3th-5th March, EGLSF will hold in Budapest its Annual General Assembly (AGA). EGLSF members and observers will discuss about several issues, such our ongoing Business Plan, the future of EuroGames, the EGLSF links with international LGBT sport organisations, the development of advocacy work, as well as other points of general interest. In addition, decisions will be taken concerning the cities that will organize 2007 and 2008 EuroGames. But mostly, and that is the reason of this letter, we will hold, at the beginning of the AGA, Friday the 3rd March, the afternoon, a special **Outreach session**.

In this sense, we are considering the following:

- * An important EGLSF task is trying to make known and develop in Europe LGBT sport, convinced as we are of its value as empowerment both individually and socially.
- * We consider many European areas (countries or regions) eligible for outreach action, that is, areas where LGBT sport is not present yet, or, if it is, is not organised in clubs or it is not known to us.
- * European potential and diversity is huge in all levels and it is important to get input from every one and from every country or region in order to create partnership and cooperate.
- * We are conscious of the different situation of both LGBT and sport issues depending of particular legislations, attitudes and economic situation. We intend to take due account of these circumstances.

Being so, we took the decision of holding this special **Outreach session**, as first act of our next Annual General Assembly, as a mean to facilitate a meeting of our members

with people, groups and organisations of areas with less or none LGBT sport presence. With the help of all participants, we would like to create with this session an open space to exchange ideas and experiences and state wishes and necessities with a view a further partnership and cooperation.

Furthermore, the participants will have the opportunity to assist and participate to the EGLSF General Assembly, its proceedings and operation, as a way of having direct knowledge of it.

Therefore, on the practical side, we invite you to fill up and send the joint **Application Form** (see our website) in order to know about your organisation, group or activity, as well as on your will and interest in participate. We intend to provide substantial support for travel expenses and we will count on the hospitality of our friends of Budapest Atlasz Sport Club to offer hosted housing. A day allowance will also be given to the participants.

EGLSF will do its best to accept as many applications as possible, but being an organisation operating on a voluntary basis, it is obliged to work with a tight budget. We apologize in advance and ask for your understanding.

We hope to meet many of you in Budapest and wish you the best for next year.

With our warmest greetings,

The EGLSF Board

Call for Papers for the Feminist and Women's Studies Association Annual conference on Identity, Sexuality, Diversity

by Susana Pavlou, Mediterranean Institute of Gender Studies, 16 November 2005

Feminist and Women's Studies Association (UK + Ireland)
Annual conference "Identity, Sexuality, Diversity, 14 & 15 July 2006, University of Bradford.

The focus of the Conference will be on making links between theory and action, academics and activists. Conference themes will be interdisciplinary, and reflect both United Kingdom and International diversities. Streams include but do not restrict papers to identity, sexuality, diversity and:

- Social care
- European studies
- Race, ethnicity,
- Disability and ability
- Heterosexuality, sexuality, identity
- Lesbian, Gay, Bi-sexual, Transsexual identity
- Criminal Justice

We are interested in abstracts that investigate and represent the human kaleidoscope of 'difference'. Issues such as sexuality, ethnicity, disability and the multiples of diversity

impact on identity or identities. Our aim is to explore ways in which people perceive and negotiate boundaries, whether these are seen to be social, cultural, national, ethnic or gender-based. Our approach embraces feminism in all its many aspects.

The Feminist and Women's Studies Association (UK + Ireland) has a long history of bringing together feminist action and feminist research. The Department of Social Studies and Humanities has particular strengths in developing links between theory and practice in the areas of social care, women's studies, social policy and criminal justice. The University of Bradford has close links with the diverse communities of Bradford, and has developed widening participation and equal access policies that reflect our commitment to representation and equality. The conference will reflect our commitment to joint working and rethinking traditional boundaries between 'town and gown' theoretical and practical.

Abstracts of no more than 150 words should be sent to fwsacon@bradford.ac.uk by 20th January 2006

We encourage abstracts from non academics and activists.
We expect to produce a publication of jointly authored articles as a result of the conference

More information is available from
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