

EURO-LETTER

Euro-Letter is published by **ILGA-Europe** - the European Region of the International Lesbian and Gay Association with support from the European Community - The European Union against Discrimination.

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ILGA-EUROPE:

ILGA-Europe board member is to lead ILGA!

Source: ILGA-Europe media release, 4 April 2006

On 3 April 2006, the final day of the 23rd World Conference of the International Lesbian and Gay Association (ILGA) in Geneva, the delegates elected Philipp Braun, a board member of ILGA-Europe, as male Co-Secretary General and Rosanna Flamer-Caldera as female Co-Secretary General of ILGA. Among other major decisions of the ILGA World Conference is the allocation of ILGA's Women's Secretariat to the Swedish organisation RFSL and the creation of the Transgender Secretariat. The next two ILGA World Conferences were approved to take place in Quebec (Canada) in 2008 and Moscow (Russia) in 2010.

ILGA-Europe is proud one of its board members will now also be co-leading the organisation on a global level. Patricia Prendiville, Executive Director of ILGA-Europe said:

"We are pleased that Philipp Braun, our board member, has been given such an honour and trust by lesbian, gay, bisexual and transgender (LGBT) activists from all over the world. Philipp has been involved in the LGBT rights movement at European and international level for many years. We look forward to working with Philipp and Rosanna in the coming years, and especially as we will have even closer co-operation as we move to a shared work premises later this year".

(1) ILGA-Europe is the European region of ILGA and works for human rights and equality for lesbian, gay, bisexual and transgender people in Europe.

(2) Philipp Braun is an LGBT activist from the early 1990s. He is a board member of the German LGBT organisation LSVD since 2003, Philipp lobbied on partnership, anti-discrimination and transgender legislation in Germany, and has campaigned to get LGBT rights included at UN level since 2003.

ILGA-Europe continues working on EU Fundamental Rights Agency

by Christine Loudes

ILGA-Europe has been involved in the debate over the Agency since December 2003. In particular, we ask for an independent, properly resourced agency which would involve NGOs in its work. We expressed those key demands in the response to the Commission's Communication on the Fundamental Rights Agency. In June 2005, the Commission presented a draft regulation which is currently discussed by the European Council and debated in front of the European Parliament.

The Austrian Presidency has said that it will try to finalise the proposal during its mandate (January-June 2006). On the 22nd of March 2006 the Social Platform, the Human Rights and Democracy Network and Concord sent a letter to the Austrian Presidency asking to slow down the process and address issues of independence and pluralism of the proposed agency.

A letter was circulated to ILGA-Europe's members at national level to draw the attention of Minister dealing with the dossier to the lack of independence and pluralism of the Agency and to the need for Article 13 TEC to be given greater weight in the work of the Agency.

ILGA-Europe as part of the Social Platform was closely involved in drafting amendments to the Commission's proposal. Those have been sent to the different permanent representations. The amendments aim at ensuring the independence of the Agency from the Commission and member states, the involvement of NGOs in its work and decision-making process and the importance of ensuring human rights of people who are subjected to discrimination. To this effect references to Article 13 TEC and Article 21 of the EU Charter were added to the Commission's proposal.

For more information please visit our website:

www.ilga-europe.org/europe/advocacy_lobbying/human_rights_mechanisms/fundamental_rights_agency
or contact christine@ilga-europe.org.

ILGA-Europe Delivers an Introductory Speech at the OSCE Supplementary Human Dimension Meeting on Human Rights Defenders

by Maxim Anmeghichean

First time in the history of the OSCE ILGA-Europe was invited to give an introductory speech during the Supplementary Human Dimension Meeting (SHDM) on Human Rights Defenders. The speech was delivered to a wide audience, which included delegations of participating states, representatives of civil society and honorable guests. Maxim Anmeghichean, ILGA-Europe's Programmes Director, said in the speech: "The stigma suffered by these [socially vulnerable] minorities is also reflected upon those who defend their rights, and is often used to discredit them. This stigma also stops some human rights organisations from tackling a particular subject they find too sensitive for the country they work in". Issues of the freedom of assembly and association hate speech and incitement to violence, decriminalisation of consenting same-sex acts were also largely covered in the speech.

Patricia Prendiville, ILGA-Europe's Executive Director said: "This is the first time that ILGA was invited to speak at such a high level OSCE event, we are very grateful for this opportunity and hope that it reflects a trend within the OSCE".

ILGA-Europe was also a co-organiser of a well-attended side event on the subject of the freedom of assembly for human rights defenders. A practical follow up to the SHDM is expected to be production of guidelines for the OSCE participating states on human rights defenders and freedom of assembly.

EUROPE:

Consultation on the European Commission's White Paper on a European communication policy

by EUROPA Coordination Team, Directorate General Communication, European Commission, 24 March 2006

On 1 February, the European Commission published its White Paper on a European Communication Policy (http://europa.eu.int/comm/communication_white_paper/index.htm).

This is a consultation paper, seeking your views – and the views of other stakeholders – on how best to connect the European Union with people in their daily lives.

We want to make it easier for people to understand how the EU works, what issues it deals with and how EU decisions affect life in the local community.

We also want to make it as easy and natural for people to discuss European issues as they do national or local issues. After all, European policies translate into local action, so they should be a talking point for local people – not just for MEPs or government ministers.

Third, we want to make it easier for citizens to help shape the EU. We want people to have access to forums where they can make their voices heard. They should be able to communicate easily with their local councillors, their MP, MEP and regional assembly representative member, as well as with central government departments and the EU institutions.

Essentially, we want an EU communication policy that really helps tackle the “democratic deficit” in Europe! NGOs will be key players in this policy, helping ensure more transparency, better information and clearer standards for consultation. That is why we want to hear your views on the White Paper.

The **consultation period will last until the end of July 2006, and we invite all** stakeholders and citizens to send their comments and ideas on the five areas in which the White Paper proposes action:

- defining the common principles that should guide EU communication activities;
- empowering citizens (civic education, forums for debate, etc.);
- working with the media and new technologies;
- understanding European public opinion;
- doing the job together (a real partnership between the EU institutions, all levels of government, political parties and NGOs).

Defining common principles is particularly important, as it lays the foundations for everything else the players would do together. We believe that citizens have the right to full and fair information about the EU, the right to hear the full range of views and to have their voices heard by the policy-makers. We suggest that these principles or rights could be enshrined in a framework document – for example in a European Charter or

Code of Conduct on Communication:

(http://europa.eu.int/comm/communication_white_paper/charter_code/index_en.htm) What do you think?

We would like to have **your comments** on the suggestions we make for action in each of these areas, especially in the area of 'defining common principles', and any **new ideas** you may have are also most welcome. You can read the White Paper, and post your comments, online at http://europa.eu.int/comm/communication_white_paper/index.htm

At the end of the consultation period, we will summarise all the contributions and publish our conclusions. We will then propose plans of action for each working area.

Have your say!

We look forward to hearing from you!

Swedish Supreme Court, restaurant and kissing lesbians

by Hans Ytterberg, the Swedish Ombudsman Against Discrimination on the Grounds of Sexual Orientation

On 28 March 2006 the Supreme Court of Sweden delivered its ruling in the first restaurant discrimination case tried under new (in force 1 July 2003) civil law anti-discrimination legislation. The Swedish Ombudsman against Discrimination on the grounds of Sexual Orientation, Mr. Hans Ytterberg, had filed a law suit against a restaurant which had turned away a lesbian couple because the two women had kissed and hugged each other on the premises. The City Court of Stockholm ruled against the Ombudsman but upon appeal the Court of Appeals reversed that ruling, found for the Ombudsman and ordered the restaurant company to pay 50000 SEK (approx. 5500 Euros or 6500 US dollars) in damages. The restaurant company appealed to the Supreme Court, which granted that the case be heard.

In its ruling the Supreme Court confirms that the interpretation of the burden of proof rules submitted by the Ombudsman was indeed correct and concluded, as did the Court of Appeals, that the restaurant had not proved that there were legitimate reasons that had nothing to do with their sexual orientation for turning the couple away. However when it comes to the size of the damages awarded, the Supreme Court ignored the Ombudsman's arguments that Swedish law had to be interpreted in accordance with European Community law, which in the Directive 2000/43/EC, demands that sanctions be effective and dissuasive. The Supreme Court found that 15000 SEK (approx. 1500 Euros or 2000 US dollars) was adequate compensation.

The Ombudsman commented on the ruling, saying that it is of course positive that the Highest court in the land had made it clear that discrimination on the grounds of sexual orientation is unacceptable, while deploring at the same time the fact that the Court had ignored the need for protection against such discrimination to be effective and dissuasive. The Ombudsman concluded by stating that he would now have to consider proposing to the Government amended legislation on the one hand and on the other hand demanding that the courts in other pending cases ask for a preliminary ruling from the Court of Justice in Luxemburg as to what is meant by 'effective' and 'dissuasive' in the directives against discrimination, with respect to the level of damages awarded as compensation for discrimination.

Greece does not want gays in its armed forces

Source: *Political Gateway*, 28 March 2006, www.politicalgateway.com/news/read.html?id=6756

Greece officially does not want gays in its armed forces, excluding both those serving under its compulsory conscription system and those enlisting voluntarily, the Greek armed forces general staff said Tuesday.

The Greek army bars gays from its ranks under a 2002 presidential decree which excludes from military service all persons "suffering from psycho-sexual or sexual identity disorders," a general staff source told AFP.

The confirmation came as the country's gay community (Eok) on Tuesday filed a complaint against the Greek defence and transport ministries, arguing that this "fascist" statute is now preventing them from obtaining drivers' licenses as well.

A certificate testifying that a conscript has completed his military service -- which is compulsory for all Greek males -- is among the required paperwork for a driver's license in Greece, observed Eok member Vangelis Iannelos.

Iannelos pointed to the case of a gay man who was recently told by the transport ministry to attend a six-month psychiatric treatment course if he wanted to obtain a driver's license.

Iannelos' own army certificate, issued in 1996, noted that he "suffers from homosexual behaviour", he said.

At the behest of Greece's personal data watchdog, such details are no longer inscribed on the army certificate.

But as the same document is given to all cases exempt from army service, "homosexuals are placed in the same bag with psychotics," Iannelos told AFP.

In February 2006, the Greek state committee on human rights, an official advisor to the prime minister, had demanded steps to end anti-gay discrimination in the country. No such measures have been taken.

Hungary Fidesz ally chief bursts homophobia in run-up to elections

Source: www.portfolio.hu, 29 March 2006

Hungary's Christian Democratic People's Party (KDNP), a satellite of main opposition party Fidesz, attacked liberal party SZDSZ - junior member of the government coalition - for supporting gay rights, and called on the party to vanish from political life.

"We have had enough of deviance, enough of gay pride and the values (the liberal Free Democrats) SZDSZ has been representing," KDNP President Zsolt Semjén told the party's national assembly over the weekend.

Semjén said it was high time for SZDSZ to disappear once and for all from Hungary's political life.

Semjén lauded Polish President Lech Kaczyński, who as a Mayor of Warsaw had banned a gay-rights parade, and slammed a protest rally of gay rights activist in Budapest demonstrating against Kaczyński's visit.

"He had the courage as Mayor of Warsaw to chuck out the gay parade from Warsaw to protect youth and public morals," he said.

Semjén directed the next part of his tirade against Prime Minister Ferenc Gyurcsány of the Socialist Party (MSZP) for declaring that religion was a private matter.

Semjén, citing cardinal Mindszenty, said: "Where religion is a private matter, life will turn into corruption, crime and cruelty. Hitler also regarded religion a private business and then came the Gestapo, Auschwitz and prison."

Fidesz Vice-President Pál Schmitt also held a speech at the rally and calmed the spectators that the Fidesz-KDNP alliance stood on firm grounds and was on a right path towards victory.

Hungary will hold a two-round election on April 9 and 23, with Fidesz and the ruling Socialists in a close race. The latest opinion polls suggest a slight Socialist lead or a tie.

The Free Democrats issued a statement saying they would no longer tolerate the insults of Semjén.

"We firmly believe that that this Hitler example and this inexorable hatred outrages Christians, people of different faith and atheists alike."

SZDSZ MP Péter Gusztos said the state had no business in anybody's bedroom.

MSZP spokesman István Nyakó said there was a cutthroat competition between Semjén and István Mikola (Deputy PM nominee of Fidesz) on who can insult more Hungarian citizens in the shortest time possible.

SAME-SEX FAMILIES:

Czech Republic: gay reaction on same-sex partnership law

Source: media release by Gay Initiative in the Czech Republic, 16 March 2006

VACLAV KLAUS LOOSES!!! REGISTERED PARTNERSHIP ACCEPTED!!!

15 March 2006 at 18.17 o'clock the Chamber of Deputies outvoted the veto of the Czech Republic president Mr. Vaclav Klaus. It was necessary 101 votes for the outvoting. In favor of the Registered Partnership law were nearly all members of Social Democratic Party (CSSD), Communist Party (KSCM) and Freedom Union (US) and only 2 members from Civic Democratic Party (ODS).

CSSD under the Prime Minister Jiri Paroubek was able to maintain its promise to support the registered partnership law. Also KSCM and US fulfilled their electoral promises. Members of ODS showed absolute moral failure, when they pressed their colleagues – former supporters of the law not to vote for. They declared that PM Paroubek had politicized this issue. We thank the two brave ODS members who enabled the Registered Partnership Law to come into reality.

The Gay Initiative in the Czech Republic (former SOHO – Association of homosexual citizens' organizations in the CR) has fulfilled its 15 years effort of legal and factual equalization of gay and lesbian minority in the Czech Republic.

We thank all, who were able to resist 15 years to work for this human idea. We thank all, who were helpful with truthfully informing of our country citizens on the gay and lesbian issues in media. We thank all legislators who supported all small steps going toward the Registered Partnership Law. And foremost we thank for support to all Czech Republic citizens who agree in majority with this law.

We call on all friends from gay and lesbian minority not to be afraid to use this modern possibility corresponding to the 21. Century and their faithful and firm relations confirm by the use of this law.

The public and the lawmakers have sent out the clear signal to the world – The Czech Republic has found its place among the democratic countries of the World and it considers its citizens from gay and lesbian minority as the equal to others.

The Chairman of the Gay Initiative in the Czech Republic Mr. Jiri Hromada has commented this victory with following words:

'One week ago Vaclav Klaus asked the Chamber of Deputies to use the common sense. I send a message to you Mr. Klaus – THE COMMON SENSE HAS WON! Thanks to God...'

Ireland: State moves toward legal protection for civil partnerships

by Michael O'Farrell, Political Reporter, Irish Examiner, 22 March 2006,

www.irishexaminer.com/pport/web/ireland/Full_Story/did-sgqx5vwu1rzpAsgdL11Zs5FWAE.asp

The Government is about to take the first step towards providing legal protection for civil partnerships with the establishment of a new working group to advise on the issue.

Yesterday's Cabinet meeting agreed that the Department of Justice would establish the working group and instruct it to prepare an options paper for the Government.

The paper would outline possible options towards introducing the first ever legal structure and definition for cohabiting couples. Those options would have to stop short of amending the Constitution's definition of the family, since the Oireachtas Committee on the Constitution has ruled out a referendum on the issue.

A Government spokesperson last night said the working group would not "go anywhere near" the issue of same-sex partnerships. "They will just look at the options and see what they can do to give a legal basis to partnership," the spokesperson said.

In January, the Oireachtas Committee on the Constitution concluded that any attempt to alter the Constitution's definition of the family would cause "deep and long-standing division" in society.

Instead the committee reached a split decision to recommend legislative change to regularise the status of 77,000 cohabiting couples.

However, Labour, Sinn Féin and the Green Party all opposed the committee's decision not to recommend a referendum to give same-sex couples and non-marital families the same status as marriage.

The move was heavily criticised by gay and civil rights groups, which argued that it was widening the gap between straight and gay couples.

Religious groups, however, believed the committee was going too far by proposing a deviation from the marriage-based family.

Netherlands: Same-sex marriage numbers settle down

Source: *Expatica*, 20 March 2006,

www.expatica.com/source/site_article.asp?subchannel_id=1&story_id=28548&name=Same%2Dsex+marriage+numbers+settle+down

The number of same-sex marriages has stabilised since the introduction of gay marriage in the Netherlands five years ago.

Statistics Netherlands (CBS) said on Monday 1,166 gay and lesbian couples got married in 2005, compared with 1,210 the year before. Demographics professor Jan Latten at the CBS expects approximately 1,200 gay or lesbian marriages in 2006 as the marriage rate so far this year is at the same level as this time last year. Some 2,414 gay or lesbian couples married in 2001 when the Netherlands became the first country in the world to introduce same-sex marriage. There was also a rush to the registry office the following year when 1,838 same-sex couples tied the knot.

"There was an element of hype in 2001. Lots of people who had already been together for 30 or 40 years got married," he said. The numbers peaked in 2002.

"After that it decreased. Everyone asked how this was possible because the opening up of marriage seemed to be so popular. It appears this peak was the 'start-up' effect. The figures in 2004 and 2005 were roughly equal," Latten said.

Latten expects the marriage impulse has stabilised in the gay and lesbian communities and the annual marriage rates will be similar from now on.

Gay people get married less than heterosexuals mainly because gay people less often have children than heterosexuals. "Children are still often the reason for getting married," Latten said.

The divorce figures compiled by the CBS do not differ for heterosexual and same-sex couples. The CBS said it is noteworthy, however, that married lesbians who divorce tend to do so earlier than married gay men. The total number of marriages - heterosexual and same-sex - has fallen noticeably in the last five years. In 2001 82,091 couples married compared with 73,861 last year.

FREEDOM OF ASSEMBLY:

Moscow mayor asked to "review" gay pride ban

Source: Pink News, 29 March 2006, www.pinknews.co.uk/news/articles/2005-958.html

The Council of Europe has called on the mayor of Moscow to reinstate the city's gay pride parade.

President of the Congress of Local and Regional Authorities at the Council, Giovanni di Stasi asked Yuri Luzhkov to 'review' his policy and allow the gay community to march in Russia in May as it is an entitlement according to human rights conventions of free expression and protection from discrimination.

He said in a letter to the mayor, *'The universal and unalienable nature of these rights can never be in question, in this respect the Congress, of which I am President, has long sought to improve the lot of minorities and vulnerable groups at local and regional level and promote their full participation in all aspects of civic society as valued and valuable citizens.'*

'The Congress was therefore concerned when it was recently brought to its attention that a Gay Pride march, scheduled to take place in Moscow from 24 to 28 May this year, had been banned by the authorities.'

'I would be very grateful, Mr Mayor, if you could envisage to review your decision, and convey to the Congress of Local and Regional Authorities further information in this respect.'

The mayor's spokesman, Sergey Tsoy, has previously insisted that the city would never consider allowing a parade, *'The Moscow government is not even going to consider allowing a gay parade.'* He claimed that the proposed event has evoked outrage in society, in particular among religious leaders.'

Mr Tsoy said the mayor *'was firm that the city government will not allow a gay parade in any form, open or disguised, and any attempts to organize an unsanctioned action will be resolutely quashed.'*

NOTICE BOARD:

Two jobs with Office for Democratic Institutions and Human Rights

by Jo-Anne Bishop, Head of the Tolerance and Non-Discrimination Programme OSCE-ODIHR,
www.osce.org/odihr

The Office for Democratic Institutions and Human Rights (ODIHR) is the principal institution of the OSCE responsible for the human dimension and has a large number of assistance projects in the areas of democratic institution building, the rule of law and human rights, as well as election observation.

Position: **Hate Crime Reporting Officer**

Location: Warsaw, Poland

Deadline: 19 April 2006

More details and how to apply:

www.osce.org/employment/13108.html.

Position: **Legal Adviser**

Location: Warsaw, Poland

Deadline: 21 April 2006

More details and how to apply:

www.osce.org/employment/show_vacancy.php?id=2378

Job opportunity with European Anti-Poverty network

Source: EAPN Flash No 164, 7 April 2006

The European Anti-Poverty Network is seeking Information Officer.

Deadline: 1 May 2006

Details and application form at their website:

www.eapn.org/code/en/news_detail.asp?pk_id_content=1922

Latest books on LGBT rights

Matteo Bonini Baraldi wrote "Le nuove convivenze - tra discipline straniere e diritto interno", ISBN 88-217-2238-4
<http://ipshop.ipsoa.it/scheda.asp?ID=000053597>.

Ian Curry-Sumner wrote "All's well that ends registered? The Substantive and Private International Law Aspects of Non-Marital Registered Relationships in Europe", ISBN 90-5095-532-0
www.intersentia.be/zoekdetail.asp?pid=1251.

Mark Harper, Martin Downes, Katharine Landells and Gerald Wilson wrote "Civil Partnership: The New Law" (about the legislation in England and Wales), ISBN 0 85308 933 7
www.jordanpublishing.co.uk/Publications/catDetails.aspx?productID=65.

"The gays' and lesbians' rights in an enlarged European Union", edited by Anne Weyembergh and Sinziana Carstocea (2006), ISBN 2-8004-1367-0
www.editions-universite-bruxelles.be/ABWebBuilder.php?page=/catalogue.

"La discriminazione fondata sull'orientamento sessuale", edited by Stefano Fabeni, Maria Gigliola Toniollo, ISBN 88-230-1029-2 www.ediesseonline.it/asp/libro.asp?id=245.

Equal Rights in Practice – latest issues

Source: European Commission, 20 March 2006

The latest issue of 'Equal Rights in Practice' – the news review of the Action Programme to combat discrimination – is now available. The Spring 2006 edition features an interview with the new head of the European Commission's anti-discrimination unit on the European Year of Equal Opportunities 2007.

It also includes a profile of the high-level group set up to advise the European Commission on the social inclusion of ethnic minorities, and a round-up of news from the 'For Diversity. Against Discrimination' information campaign. This issue's special focus is on workplace diversity, highlighting some examples of good practices by employers. The guest editorial is provided by Philippe de Buck, Secretary General of UNICE – the European employers' federation.

English: www.europa.eu.int/comm/employment_social/fundamental_rights/pdf/pubst/nl5_06_en.pdf

French: www.europa.eu.int/comm/employment_social/fundamental_rights/pdf/pubst/nl5_06_fr.pdf

German: www.europa.eu.int/comm/employment_social/fundamental_rights/pdf/pubst/nl5_06_de.pdf