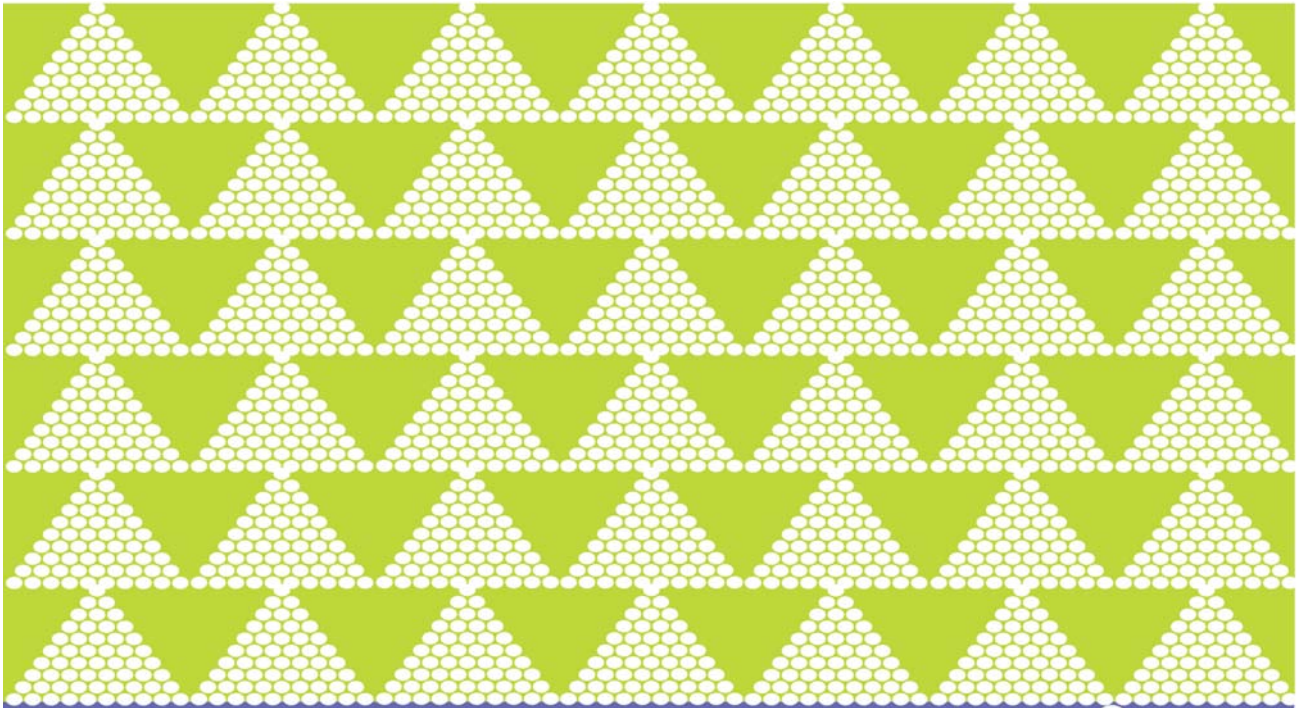


No. 160  
December 2008

# EURO-LETTER

**ILGA-Europe's monthly electronic LGBT political  
and legal news bulletin**

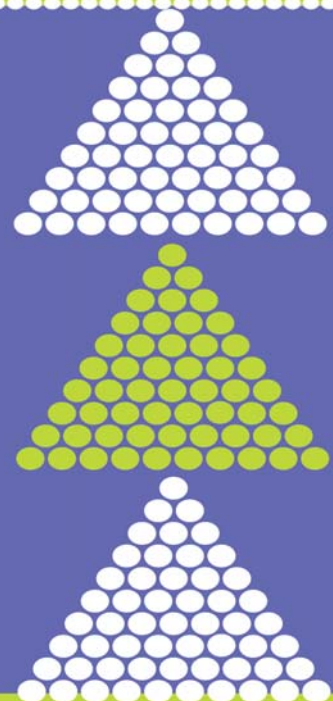
ILGA  
EUROPE 



**Dear colleagues, friends and supporters,**

Thank you for your cooperation and support throughout the last year. We look forward to continuing our fruitful cooperation in 2009 working together towards new achievements in making Europe a place of respect and equality for all!

With festive greetings,  
**ILGA-Europe Team**



**Euro-Letter is published by ILGA-Europe - the European Region of the International Lesbian and Gay Association (ILGA)**

**ISSN 1998-8117**

**Editor:**

Juris Lavrikovs

**Contact us:**

[euroletter@ilga-europe.org](mailto:euroletter@ilga-europe.org)

**Subscribe to Euro-Letter:**

simply send an empty message to [euroletter-subscribe@yahoogroups.com](mailto:euroletter-subscribe@yahoogroups.com)

If you no longer wish to receive Euroletter simply send empty message to

[euroletter-unsubscribe@yahoogroups.com](mailto:euroletter-unsubscribe@yahoogroups.com)

**Previous issues:**

all previous Euro-Letters in English as well as the Greek translations from No 127, January 2006 are available in pdf format on our website: [www.ilga-europe.org/europe/publications/euro\\_letter](http://www.ilga-europe.org/europe/publications/euro_letter)

ILGA-Europe is grateful to **Pantelis Ravdas**, **Danae Panagiotopoulou** and **Evdokia Sakka** for the Greek translations.



This publication is supported by the Directorate-General for Employment, social affairs and equal opportunities of the European Commission.

Its funding is provided for under the European Community Programme for Employment and Social Solidarity (2007-2013). This programme was established to financially support the implementation of the objectives of the European Union in the employment and social affairs area, as set out in the Social Agenda, and thereby contribute to the achievement of the Lisbon Strategy goals in these fields.

The seven-year Programme targets all stake holders who can help shape the development of appropriate and effective employment and social legislation and policies, across the EU-27, EFTA-EEA and EU candidate and pre-candidate countries.

PROGRESS mission is to strengthen the EU contribution in support of Member States' commitments and efforts to create more and better jobs and to build a more cohesive society. To that effect, PROGRESS will be instrumental in:

- providing analysis and policy advice on PROGRESS policy areas;
- monitoring and reporting on the implementation of EU legislation and policies in PROGRESS policy areas;
- promoting policy transfer, learning and support among Member States on EU objectives and priorities; and
- relaying the views of the stakeholders and society at large

*For more information see:*

[http://ec.europa.eu/employment\\_social/progress/index\\_en.html](http://ec.europa.eu/employment_social/progress/index_en.html)

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

# IN THIS ISSUE:

## **ILGA-EUROPE:**

- ILGA-Europe's Executive Board elects new Co-Chairs and officers
- Staff news:
  - ILGA-Europe appoints new Executive Director - Dirk De Meirleir
  - Changes in ILGA-Europe's Policy Service Area
  - Job opportunity with ILGA-Europe – Programmes & Policy Officer
  - Future employment opportunities with ILGA-Europe

## **ANTI-DISCRIMINATION:**

- Progress on the new anti-discrimination directive: *Consultation on the proposed directive is underway in the European Parliament.....*

## **UNITED NATIONS:**

- General Assembly to Address Sexual Orientation and Gender Identity: *Statement affirms promise of Universal Declaration of Human Rights*

## **LGBT FAMILIES:**

- On the occasion of International Human Rights Day ILGA-Europe highlights the lack of recognition and protections for LGBT families and their children in Europe
- Hungarian Constitutional Court declares registered partnership law unconstitutional
- Greece: first-ever law for the recognition of cohabitating heterosexual couples

## **HATE & VIOLENCE:**

- FRA welcomes new EU Framework Decision on combating racism and xenophobia
- New network to tackle violence targeting LGBT people in Europe

## **FREEDOM OF ASSEMBLY, EXPRESSION AND ASSOCIATION:**

- Turkey: The Decision to Close Down Lambdaistanbul was Overturned!
- Conservatives propose to apply penalties for the propagation of homosexuality in Lithuania

## **TRANSGENDER:**

- Austrian Constitutional Court upholds mandatory surgery

## **NOTICE BOARD:**

- IGLYO calls for participants
- Outreach Berlin 2009 - Sport for Tolerance and Acceptance

# ILGA-EUROPE:

## ILGA-Europe's Executive Board elects new Co-Chairs and officers

*ILGA-Europe's media release, 8 December 2008*



During the meeting of ILGA-Europe's Executive Board on 5-7 December 2008, new Co-Chairs were elected – Linda Freimane and Martin K.I. Christensen, who was first elected to the position in 2007.

The Executive Board elected Deborah Lambillotte as Secretary and Pierre Serne as Treasurer.

**Linda Freimane** is one of the founders and present chairperson of the LGBT and their friends' organisation "Mozaika" in Latvia. She has been the main responsible organiser of the Friendship Days and Riga Pride 2006 - 2008.

Linda is a lawyer and activist, born in Stockholm, Sweden, in a Latvian family. Early on she became active in various youth organisations. Since 2006 she is board member of ILGA-Europe.

Linda has graduated the School of Journalism of the University of Stockholm (1989). Her first employment was with the daily Svenska Dagbladet. Later she worked as a journalist at Radio Sweden, which launched a Latvian news broadcast in 1988.

# ILGA-EUROPE:

In the 1990s Linda graduated the Law Faculty, University of Stockholm with an LLM in European Union law, and soon after she moved permanently to Riga. In Riga she first worked with Latvia's pre-accession programmes, harmonising Latvian legislation with EU standards. Later she was engaged to set up the Riga Graduate School of Law, a Swedish-Latvian owned, private University for Baltic students.

Since 2005 Linda works as business consultant in Riga – serving corporate clients and organisations in their reputational, crisis, media and other needs. She is also engaged in the Baltic corporate travel market. Working with LGBT issues has become her full time on-the-side job, a task, which she sees as one of the greatest and most interesting challenges in her life so far.

In 1999 Linda registered her partnership with Yvonne Gerner, a Danish graphic artist.

**Martin K.I. Christensen's** involvement as a gay activist began at the Lesbian and Gay Radio in Copenhagen, Radio Rosa. He later became Chairman of the Association running the radio and was then elected member of the National Board of LBL, the Danish National Association of Gays, Lesbians and Bisexuals.

For the last 5 years Martin have been a member of the Board of LBL International and thereby involved in ILGA-Europe and bilateral cooperation with other organisations in both Eastern and Western Europe.

Martin is the founding co-chair of the LGBT group in the Social Liberal Party. He also a member of the party executive committee, chair of the EU working group and is a member of the Foreign Affairs Committee. Furthermore Martin is a chairman of the Communication Group of the Danish Association of Journalists. Martin has a master's degree in History and Middle East Studies and spent parts of his studies in the Netherlands and in Istanbul. All his professional life Martin has worked as a communication officer and journalist.

Martin was born in 1967 and work as the chief editor of the membership magazine of the Danish Construction Association – an employer's union and lobby organisation.

# ILGA-EUROPE:

## Staff news

### • ILGA-Europe appoints new Executive Director - Dirk De Meirleir

*ILGA-Europe's media release, 25 November 2008*



On 24 November 2008, the Employment Sub-Committee of ILGA-Europe's Executive Board unanimously selected Dirk De Meirleir to be the Executive Director of ILGA-Europe from 2009.

Dirk De Meirleir has worked as head of department for non-racial discrimination in the National Belgian Centre for Equal Opportunities and Opposition to Racism since 2003 and been with the organisation since 1999.

Dirk's department handles complaints and advises on discrimination and diversity issues concerning sexual orientation, disability, age, religion and belief, fortune, present or future health condition and physical characteristics.

Earlier in his career he worked as parliamentary assistant to MPs, MEPs, Senators and members of the regional Flemish Parliament and in this period he actively promoted the ideas of same-sex partnership, opening up marriage to same-sex couples and anti-discrimination legislation for gays and lesbians within his party and more importantly in support of a number of MPs. In this he worked closely with the *Holebifederatie*, the Flemish LGBT organisation.



# EUROPE:

He is a founding member of EQUINET, European network of Equality Bodies, presently as member of the Executive Board and the Treasurer.

He has also been involved in a number of EU-funded projects and has a good insight of the EU Institutions, among others because of his position as a technical advisor in the discussions that are taking place in the Council on the proposed goods and services directive.

Deborah Lambillotte, Co-Chair of ILGA-Europe's Executive Board, said:

"We are pleased Dirk De Meirleir will be joining ILGA-Europe in 2009 as our new Executive Director. Dirk has long working experience in the field of equality and we are sure he will be an excellent addition to ILGA-Europe's family of membership, board and staff."

Martin K.I. Christensen, Co-Chair of ILGA-Europe's Executive Board, added:

"ILGA-Europe went through a lot of developmental changes for the last four years and has firmly established itself as a serious and respectable equality and human rights NGO at European level. We are confident Dirk's management experience and his leadership style will ensure the continuation and further advances of a strong and professional ILGA-Europe."

## • Changes in ILGA-Europe's Policy Service Area

From 1 December 2008, Evelyne Paradis, who previously was ILGA-Europe's Senior Policy Officer, became ILGA-Europe's Policy Director. Evelyne is replacing Christine Loudes, ILGA-Europe's Policy Director, who from 17 December 2008 is taking three years leave of absence and will work as Campaign Director for Amnesty International office based Brussels.

ILGA-Europe expresses sincere gratitude to Christine for her invaluable contribution to ILGA-Europe's work and wishes her all the best in her new role within Amnesty.

## • Job opportunity with ILGA-Europe – Programmes & Policy Officer

ILGA-Europe is seeking to recruit a **Programmes and Policy Officer** in charge of coordination and implementation of the project "Enhancing Pluralism and Combating Discrimination against Lesbian, Gay,

# ILGA-EUROPE:

Bisexual and Transgender People in Russia". The post holder will be responsible for the coordination of capacity building / advocacy activities at the European and national levels, ensuring sound financial management of the project, and provide effective policy and lobby services to support the work of ILGA-Europe and its partners in Russia.

Candidates should be strongly committed to working for equality, and have competencies and experience in developing and implementing projects, organising capacity building events and longer term capacity building programmes, developing, presenting and implementing policy papers / proposals, in lobbying and in working with members and external (project) partners.

Other requirements are:

- A good knowledge of human rights and equality issues, particularly as they relate to lesbian, gay, bisexual and transgender people
- Experience in managing international projects
- A high standard of written and spoken English
- Working knowledge of Russian

Useful additional experience/knowledge could include:

- An excellent knowledge of the European institutions, including Council of Europe and the OSCE
- Experience of working in an NGO / INGO
- Project writing / fundraising skills

Gross annual salary inclusive of holiday pay: the recruited person will start with a salary of 39,780 euros per annum. The salary scale is between 41,387 and 46,162 euros in four annual increments starting at the beginning of the scale. Relocation support from within Europe to Brussels will be given.

**Closing date for receipt of applications: 17.00 CET Wednesday, 21st of January 2009.**

All inquiries will be answered on the 17th of January. No inquiries will be answered after this date.

For an application pack which also contains more information about the job, please visit our website:

<http://www.ilga-europe.org/Europe/About-us/Job-opportunity>

## • Future employment opportunities with ILGA-Europe

In the beginning of 2009 ILGA-Europe will advertise two more job vacancies: Policy & Programmes Officer and Communications Officer. Both vacancies will be advertised on our website: [www.ilga-europe.org](http://www.ilga-europe.org)

# ANTI-DISCRIMINATION:

## **Progress on the new anti-discrimination directive: Consultation on the proposed directive is underway in the European Parliament.....**

*by Evelyne Paradis, ILGA-Europe's Policy Director*

The Rapporteur of the European Parliament on the directive, Dutch MEP Kathalijne Buitenweg (Greens), has been actively consulting with civil society, social partners and other actors. Following a first exchange of views in the Civil Liberties, Justice and Home Affairs (LIBE) Committee on 13 November, a public hearing was held on 8 December with representatives of the European Commission and the Fundamental Rights Agency as well as European anti-discrimination networks, including ILGA-Europe.

(The texts of the different interventions are available at

<http://www.europarl.europa.eu/activities/committees/hearingsCom.do?language=EN&body=LIBE>).

One of the key issues that ILGA-Europe has been raising with members of the European Parliament is the reference to marital and family status and reproductive rights in the proposed directive. This issue was the focus of ILGA-Europe's intervention at the LIBE hearing (see [www.ilga-europe.org/europe/news/ilga\\_europe\\_delivers\\_speech\\_at\\_european\\_parliament](http://www.ilga-europe.org/europe/news/ilga_europe_delivers_speech_at_european_parliament)), as well as of a legal hearing organised by the LGBT Intergroup and ILGA-Europe on 10 December at the Parliament in Brussels. Two legal experts, Mark Bell and Hans Ytterberg, took part in the hearing and spoke of the legal and practical implications of including an exemption on marital and family status and on reproductive rights in European equal treatment legislation.

Kathalijne Buitenweg is expected to publish her report on 21 January 2009. There will be a first vote on the report in the LIBE committee (expected on 17 February) and then a vote in plenary on 24 March. Therefore, your support will be needed in the first three months of the new year to ensure that a significant majority of the Parliament supports the report on the directive and that strong amendments are proposed by the Parliament.

# ANTI-DISCRIMINATION:

## ***...and civil society organisations are strengthening their collective work....***

ILGA-Europe, the European Network Against Racism (ENAR), AGE, the Youth Forum and the European Disability Forum have been successfully working together – with the invaluable support of the Social Platform – on common amendments to the proposed directive. The result is a “consolidated proposal for amendments” which draws on the expertise of the five European NGO networks and represents our consolidated views. The document has been circulated to MEPs and to Member States representatives negotiating the proposal. It is available on the Social Platform’s website at <http://www.socialplatform.org/News.asp?DocID=19794>.

## ***....meanwhile at the European Council level ....***

EU ministers of employment and social affairs are meeting on 17 December in Brussels to discuss the directive. This is the last meeting under the French Presidency, which has been very active on this proposal. A round-up of the Presidency’s work on the directive will be included in the January’s Euroletter.

More information on ILGA-Europe’s position is available at [www.ilga-europe.org/europe/campaigns\\_projects/campaign\\_for\\_new\\_european\\_anti\\_discrimination\\_legislation](http://www.ilga-europe.org/europe/campaigns_projects/campaign_for_new_european_anti_discrimination_legislation)

For questions on ILGA-Europe’s campaign on the proposed directive, please contact Evelyne Paradis at [evelyne@ilga-europe.org](mailto:evelyne@ilga-europe.org).

# UNITED NATIONS:

## **General Assembly to Address Sexual Orientation and Gender Identity: *Statement affirms promise of Universal Declaration of Human Rights***

*Statement by coalition of human rights organisations<sup>1</sup>, 11 December 2008*

(New York, December 11, 2008) – As the world celebrates the 60th anniversary of the Universal Declaration of Human Rights (UDHR), the UN General Assembly will hear a statement in mid-December endorsed by more than 50 countries across the globe calling for an end to rights abuses based on sexual orientation and gender identity. A coalition of international human rights organizations today urged all the world's nations to support the statement in affirmation of the UDHR's basic promise: that human rights apply to everyone.

Nations on four continents are coordinating the statement, including: Argentina, Brazil, Croatia, France, Gabon, Japan, the Netherlands, and Norway. The reading of the statement will be the first time the General Assembly has formally addressed rights violations based on sexual orientation and gender identity.

"In 1948 the world's nations set forth the promise of human rights, but six decades later, the promise is unfulfilled for many," said Linda Baumann of Namibia, a board member of Pan Africa ILGA, a coalition of over 60 African lesbian, gay, bisexual, and transgender (LGBT) groups. "The unprecedented African support for this statement sends a message that abuses against LGBT people are unacceptable anywhere, ever."

The statement is non-binding, and reaffirms existing protections for human rights in international law. It builds on a previous joint statement supported by 54 countries, which Norway delivered at the UN Human Rights Council in 2006.

"Universal means universal, and there are no exceptions," said Boris Dittrich of the Netherlands, advocacy

<sup>1</sup>Amnesty International; ARC International; Center for Women's Global Leadership; COC Netherlands; Global Rights; Human Rights Watch; IDAHO Committee; International Gay and Lesbian Human Rights Commission (IGLHRC); International Lesbian, Gay, Bisexual, Transgender and Intersex Association (ILGA); International Service for Human Rights; Pan Africa ILGA; and Public Service International.

# UNITED NATIONS:

director of Human Rights Watch's lesbian, gay, bisexual, and transgender rights program. "The UN must speak forcefully against violence and prejudice, because there is no room for half measures where human rights are concerned."

The draft statement condemns violence, harassment, discrimination, exclusion, stigmatization, and prejudice based on sexual orientation and gender identity. It also condemns killings and executions, torture, arbitrary arrest, and deprivation of economic, social, and cultural rights on those grounds.

"Today, dozens of countries still criminalize consensual homosexual conduct, laws that are often relics of colonial rule," said Grace Poore of Malaysia, who works with the International Gay and Lesbian Human Rights Commission. "This statement shows a growing global consensus that such abusive laws have outlived their time."

The statement also builds on a long record of UN action to defend the rights of lesbian, gay, bisexual, and transgender people. In its 1994 decision in *Toonen v. Australia*, the UN Human Rights Committee – the body that interprets the International Covenant on Civil and Political Rights (ICCPR), one of the UN's core human rights treaties – held that human rights law prohibits discrimination based on sexual orientation. Since then, the United Nations' human rights mechanisms have condemned violations based on sexual orientation and gender identity, including killings, torture, rape, violence, disappearances, and discrimination in many areas of life. UN treaty bodies have called on states to end discrimination in law and policy.

Other international bodies have also opposed violence and discrimination against LGBT people, including the Council of Europe and the European Union. In 2008, all 34 member countries of the Organization of American States unanimously approved a declaration affirming that human rights protections extend to sexual orientation and gender identity.

"Latin American governments are helping lead the way as champions of equality and supporters of this statement," said Gloria Careaga Perez of Mexico, co-secretary general of ILGA. "Today a global movement supports the rights of lesbian, gay, bisexual, and transgender people, and those voices will not be denied."

So far, 55 countries have signed onto the General Assembly statement, including: Andorra, Armenia, Australia, Bosnia and Herzegovina, Canada, Cape Verde, the Central African Republic, Chile, Ecuador, Georgia, Iceland, Israel, Japan, Liechtenstein, Mexico, Montenegro, New Zealand, San Marino, Serbia, Switzerland, the Former Yugoslav Republic of Macedonia, Uruguay, and Venezuela. All 27 member states of the European Union are also signatories.

"It is a great achievement that this initiative has made it to the level of the General Assembly," said Louis-

# UNITED NATIONS:

---

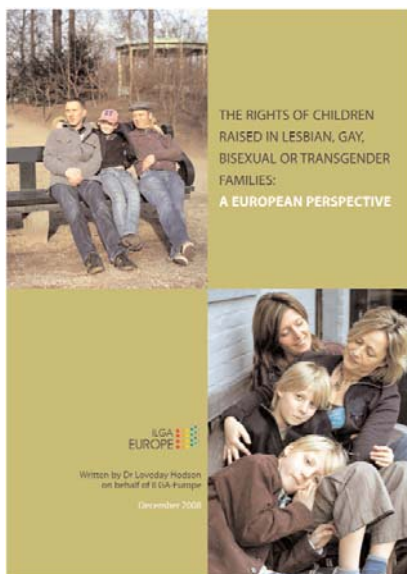
Georges Tin of France, president of the International Committee for IDAHO (International Day against Homophobia), a network of activists and groups campaigning for decriminalization of homosexual conduct. "It shows our common struggles are successful and should be reinforced."

"This statement has found support from states and civil society in every region of the world," said Kim Vance of Canada, co-director of ARC International. "In December a simple message will rise from the General Assembly: the Universal Declaration of Human Rights is truly universal."

# LGBT FAMILIES:

## **On the occasion of International Human Rights Day ILGA-Europe highlights the lack of recognition and protections for LGBT families and their children in Europe**

*ILGA-Europe's media release, 10 December 2008*



10 December is International Human Rights Day and it marks the 60th anniversary since the Universal Declaration of Human Rights was adopted by the General Assembly of the United Nations. This year ILGA-Europe highlights the legal discrimination and social exclusion which lesbian, gay, bisexual and transgender (LGBT) families and their children in Europe still experience.

To draw attention to the legal and social problems LGBT families and their children experience in Europe, ILGA-Europe in cooperation with the European Parliament's LGBT Rights Intergroup and H  l  n Goudin, Member of the European Parliament, today launches an exhibition of 12 families posters at the European



# LGBT FAMILIES:

Parliament entitled **“Different Families, Same Love”**. The 12 posters highlight the challenges and issues LGBT families and their children face because of the lack of legal recognition, as well as the positive developments at European level advancing the legal situation for LGBT families and their children.

**On the same day, ILGA-Europe launches a report “The Rights of Children Raised in Lesbian, Gay, Bisexual or Transgender Families: A European Perspective”**. This report documents the existing framework of legal protection of the rights of children in LGBT families at European level, analyses the many gaps in their protection, and makes recommendations for addressing these. The report will be used to raise awareness more generally around this issue at European level.

Patricia Prendiville, Executive Director of ILGA-Europe, said:

“Today when the world marks International Human Rights Day, we must remember that in reality there are many adults and their children across Europe who are still denied the legal recognition of their families. Their relationships based on love and care are still not considered valuable or equally respected. Most shockingly, in many European countries, children in LGBT families are not able to establish a legal link with their factual parents and face discrimination on the grounds of their birth status or the sexual orientation/gender identity of their parents.

We hope that today’s exhibition at the European Parliament and our new report which specifically looks at the rights of children in LGBT families, will serve as yet another eye opener to European politicians and will encourage them to take a pro-active and strong stance toward the elimination of all forms of discrimination against LGBT families and their children”.

**“The Rights of Children Raised in Lesbian, Gay, Bisexual or Transgender Families: A European Perspective”** report is available in PDF format on our website:

[www.ilga-europe.org/europe/publications/non\\_periodical](http://www.ilga-europe.org/europe/publications/non_periodical)

Images from our posters exhibition at the European parliament on our facebook page:

[www.facebook.com/pages/ILGA-Europe/11494607341](https://www.facebook.com/pages/ILGA-Europe/11494607341)

## **Hungarian Constitutional Court declares registered partnership law unconstitutional**

*by Dombos Tamás, HATTER, 15 December 2008*

Less than three weeks before its expected entry into force, the Hungarian Constitutional Court has ruled today that the law enabling same sex and different sex couples to register their partnership and gain rights similar to those of married couples is unconstitutional. The decision followed several petitions submitted by Christian and conservative groups who have criticized the law for equalizing same sex partnership with that of marriage. The Court found that the unconstitutionality of the law arises not from the fact that it extends the rights of same sex couples, but that the new institution is also open for different sex couples. This leaves open the possibility for Government and legislation to introduce a new law on registered partnership available only for same sex couples.

The Act CLXXXIV of 2007 on Registered Partnership that the Constitutional Court has found unconstitutional today was adopted by the Hungarian Parliament a year ago on December 17, 2007. The law introduced a new family law institution for both same sex and different sex couples granting nearly all the rights of married couples to registered partners. Notable exceptions were the right to take the partners' name and the right to adopt children. Political parties were highly divided on the proposal: the governing Hungarian Socialist Party and its junior coalition partner the liberal Alliance of Free Democrats supported the bill, Christian Democrats and the largest right wing party FIDESZ fiercely opposed it; the moderate conservative Hungarian Democratic Forum was divided in the voting. Soon after the bill was adopted, several Christian and conservative groups filed petition with the Constitutional Court to declare the law unconstitutional.

After three months of debate the Constitutional Court has delivered its opinion today. The decision argues that by allowing different sex couples to enter into a relationship very similar to that of marriage duplicates the institution of marriage, and thus contradicts the special protection of marriage enshrined in the Constitution. On the other hand, the Court also confirmed that the right of same sex couples to legal recognition and protection can be derived from the constitutional principle of human dignity, and the related rights to self-determination and freedom of action. The Court explicitly refused arguments in the petitions that registered partnership for same sex couples would undermine heterosexual marriage, since married couples are not affected negatively by granting similar rights to another group.

# LGBT FAMILIES:

---

Following the decision Prime Minister Ferenc Gyurcsány instructed the Minister of Justice and Law Enforcement to prepare a new bill on registered partnership taking into account the opinion of the Court. Since legal and institutional changes needed for the introduction of registered partnership have been implemented during the past year, the new amended legislation could enter into force within a short period of time. The only point of concern is whether his fellow socialist party members, whose primary argument for registered partnership in the parliamentary debate was to help unmarried heterosexual couples, are willing to support a new bill if it concerns only same sex couples.

# LGBT FAMILIES:

## Greece: first-ever law for the recognition of cohabitating heterosexual couples

*Source: Law 3719/2008, 26.11.2008 & Athenian News Agency report:*

[www.ana-mpa.gr/anaweb/user/showplain?maindoc=7094012&service=142](http://www.ana-mpa.gr/anaweb/user/showplain?maindoc=7094012&service=142)

Legislation establishing a legal precedent for cohabitation between heterosexual couples with a view to granting couples living together the same rights as married ones was published in the Government Gazette on Tuesday, identified as state Law No. 3719/08. The new law also features new provisions for divorce proceedings, parental care for children born out of wedlock as well as returns the right of spouses to add the surname of their spouses to their own (a double-barreled surname). According to the law, two adult heterosexual individuals can live together under its provisions after signing a cohabitation pact merely certified by a notary public. Such a pact is not allowed to be reached in case any of the parties interested is already in a marriage or has signed a cohabitation pact that is still valid. Also, a cohabitation pact cannot be signed by relatives or by an adopted parent and the adopted child. Granting a palimony can be included in the cohabitation pact or in a document signed afterwards. Parental care for a child born while a cohabitation pact was in effect belongs to both parents. The Parental care issues are covered by relative Civil Law clauses concerning children born in a marriage. Concerning children born out of wedlock, parental care belongs to the mother. If the father recognises a child born out of marriage can also be granted parental care if there is an agreement with the mother or if she is unable to care for the child.

Though explicitly referring to heterosexual couples in its first article – and thus having caused intense criticism by the Greek LGBT community, which intends to challenge it as merely unconstitutional and possibly breaching the European Convention on Human Rights<sup>2</sup> – the law constitutes a (small but yet a) step forward towards a future, desired recognition of same sex unions; notably, in almost every country that nowadays recognizes same sex unions, such legal recognition was preceded by the legal recognition of heterosexual unions. The enactment of the law coincides (?) with the end of a year when the Greek LGBT rights movement managed to achieve constant and unprecedented publicity, which has undoubtedly shaped a considerable change in what seemed to be – until very recently – a solidly conservative public opinion. Interestingly, two

<sup>2</sup>It might be possible considering the case of *Karner v Austria* (2003) which is the first ever case relating to the rights of same-sex partners that the European Court of Human Rights has agreed to consider and the first time in its history, the Court ruled that different treatment of unmarried heterosexual and homosexual partners is a discrimination based on sexual orientation and is contrary to the Convention.

# LGBT FAMILIES:

---

opposing parties (“pasok” - which was governing party until 2004 – and “syriza”) supported the immediate expansion of the provisions of the law to homosexual couples as well, bringing the core of the debate inside the parliament. In the meantime, the Civil Court of the island of Rhodes is expected to issue in early 2009 its decision upon the validity of the first two same sex civil marriages that were conducted by the mayor of the island of Tilos last June.

# HATE & VIOLENCE:

## **FRA welcomes new EU Framework Decision on combating racism and xenophobia**

*FRA's media release, 2 December 2008*

The European Union Agency for Fundamental Rights (FRA) very much welcomes the Council's adoption, on 28th November 2008, of the Framework Decision on combating racism and xenophobia - exactly seven years after it had first been presented by the European Commission.

Since the original proposal in 2001, FRA, and its predecessor the European Monitoring Centre on Racism and Xenophobia (EUMC), have highlighted the pressing need for an EU-wide response to the problem of racist violence and related racist and xenophobic crimes. The Agency's Annual Reports on the situation regarding racism and xenophobia in the EU have consistently outlined the problem of unequal responses to racist and related crimes in the Member States, and have called for the adoption of the Framework Decision as an EU-wide legislative response to this social ill. Other Agency publications have also addressed the impact of racist and xenophobic crime on particularly vulnerable groups in society - such as the Roma and Jewish people. In addition, over a number of years the Agency has either directly organised or participated in various events that have called for the approximation of criminal law in this area; including, amongst others, a public hearing on the Framework Decision at the European Parliament and a seminar under the Austrian Presidency.

FRA sees the adoption of the Framework Decision as an important tool for the EU-wide condemnation of racist and xenophobic crime. At the same time, the Framework Decision can be considered as a first step towards possible recognition of a range of crimes that impact on other vulnerable social groups, such as the LGBT community and the disabled, which are not currently encompassed under the Framework Decision. To this end, FRA will continue to monitor the situation in the EU with respect to intolerance and crime on the grounds of racism and xenophobia, as well as on other grounds.

# HATE & VIOLENCE:

## **New network to tackle violence targeting LGBT people in Europe**

*by Christine Loudes, ILGA-Europe's Policy Director*

From the 12 to 14 December, *SOS Homophobie* in partnership with ILGA-Europe organised a seminar on violence targeting LGBT people. This seminar brought together activists from 17 States in Europe who are working in the field of support to victims of violence targeting LGBT people. It looked specifically into the topic of working with the police, support to victims of violence, monitoring violence targeting LGBT people and lobbying for legislative change.

The seminar was an opportunity to share good practices and knowledge from the different organisations and national perspectives. Most participants were satisfied with the seminar and would like similar gatherings to take place in the future in order to strengthen the support organisations can bring to each other.

As a follow up to this meeting, a network was created to ensure that exchange continue between members in particular on the issue of support for victims. Another aim identified is the need for a common methodology to collect data on violence against LGBT people to be presented to the international institutions (Organization on Cooperation and Security in Europe, European Union Fundamental Rights Agency and Council of Europe Human Rights Commissioner). A mailing list will be created and it is envisaged that a working group on data collection and a website will be developed in the future with financial support to be sought. Initially the network will be coordinated by *SOS Homophobie* with the support of ILGA-Europe and the other organisations which took part in the seminar. ILGA-Europe is welcoming this very timely initiative from *SOS Homophobie* and is delighted to see that it is meeting so much interest from organisations in many countries.

# FREEDOM OF ASSEMBLY, EXPRESSION AND ASSOCIATION:

## **Turkey: The Decision to Close Down Lambdaistanbul was Overturned!**

*Statement by The Platform for LGBTT Rights 27 November 2008*

Our process towards becoming an official association that started in May 2006 was carried to the court due to Istanbul Governor's Office's decision that our name and our constitution is against the law, morality and Turkish family values. We survived six hearings, and Istanbul 3rd Principle Court has decided to close us down despite the expert opinion supporting us. Today, our case was heard at the Supreme Court of Appeals. As witnesses to a late-arriving justice we shout out that our organizing is not immoral.

True, justice arrived quite late. A similar criminal complaint was filed against our sibling associations in Ankara, Kaos GL and Pembe Hayat (Pink Life), by Ankara Governor's Office, claiming that they were against the law, morality and Turkish family values. However, things worked out differently in their case, and the local courts and prosecution office decided not to close down these associations -a decision that is opposed to the decision made by Istanbul 3rd Principle Court. How come there are two opposing verdicts based on the same law?

We repeat: Decisions influenced by prejudices will remain inevitable, and inequality, discrimination and intense human rights violations will prevail as long as "sexual orientation" and "gender identity" are not added to the equality clause of the constitution.

Yet finally, justice has arrived. We are stronger now with the overturn of the decision to close down Lambdaistanbul LGBTT Solidarity Association. As people who face violence, who get expelled from our jobs, who are excluded and isolated, who are denied their legal rights, our voices will now multiply; and as the LGBTT (lesbian, gay, bisexual, transvestite, transsexual) movement we will be louder when we shout out our right to equality.



## Conservatives propose to apply penalties for the propagation of homosexuality in Lithuania

by Tolerant Youth Association (TJA) information, Lithuania, 13 December 2008

On the 11th of December the law proposal of the amendments of the Law on the Protection of Minors against Detrimental Effect of Public Information has been approved in the Parliament of the Republic of Lithuania (XIP-110). The proposal has been submitted by Conservative MP Valentinas Stundys. Under this law proposal, the detrimental effect on the development of minors is caused also by public information that agitates for homosexual relations, and defiles family values.

Neither "agitation" nor "family values" are defined in the newly approved law proposal, therefore it would allow to put a ban on basically any non-negative information on homosexuality. It would be possible not only to ban websites and films (e.g. *Brokeback Mountain*) positively presenting homosexual relations, but also discos, exhibitions, demonstrations and other public events related to homosexuality if these could be accessed by minors.

The law proposal has caused many discussions in the Parliament. Conservatives Edmundas Pupinis, Rytas Kupcinskis and Paulius Saudargas maintained that only a ban and control is not enough. MP E.Pupinis proposed to make it possible for any citizens to report inappropriate film productions. While MP P.Saudargas suggested to force IT sellers to propose anyone buying a computer also to obtain devices filtering harmful information, and stressed that it is necessary to limit an access to *inappropriate information* not only in public but also at home.

MP Rima Baskiene stated that the resistance against this law proposal is raised by sexual minorities. She proposed to eliminate the notion that it is not punishable for minor violations of this legislation, and proposed to apply penalties in all cases. "Do we want our minor children to face agitation for homosexual relations? NO!"- said she.

MP R.Kupcinskis claimed that just administrative proceedings are not enough and proposed to apply criminal liabilities for violations of the law. MP Petras Luomanas thanked MP R.Baskiene for her speech and agitated to approve the proposal.

# FREEDOM OF ASSEMBLY, EXPRESSION AND ASSOCIATION:

Only 2 members of Lithuanian Social Democratic Party Political Group, 1 member of Liberal and Centre Political Group and 1 non-affiliated member voted against the law proposal. Whereas all members of Homeland Union - Lithuanian Christian Democrat Political Group, Liberals Movement Political Group and most of members of National Revival Political Group voted in favor.

The approved law proposal will be passed on to the committees of the Parliament. The adoption of the law is foreseen in spring 2009.

# TRANSGENDER:

## Austrian Constitutional Court upholds mandatory surgery

*Media release by Rechtskomitee LAMBDA, 10 December 2008*

The Austrian Constitutional Court recently decided not to deal with complaints against mandatory sex change surgery for transsexuals. Rechtskomitee LAMBDA (RKL), Austria's civil rights organisation for homo- and bisexual as well as transgender women and men, deplors these decisions and is now hoping for the Administrative High Court.

Austria, different than other countries (like Spain, United Kingdom, Hungary, Sweden and Finland) only recognises the new gender of (male-to-female-) transsexuals if they let remove their genitals. Not all transsexuals however are able to fulfil this condition, be it for their age, their health or their social situation.

Mandatory sex change surgery today is outdated and not scientific state of the art anymore. On the contrary it is understood as a human rights violation. So the Yogyakarta Principles, elaborated in November 2006 by leading international human-rights-experts say: "No one shall be forced to undergo medical procedures, including sex reassignment surgery, sterilisation or hormonal therapy, as a requirement for legal recognition of their gender identity." ([www.yogyakartaprinciples.org](http://www.yogyakartaprinciples.org)).

In that sense also the Council of Europe's High Commissioner for Human Rights in his report of 12 December 2007 asks that legal recognition of the new gender be not made contingent upon a sex change surgery (<https://wcd.coe.int/ViewDoc.jsp?id=1225149&Site=COE&BackColorInternet=DBDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864>).

And also the German Constitutional Court said that mandatory genital surgery contradicts today's scientific evidence: "Scientific literature sees no good reasons anymore for discriminative practices, regarding civil status, between transsexuals with or without surgery" (BVerfG, 1 BvL 3/03 vom 6.12.2005, 25, 66).

Finally practice in Austria is also discriminatory on the basis that only male-to-female-transsexuals are required to engage into genital sex change surgery.

# TRANSGENDER:

## **Regular exposure or danger of pauperisation**

The applicant before the Constitutional Court was born as male and, after hormone therapies and cosmetic measures, has been living for long time now as a woman. Nevertheless authorities are refusing a female first name and documents which correspond to her gender identity and her physical appearance. Every time she has to show one of her documents (driver's license, id-card, passport, residential registration form, birth certificate etc.) she has to expose her transsexuality and is coerced into (embarrassing and often degrading) outing.

The only reason for refusing a female first name and gender-identity-corresponding documents is that she has not undergone surgery to remove her genitals.

The applicant however can not engage in such an operation as she certainly would loose her job as a result of longstanding sickness absence following the surgery. The loss of her work would expose her to the eminent risk of social disintegration and pauperisation.

This was not reason enough for the Constitutional Court to find a human rights violation. It refused to deal with the applications (BVerfG, 1 BvL 3/03 vom 6.12.2005, 25, 66).

„Given that the Constitutional Court two years ago has struck down mandatory divorce for transsexuals we hoped for more“, says *Dr. Helmut Graupner*, president of *Rechtskomitee LAMBDA (RKL)*, „But the battle is not over. The case is now before the Administrative High Court“.

# NOTICE BOARD:

## **IGLYO calls for participants**

*by IGLYO, 8 December 2008*

Event: **I Am here: Intercultural and Ethnic Diversity within LGBTQ Youth Communities** (Strasbourg, France, February 2009).

IGLYO aims to bring people from seemingly different cultural and/or ethnic background together to explore intercultural and ethnic diversity within the LGBTQ youth community, exchange ideas and points of views, and work together on this fascinating topic.

The deadline for applications is on the **29th December 2008**. All enquiries should be directed to [office@iglyo.com](mailto:office@iglyo.com)

Further information, including application form: [www.iglyo.com/content/article.php?id=QA000299](http://www.iglyo.com/content/article.php?id=QA000299)

# NOTICE BOARD:

## Outreach Berlin 2009 - Sport for Tolerance and Acceptance

by *Matthias Lendner*

### What is Outreach?

Outreach is a program that supports gay and lesbian athletes from Eastern European countries where homosexuals are still being persecuted. With financial support these athletes will be able to participate in the Berlin Badminton tournament 2009.

### The Background

Mobbing at work, violent attacks, prohibition of CSD and gay and lesbian tournaments as well as intolerant governments continue to be everyday life for many homosexuals in Eastern Europe. In order to change this, we would like to invite lesbians and gays to an international badminton tournament to:

- play sport together
- make new contacts
- collect ideas for own activities/clubs
- exchange experience
- give support and
- to get energy for the daily fight for respect and acceptance.

### Help for Tolerance and Acceptance

You can help!! Without spending a single cent! If you have friends/acquaintances/relatives in Eastern Europe you are invited to forward the information's about Outreach. In case you have contact details of clubs, associations or persons that might be able to help us please send these to:

[outreach.berlin2009@vorspielbadminton.de](mailto:outreach.berlin2009@vorspielbadminton.de).

Info's/application at: [www.vorspielbadminton.de/Outreach2009](http://www.vorspielbadminton.de/Outreach2009)