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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.

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- 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

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

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Message from Dirk

Dear Euroletter readers, ILGA-Europe members, friends and supporters,

What a month April was! The European Parliament voted in favour of a report on the proposed new EU anti-discrimination directive. Just a day prior to the voting, when MEPs were debating the report, it was unclear if there would be enough support for it. The debate in the European Parliament yet again reminded us all that the principles of equality and non-discrimination for all is not something all MEPs share and support. Fortunately the vote confirmed that the European Parliament as an institution is firmly in favour of harmonizing EU non-discrimination legislation and wants to see an end of hierarchy of protections and rights in the EU. It was definitely a champagne popping moment!

We are now one more step closer towards our goal – EU-wide protection from discrimination on the basis of four grounds listed in Article 13 of the European Treaty – age, disability, religious/belief and sexual orientation.

However, now the campaign is entering its most complicated phase as ALL 27 EU Member States have to come to an agreement in order for this proposal to become a law. We are well aware of how difficult it will be and once again calling on your active support on this campaign. It is all now in the hands of the national governments who will be deciding if this proposal should become a law. Be part of this historic moment and work in your country and ensure that your government is firmly behind this ambitious and needed legislation!

Dirk De Meirleir

Executive Director

Be Bothered! campaign

by *Juris Lavrikovs, ILGA-Europe's Communications Manager*

Dear friend and supporters,

I am sure you have heard about ILGA-Europe's Be Bothered! campaign on the European Parliament's Elections which are taking place in the beginning of June.

We want you to be an active European citizen, take action and **BE BOTHERED!**

Here are some easy to follow suggestions how can you get involved and contribute towards the campaign:

Who is who?

1. Clarify who are the European Parliament candidates in your country

In case you are not sure where to find the full list:

- individual parties will have their candidates list on their party website
- your country might also have a central election authority and on their website you might be able to find centralised information on all parties and their European Parliament candidates
- you can find the list of political parties in your country on the national parliament's website, Google or Wikipedia.

What do the parties say?

Check the parties' European Elections manifesto: does the party support equality and human rights generally and LGBT rights particularly?

If yes, makes sure the party and its candidates know about ILGA-Europe's Pledge and ask them to sign it. You might want to translate our Pledge into your national language unless it already exists (ILGA-Europe will publish all translations we are aware of on our website).

If no, and there are no specific references to equality and human rights generally and no particular references to LGBT rights issues – make it a priority to raise LGBT rights issues with the party. You can do it by writing to the party, participating in public meetings with the candidates.

Why bother?

The European Parliament is influential and important in promoting LGBT rights at European level, it has real powers!

Make sure you are registered to vote.

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Make sure before voting you check your party's position on equality and LGBT rights and check if your party/candidates signed ILGA-Europe' Pledge.

Check our campaign website which contains more useful tips and links:

www.ilga-europe.org/EuropeanElections2009

Make sure on a day of European Elections in your country you actually go voting!

Be bothered, because if you are not, some one else will be.

Be bothered and vote for a human rights friendly European Parliament!

ILGA-Europe's EU Network meets in Brussels

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

Members of ILGA-Europe's EU Network gathered in Brussels on 3-4 April to exchange information and discuss strategy around current EU policy priorities. The meeting's agenda featured: the new EU anti-discrimination legislation, the implementation of the freedom of movement and the European election campaign. Participants developed preliminary national action plans to campaign on the new directive and shared campaigning ideas around the European elections.

One of the sessions focused on the application of EU Gender Equality Legislation to advance transgender rights. Rashmin Sagoo of the European Commission (DG Employment and Social Affairs) was invited to provide an overview on the European Commission's role in monitoring the correct implementation of Gender Equality legislation vis-à-vis transgender people's right and to discuss future Commission actions in this field.

The EU Network brings together one ILGA-Europe member organisation per EU Member State. The EU network facilitates joint and complementary lobbying and advocacy work at EU and national levels. It also constitutes an established channel of communication between the ILGA-Europe staff in Brussels and members which ensures ongoing and efficient interaction that strengthens ILGA-Europe's policy and advocacy work with EU institutions.

A report of the meeting is available to ILGA-Europe members upon request by writing to Evelyne Paradis at evelyne@ilga-europe.org.

FRA Report on Homophobia and Discrimination on Grounds of Sexual orientation and gender Identity in the EU member States – County reports

Source: Fundamental Rights Agency

The 27 summary reports on the situation concerning homophobia and discrimination according to sexual orientation in each of the Member States are now available.

These reports constitute summaries of the information drawn on by the FRA in order to compile its report Homophobia and Discrimination on Grounds of Sexual Orientation and Gender Identity in the EU Member States – Part II: The Social Situation.

http://fra.europa.eu/fraWebsite/research/background_cr/cr-hdgso-p2_en.htm

External evaluation of the 2007 European Year of Equal Opportunities for All (EYEO)

Source: European Commission

This evaluation exercise was carried out by a consortium led by Rambøll Management, in partnership with Euréval-C3E and Focus Consultancy. The overall aim of this evaluation was to determine whether the EYEO was a success both at the European level and at the level of the 30 Participant Countries.

As part of the final evaluation report, four thematic reports were produced, three of which to focus on three grounds of discrimination, namely racial and ethnic origin, age and sexual orientation. The fourth report addresses the way in which gender was mainstreamed across the actions and activities, carried out respectively at national and EU level.

The final evaluation report and its four thematic reports are based on information from 10 country case studies undertaken in the following Participant Countries: Belgium, Denmark, Finland, Ireland, Lithuania, Poland, Romania, Slovakia, Spain and the United Kingdom.

The reports are available on <http://ec.europa.eu/social/main.jsp?langId=en&catId=89&newsId=483>

European Parliament sends signal to EU Member States – anti-discrimination directive needs to be adopted

Source: ILGA-Europe's media release, 2 April 2009

Today the European Parliament with a significant majority (363 in favour, 226 against and 64 abstention) voted in favour of a report supporting the introduction of a new EU anti-discrimination directive to prohibit discrimination on the grounds of age, disability, religion/belief and sexual orientation in areas other than employment.

ILGA-Europe congratulates the Members of the European Parliament (MEP), and especially the rapporteur Kathalijne Buitenweg, for this important step towards putting an end of discrimination in the European Union. Today the MEPs sent a strong signal to the Council of the European Union that the discrimination has to be eradicated and the new directive is the best way to achieve it.

ILGA-Europe also wants to thank the European Commission for their ongoing support on the introduction of the directive and their effort on gaining the support for the European Parliament.

At the same time ILGA-Europe wants to stress that there is still important work to be done by the Council. In order to provide effective legal protections against discrimination it is essential to amend the text to limit the number of remaining exceptions in particular on the materials scope, and to improve provisions protecting disabled people against discrimination, to name a few ongoing issues.

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

"We welcome today's vote by the European Parliament. We know how difficult and sensitive the negotiations on this report were. Therefore we send our thanks to those MEPs who despite difficult political negotiations did not lose sight of the bigger picture vision and remained committed to the principled of justice and equality."

He report is available on the European Parliament's website:

<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P6-TA-2009-0211+0+DOC+XML+V0//EN&language=EN>

ILGA-Europe's campaign supporting new EU anti-discrimination directive: www.ilga-europe.org/europe/campaigns_projects/campaign_for_new_european_anti_discrimination_legislation

Hungarian Equal Treatment Authority sanctions sexual orientation discrimination for the first time

by **Tamás Dombos**, *Háttér Society for LGBT People*, tdombos@gmail.com, 4 April 2009

The Hungarian Equal Treatment Authority delivered its decision on March 12, 2009 in a case involving discrimination based on sexual orientation. The plaintiff, whose sexual orientation was widely known through the media, was denied membership at a dance studio, and claimed the decision was based on his sexual orientation. The Authority upheld the claim and imposed a 200.000 HUF (appr. 675 EUR) fine on the company.

The Equal Treatment Authority was established in 2005, following the adoption of the Act on Equal Treatment and Promotion of Equal Opportunities in 2003. The act forbids discrimination on various grounds among others sexual orientation and gender identity in employment, education, housing, health care, social security and access to goods and services. Victims of discrimination have the choice of taking cases to court or a newly set up public body, the Equal Treatment Authority.

The Authority receives a growing number of cases every year, it dealt with 1153 complaints last year. Most cases concern discrimination based on ethnicity, age, motherhood and disability, only very few deal with sexual orientation or gender identity. Those few cases that were reported in the past years were dismissed by the Authority on the grounds that the disadvantage had nothing to do with sexual orientation or gender identity.

The current case is the first one where the Authority declared a complaint about sexual orientation discrimination well founded. The Authority imposed three sanctions on the dance studio: the company was ordered to stop the discriminatory behavior, to pay a 200.000 HUF (appr. 675 EUR) fine and information about the case – including the name of the company – is to be published on the website of the Authority for six months. The decision is not final, the dance studio may appeal the decision to court in 30 days.

Gibraltar: Government is entitled to protect traditional family, says ruling

by **Brian Reyes**, *Gibraltar Chronicle*, www.chronicle.gi/headlines_details.php?id=15736, 7 April 2009

Two local lesbians have failed in a legal bid to convince Gibraltar's highest court that Government housing policy discriminates against homosexual couples. The Court of Appeal ruled that the Gibraltar Government was legally entitled to protect the 'traditional family' by favouring heterosexual married couples in the allocation of state-owned housing.

For now at least, the decision brings to a close a case that could have set a landmark precedent for gay rights in Gibraltar. But the judgement yesterday fell short of an unequivocal victory for the Gibraltar Government. Among the three senior UK judges who heard the appeal case, there was one clear voice of dissent. Sir William Aldous agreed with the couple and went as far as describing the Government policy as "illegal".

The case dates back over three years and stems from a decision by the Housing Allocation Committee to refuse the couple joint tenancy of a Government flat, even though the women were in long-term, monogamous and loving relationship. Under local law, only parents, spouses and children can be included in a Government tenancy agreement.

Lawyers said that left the two women at a disadvantage because, unlike heterosexuals, they could not marry and had no way of meeting the criteria for joint tenancy of a Government-owned flat.

Last December the Supreme Court rejected claims that the refusal amounted to a breach of the couple's fundamental Constitutional and human rights. Acting Chief Justice Anthony Dudley also dismissed a separate argument that a same-sex couple should be afforded equality under common law to a married couple of the opposite sex.

Sweden introduces gender neutral marriage law

Source: Radio Sweden International, 1 April 2009, <http://www.sr.se/cgi-bin/International/nyhetssidor/artikel.asp?ProgramID=2054&Format=1&artikel=2739765>

Same-sex couples in Sweden will be allowed to marry as of 1 May 2009.

Following a parliamentary vote Wednesday afternoon, MPs voted by a huge majority to allow gay and lesbian couples to marry in civil ceremonies. If they want to get married in a church, however, then they will have to find a vicar who will agree to marry them.

Same-sex couples have been able to become civil partners in Sweden since 1995, and the law change doesn't automatically make them husband and husband or wife and wife, if they want to get married they will have to either have a new ceremony, or send in an application to get the partnership converted into a marriage. The government was split on the issue with coalition partner the Christian Democrats the only party in the Swedish parliament to oppose the extension of the term "marriage" to include non-heterosexuals. But in a free vote in parliament 261 MPs voted in favour of the reform, 22 voted no, while 16 abstained.

Religious groups in Sweden are split on the issue. Some Lutheran Church of Sweden vicars have said they will marry same-sex couples, and the church will take a common stand on the issue at a Synod in the Autumn. Roman Catholic, Muslim, and other religions have been much more sceptical to the law change in their comments.

Hungarian Parliament Adopts New Registered Partnership Act

by **Tamás Dombos**, *Háttér Society for LGBT People*, tdombos@gmail.com, 20 April 2009

The Hungarian Parliament has adopted today the revised bill on registered partnership. The bill was introduced to the Parliament following the Constitutional Court decision of December 2008 that struck down the previous version of the law just weeks before its supposed entry into force. The new legislation introduces the institution of registered partnership for same sex couples and also sets up a different scheme of domestic partnership registration for both same sex and different sex couples. The bill was adopted 199-159-8, the governing socialist party and their former liberal coalition partner voted for the bill, other opposition parties voted against it.

The legislative history of the Registered Partnership Act started in October 2007, when following the attempt of the liberal party (Alliance of Free Democrats) to open up marriage for same sex couples, the Hungarian Socialist Party – as a compromise solution – called on the government to prepare a bill on registered partnership. Within a month, the government submitted a bill to the Parliament, which was adopted in a short, but heated debate on December 17, 2007. The bill was supposed to enter into force a year later, on January 1, 2009. Soon after its adoption several Christian and conservative groups filed petition with the Constitutional Court to declare the law unconstitutional. The Court delivered its decision in December 2008 striking down the law on the ground 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 held that the introduction of an institution similar to marriage for same sex couples is a constitutional duty. Within a day Prime Minister Ferenc Gyurcsány instructed the Minister of Justice and Law Enforcement to prepare a new bill on registered partnership, which was submitted to the Parliament on 16 February, 2009.

The act bears the intimidating title of Act on Registered Partnership and Related Legislation and on the Amendment of Other Statutes to Facilitate the Proof of Cohabitation, and retains much of the content of the previous bill with one exception: the institution of registered partnership will only be available to same sex couples. Establishment and dissolution of registered partnerships will be the same as for marriage, and registered partners will be entitled to most of the rights available for married couples. Notable exceptions are the right to take the partners' name, to adopt children and to participate in assisted reproduction. Besides introducing registered partnerships for same sex couples, the new act also introduces a scheme for registering domestic partnerships. Unlike registered partnership, this new opportunity will not grant any new rights or duties to couples cohabiting without marriage, but will only make it easier for them to prove the existence of such a relationship. This second registration scheme will be available to both same sex and different sex couples.

LGBT NGOs criticized the bill for not granting the same rights to registered partners as to married couples, as well as for the provision limiting the possibility to enter into registered partnership to citizens of states that already recognize registered partnership. Amendments were submitted by socialist and liberal MPs to respond to these demands, but only the

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amendments concerning foreign citizens were adopted by the majority of the parliament. LGBT and human rights NGOs were, on the other hand, successful in adding data protection rules to the law: as an unprecedented legal innovation the law contains that public or private actors can demand and record information on family status only in a form that does not treat marriage and registered partnership as separate categories. This means that gays and lesbians are not forced to disclose their sexual orientation when they have to declare their family status.

President László Sólyom has fifteen days to sign the law, veto it or send it to the Constitutional Court. As the law is very similar to the one adopted a year and a half ago, a presidential veto is unlikely, although Sólyom's deteriorating relationship with the governing party makes the political process somewhat unpredictable. The law would enter into force two months after its signature, either on June 1 or July 1, 2009.

OSCE/ODIHR launches guidelines on hate crime laws

Source: Media release by OSCE/ODIHR, 19 March 2009

The OSCE Office for Democratic Institutions and Human Rights (ODIHR) launched a new tool today to help states combat hate crimes.

The 67-page book, titled *Guidelines on Hate Crime Laws*, is the first publication providing practical and easily accessible advice for lawmakers, civil society and law enforcement personnel involved in developing or implementing hate crime legislation.

"Hate crime laws serve two important functions. First, they send a clear message to offenders that society will not tolerate crimes committed on the basis of prejudice and intolerance. And secondly, they convey to victims and vulnerable communities that the criminal justice system serves to protect them," said Ambassador Janez Lenarcic, Director of ODIHR.

"There is a growing appreciation by government authorities and communities of the benefits of monitoring and responding to hate crime," said Stacey Burdett, of the Anti-Defamation League, a non-governmental organization based in the United States which contributed to the guide.

"Effective hate crime laws do more than quantify or punish hate crime. They advance police-community partnerships and spark the development of prevention and education strategies to address not only hate crimes but the prejudice that motivates them."

The guide was developed by ODIHR in consultation with experts including judges, prosecutors, government officials, academics and civil society. These experts were drawn from across the OSCE region, resulting in a document which is relevant to a variety of legal systems and traditions.

The guide has already been used by ODIHR as the basis for legislative reviews and training. It has been translated into several languages, including French, Russian and German.

The launch was preceded by an expert workshop in Vienna and is part of a series of OSCE events marking the International Day for the Elimination of Racial Discrimination on 21 March, which will also include a roundtable discussion on racism and discrimination on 20 March.

The Guide is available on:

www.osce.org/item/36671.html