

JULY EURO-LETTER 2009

No. 167
June
2009

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

**Euro-Letter is published by ILGA-Europe - the European Region
of the International Lesbian, Gay, Bisexual, Transgender &
Intersex Association (ILGA)**

ISSN 1998-8117

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ILGA-Europe is grateful to **Pantelis Ravidas**, **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

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

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ILGA-Europe's Memorandum to the Swedish Presidency of the EU

by *ILGA-Europe*

On 1 July 2009, the Presidency of the European Union is taken by Sweden for the next six months. Traditionally, ILGA-Europe presents its Memorandum to the EU Presidency identifying its expectations and setting challenges for the Presidency.

ILGA-Europe's Four Points Call for Action

- **Positive leadership to ensure protection against discrimination**
 - 1.1. Anti-discrimination Directive
 - 1.2. Equality Summit
 - 1.3. Gender Equality Legislation

- **Proactive mainstreaming of equality in EU social policies**
 - 2.1. Healthy and Dignified Ageing
 - 2.2. Mental Health and LGBT youth

- **Putting fundamental rights at the core of the Stockholm Programme**

- **Promoting LGBT rights in external relations**
 - 4.1 Enlargement
 - 4.2 European Neighbourhood Policy/Eastern Partnership
 - 4.3. Human Rights in third countries

Full text of the memorandum is available on our website:

http://www.ilga-europe.org/europe/advocacy_lobbying/policy_papers/ilga_europe_s_memorandum_to_the_swedish_presidency_of_the_eu_july_2009

ILGA-Europe prints maps on legal situation for LGB people in Europe

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

Prior to OutGames and its International Human Rights Conference in Copenhagen in the end of this month where ILGA-Europe take part, we published a map of Europe reflecting the legal situation for lesbian, gay and bisexual people. The 'Rainbow Europe' map reflects legal advanced such as protection from discrimination, recognition of LGB families and parenting rights, inclusion of sexual orientation in hate speech/crime legislation. The map also highlights the 'darker' corners of 'Rainbow Europe' where there is still criminalisation of consenting same-sex acts, unequal age of consent and there Pride events have been banned during last 10 years.

Summary of the mapped legal situation for lesbian, gay and bisexual people in Europe:

advances:

- 2 countries' constitutions refers to sexual orientation in their anti-discrimination provisions
- 13 countries and 1 territory bans sexual orientation in employment
- 25 countries and 5 territories ban sexual orientation discrimination in employment, access to good and services
- 15 countries refer to sexual orientation in hate speech/crime legislation
- 5 countries allow same-sex partners to marry
- 13 countries and 2 territories allow same-sex partners to register their partnerships
- 13 countries recognise cohabitation of same-sex partners
- 9 countries entitle same-sex partners to apply for joint adoption
- 11 countries allow second partners adoption
- 10 countries provide fertility treatment for lesbian couples

spots of discrimination and inequality:

- 2 countries and 3 territories still have unequal age consent for consenting sexual acts between adult men
- 1 territory still criminalises consenting sexual acts between adult men
- 8 countries banned LGBT public events during the last 10 years

For printed copy, please send your name, postal address and number of maps requested:

juris@ilga-europe.org

The map will soon be also available for download on our website: www.ilga-europe.org

Council of Europe Expert Committee working on preparation of Committee of Ministers Recommendation on combating discrimination on the grounds of sexual orientation and gender identity

by Nigel Warner, ILGA-Europe's Advisor on Council of Europe

Following a decision of the Council of Europe Committee of Ministers, an intergovernmental committee of experts, chaired by the Swedish representative, Hans Ytterberg, has begun preparation of a Recommendation to member states on combating discrimination on the grounds of sexual orientation and gender identity. A first draft of the Recommendation was finalised by the Committee at a meeting in June. This will now be reviewed by other Council of Europe bodies, before being agreed by the Committee of Ministers itself in a year to 18 months time. ILGA Europe, Transgender Europe, Amnesty International and Human Rights Watch are all participating as Observers in the deliberations of the committee.

The current draft is a very useful document, and, if agreed as it stands, would be by far the most comprehensive international "soft law" agreement in support of LGBT rights ever adopted. It will be particularly important for its extensive coverage of transgender rights. However, some member states are unsympathetic, so it may be watered down prior to final agreement.

The current text can be found at the following link - page down to Appendix III.

http://www.coe.int/t/e/human_rights/cddh/3._committees/07.%20other%20committees%20and%20working%20groups/05.%20discrimination%20against%20lgbt%20%28dh-lgbt%29/meeting%20reports/DH-LGBT_2009_008%20E%20meeting%20report%20WEB.pdf

Lithuanian parliament adopts homophobic law despite presidential veto

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

On 14 July 2009 Lithuanian parliament, Seimas, adopted the Law on the Protection of Minors Against the Detrimental Effect of Public Information. The law bans any positive information about homosexuality and bisexuality. It equates homosexuality and bisexuality to other 'detrimental effect on minors' such as display of dead or cruelly mutilated body, information that causes fear or horror or encourages suicide.

On 26 June 2009, Valdas Adamkus, the then President of Lithuania, vetoed this law. Today the parliament overruled the veto with 87 Seimas members voting for, 6 voting against and 25 abstained.

This law caused serious concerns and condemnation within Lithuania and internationally. Since the adoption the Liberals Movement Political Group of Lithuanian Parliament filed an appeal with the Constitutional Court of Lithuania concerning the compliance of the adopted law with constitutional norms of freedom of expression and right to get information.

During her first foreign trip, Dalia Grybauskaitė, newly elected Lithuanian President, said she regretted that the country's parliament adopted such law and pointed she has a right to propose amendments to this law. "I will make use of the right I have to propose changes to the law to make it compatible with basic human rights," she said

Background information:

www.ilga-

europe.org/europe/news/lithuanian_parliament_adopts_homophobic_law_despite_presidential_veto

Russian state official meets LGBT HR activists for the first time

by Richard Köhler, ILGA-Europe's Programmes Officer

The Russian LGBT Network met on July 15th with the Russian Ombudsman Vladimir Lukin to speak about the LGBT human rights situation in Russia. The meeting at the Ombudsman's office in Moscow went on in a constructive and mutually respectful atmosphere. Mr. Lukin showed interest in the situation on LGBT human rights in Russia as well as in the rehabilitation of those, who suffered from the Soviet Article 121 (criminalising sexual relationships between men). Mr Lukin agreed on further meetings and was ready to talk about taking on concrete cases of human rights violations on the basis of sexual orientation or gender identity.

It is the first time that a representative of the Russian State met officially with Russian LGBT Human Rights activists. Executive Director of the Russian LGBT Network, Igor Petrov, rates the meeting as a great success, going beyond expectations. They are now very much looking forward to a future cooperation with the ombudsman's office.

It had taken two years of lobbying efforts by the Network as well as Council of Europe's human rights Commissioner, Thomas Hammarberg, raising the issue personally with Mr. Lukin.

Update on Ukraine

by **Beth Fernandez**, *ILGA-Europe's Programmes Officer*

LiGA, an LGBT organization in Mykolayiv, Southern Ukraine continues to experience unjustified interference in their activities by the Mykolayiv City Administration. Following the ban on public activities during their Rainbow Festival in May which was imposed by the City Administration and upheld by the City Administrative Court on 12 May, LiGA's chairperson, Oleg Alyokhin was summoned to the City Prosecutor's office in an irregular manner for an exploratory meeting on 27th June. This meeting was to determine whether a criminal case should be opened against LiGA on the grounds that they acted in defiance of the original ban and therefore liable to closure by the authorities. During this meeting Mr Alyokhin was asked several inappropriate and irrelevant questions including about his sexual orientation and salary.

The Prosecutor subsequently decided not to open a criminal case against LiGA but has also refused to open a criminal case with regard to recovery of photographs stolen from their exhibition by individuals protesting against the Rainbow Festival. LiGA are now awaiting the appeal hearing against the initial ban in a second instance court. There is also the possibility that the City Administration will pursue the matter of their alleged defiance of the ban through the administrative court system.

The original ban issued by the Mykolayiv City Administrative Court violates the fundamental human rights of freedom of expression and assembly guaranteed by the European Convention on Human Rights. Furthermore it is contrary to the obligations contained in the EU-Ukraine Action Plan.

ILGA-Europe has been cooperating with IGLHRC and COC-Netherlands in drawing the attention of regional and international institutions to the case and will continue to do its utmost to assist LiGA during these very trying times.

Constitutional Court of Slovenia Upholds Equal Rights for Same Sex Partners

Source: *Equal Rights Trust*

On 2 July 2009, the Constitutional Court of Slovenia held that Article 22 of the Registration of Same Sex Partnerships Act (RSSPA) violated the right to non-discrimination under Article 14 of the Constitution on the ground of sexual orientation. The decision was handed down in the case of Blažič and Kern v. Slovenia U-I-425/06-10. The applicants challenged Article 22, which sets out the inheritance regulations for same sex partnerships, on the basis that it regulated inheritance for same sex partners differently, and less favourably, than the Inheritance Act regulated inheritance for opposite sex partners.

The judgment which was adopted unanimously by all nine Constitutional Court judges is the first time that sexual orientation has been confirmed as a protected ground on which discrimination is prohibited under the “any other personal circumstance” clause of Article 14(1) of the Constitution.

In making its decision the Court noted the strong similarity between marriage and same sex partnerships:

“A registered partnership is a relationship which is in content similar to marriage or civil partnership. A stable connection between two persons, who are close to each other, who help and support each other is the key element of both. The ethical and emotional essence of a registered partnership, as stated in Article 8 of RSSPA, according to which the partners have to respect, trust and help each other, is similar to the union between a man and a woman. The legal situation of such a partnership is also similar to marriage. RSSPA also ensures mutual rights and obligations to partners, protects a weaker partner, regulates their legal position towards third parties, the state and the social environment.”

The decision represents an important victory in combating discriminatory statutory provisions and ensuring the equal rights for same sex couples in Slovenia. Reflecting on the significance of the case, Neža Kogovšek, the Director of the Ljubljana-based Peace Institute who represented the applicants, stated:

“This is a landmark decision that will assist the LGBT community in Slovenia to pursue their equal rights not only in the area of inheritance, but also with respect to other social and economic rights deriving from partnerships. The decision was issued at a moment when the public debate on the necessity for the complete equality of same sex partners with opposite sex partners is particularly burning in Slovenia.”

ERT case summary in English:

<http://www.equalrightstrust.org/ertdocumentbank/Blazic%20and%20Kern%20v%20Slovenia.pdf>

Full case (in Slovene only):

<http://odlocitve.us-rs.si/usrs/us-odl.nsf/o/5EC66748A09C70A4C12575EF002111D8>

Ireland: Civil Partnerships Bill published

Source: Irish Department of Justice, Equality and Law Reform, 26 June 2009

The Minister for Justice, Equality and Law Reform, Mr. Dermot Ahern T.D., today published the Civil Partnership Bill 2009.

The Bill provides for a statutory civil partnership registration scheme for same-sex couples together with a range of rights and duties consequent on registration including maintenance obligations, protection of a shared home, pension rights and succession. On registration of a civil partnership, the civil partners will be treated in the same way as spouses under the tax and social welfare codes. The necessary legislative provisions, to be provided for in Finance and Social Welfare Bills, will be brought into effect at the same time as the civil partnership registration scheme commences.

The Bill provides, for unmarried opposite-sex couples and unregistered same-sex couples, a redress scheme to give protection to a financially dependent person at the end of a long-term cohabiting relationship. The cohabitants scheme will put in place a legal safety-net for people living in long-term relationships who may otherwise be very vulnerable financially at the end of a relationship, whether through break-up or through bereavement.

Announcing the publication, Minister Ahern said: "Publication of the Bill implements a commitment in the Agreed Programme for Government to legislate for Civil Partnerships. The Bill provides very significant rights to civil partners which raises complex legal issues in the context of the special protection which the Constitution guarantees to marriage and in relation to the equality rights protected by Article 40.1 of the Constitution. The Bill has been carefully framed to balance any potential conflict between these two constitutionally guaranteed rights. This balance is achieved by maintaining material distinctions between civil partnership and marriage, in particular between the rights attaching to both, while at the same time reflecting the equality rights protected by the Constitution."

The Bill will give legal recognition to cohabitant agreements enabling cohabitants to regulate their joint financial and property affairs. It will provide legal certainty as to the status of cohabitant agreements made by couples who wish to regulate their financial and property affairs but who do not wish to marry or enter a civil partnership and who do not wish the redress scheme to apply to them.

The Bill draws on both the Report of the Law Reform Commission on The Rights and Duties of Cohabitants and the Colley Options Paper on Domestic Partnership.

Concluding, the Minister said: "This Bill will put in place a legal regime that reflects the many forms of relationships in modern Irish society. It provides legal protection for cohabiting couples and is an important step, particularly for same-sex couples, whose relationships have not previously been given legal recognition by the State."

Gay bar attacked in Ljubljana

by *Tatjana Greif, SKUC-LL*

Popular bar "Open" in Ljubljana was violently attacked in the evening of 25 June 2009 at 21:00, on a Slovenian state holiday - Independence Day. It was attacked during the literary performance of LGBT literature, when the bar was full of visitors. The performance was a part of a Ljubljana's "Pride Week", which was concluded with the Ljubljana's Pride Parade on June 28th.

In the middle of the literary readings a group of between seven and eight young men wearing masks and dressed in black attacked the bar with burning torches, stones and metal sticks. One torch was thrown into the bar and filled it with smoke, which caused panic among people who were capped inside. When they broke into the bar they were shouting "Fagots must die!", "Death to fagots and dikes!". One man (34), a gay activist, who was trying to stop them entering the bar was seriously wounded - on his head and arm, burned skin - and was brought to the hospital.

The police arrived soon after, but the attackers already escaped with cars, which were parked nearby. Some of the local residents and a taxi driver tried to catch them. The media also arrived and reported about the incident in the same night. The morning after the press conference was held in the bar "Open" by Ljubljana's Pride Parade Association. The media were very supportive.

According to police three men (aged 18, 21 and 22) were arrested in the beginning of July, who are suspected of committing organized violent attack on gay bar. They are under suspect of committing a crime under the Slovenian Penal Code, under article 297 - initiation of hatred, violence and intolerance; article 314 - causing general public danger; and article 296 - violent behavior. The suspects are kept in detention. The police filed denunciation to the state persecutor, who already initiated the court hearings. However, the police is still looking for the rest of attackers, who managed to escape and were not yet identified. Apparently the attackers belong to skinheads and football hooligans from Ljubljana and Skofja Loka.

The police said that it is obviously that the group was organised, and the incident was planned and well prepared. They found objects that were used in the attack (torches, metal sticks, head-masks, etc.) during the police search of the homes of the suspects. Clearly, it is a case of homophobic hate crime.

Generating discussion about sexuality and human rights

by International Council on Human Rights Policy

The International Council is pleased to announce the publication of *Sexuality and Human Rights*, the first in a new series of Discussion Papers to be published by the International Council. The paper, written by leading academic Alice M. Miller, examines the content of sexual rights and the evolution of their discussion, and identifies a number of problematic issues for further discussion.

The Council first decided to begin work on the subject of sexuality and human rights in early 2008, with the initial aim to clarify the essential elements of a policy discussion of sexuality and sexual rights from a human rights perspective, and by doing so perhaps enable discussion to progress.

On the basis of preliminary research, it became clear that a number of conceptual challenges need to be addressed. The Council therefore commissioned this paper from Alice M. Miller, in order to assist the Council to identify the focus of its project on sexuality.

The paper sets out many of the questions, conflicts and dilemmas that mark this subject and impede discussions of sexuality and sexual rights. It frames the issue in ways that we feel will be useful and fresh for activists, policy-makers and human rights practitioners. We hope its publication will help those working in the field of sexuality to measure the potential relevance of human rights, and help human rights advocates to look more inclusively and more deeply into the subject of sexuality.

The full report, available in English, can be downloaded free of charge:

http://www.ichrp.org/files/reports/47/137_web.pdf

Call for nominations Human Rights Defenders Tulip

by Human Rights Defenders Tulip

Nominations are now being accepted for the 2009 Human Rights Defenders Tulip award. Nominate a person for the Human Rights Defenders Tulip, just like last year. Anyone can submit a nomination. The nomination form can be found on this page. Nominations must be received by 23 August 2009.

Established in 2008, the Human Rights Defenders Tulip Award is an initiative of the Dutch government. It is awarded to acknowledge "persons who have shown exceptional moral courage in protecting and promoting the rights of fellow human beings."

The winner receives an individual cash award of EUR 10,000 plus the opportunity to submit a project proposal to the value of up to EUR 100,000, to be used to intensify his or her human rights work.

The winner of the award is chosen by an independent jury. Dutch Minister of Foreign Affairs Minister Verhagen will present the Human Rights Defenders Tulip on Monday 9 November 2009.

Nominees can be from any country. Nominees should be individuals (not organisations), whose daily activity is to promote or protect human rights using peaceful means. They should be human rights defenders who have faced or be at risk of facing negative consequences because of their work. They are individuals who could benefit from the recognition and visibility associated with winning the prize.

Anyone can submit a nomination. Nomination forms and instructions can be found on the award website: www.humanrightstulip.org. For further information please contact Chris Collier at the Secretariat of the Human Rights Defenders Tulip by e-mail (secretariat@humanrightstulip.org) or telephone (+31-6-34936026).