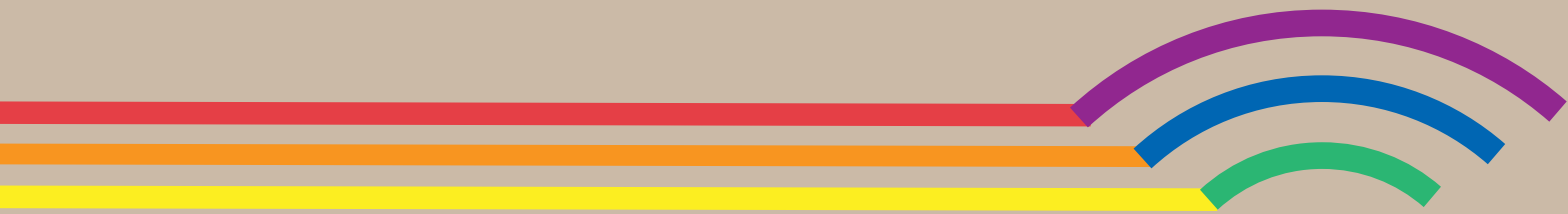


No. 177
May 2010

ILGA
EUROPE 

EURO-LETTER

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



ISSN 1998-8117

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ILGA-Europe is grateful to **Pantelis Ravidas**, **Joanna Papazoglou** 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.

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- 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 fact finding trip to Turkey

by Lilit Poghosyan, ILGA-Europe's Programmes & Policy officer

From 17-24th of May, ILGA Europe staff members Silvan Agius and Lilit Poghosyan were in Turkey for fact finding and for raising the concerns of LGBT community with relevant officials and actors.

They have met with the activists from Lambdaistanbul, Kaos GL, Pink Life, Istanbul LBTT and had interviews and group discussions with the LGBT community in both Istanbul and Ankara. Meetings were also held with the representatives of mainstream human rights organisations-Human Rights Association and Human Rights Foundation of Turkey.

ILGA-Europe also met with the Human Rights Presidency of Turkey and with the EU Delegation to Turkey. During the meetings the concerns of LGBT people were raised and possible options to address them were discussed.

At the same time ILGA-Europe documented human rights violations of LGBT people, with particular emphasis on Trans and produced a detailed account of police violence against 5 trans activists in Ankara on 17 May 2010.

You can find the detailed account of 17 May violence against trans people here:

www.ilga-europe.org/europe/guide/country_by_country/turkey/detailed_account_of_the_recent_case_of_police_violence_against_transgender_women_in_ankara

ILGA-Europe's statement here:

www.ilga-europe.org/europe/news/latest_news/ilga_europe_s_statement_on_the_recent_incident_of_police_violence_against_trans_activists_in_ankara

Pictures of the demonstrations in Istanbul and Ankara in response to 17 May police brutality here:

www.ilga-europe.org/europe/picture/2010/demonstrations_in_istanbul_and_ankara_turkey



17 May is the International Day Against Homophobia & Transphobia (IDAHO): ILGA-Europe launches Rainbow Europe Country Index and stages “Rainbow buzz in the heart of the EU”

Source: ILGA-Europe media release, 17 May 2010

17 May is the International Day against Homophobia and Transphobia which is being marked for the 6th time. On this day in 1990, the World Health Organisation removed homosexuality from its list of mental disorders.

To mark the Day, ILGA-Europe launches updated version of the **Rainbow Europe Map** and adds the **Rainbow Europe Country Index**. Additionally, ILGA-Europe organises an event in the heart of the EU quarter in Brussels called “**Rainbow Buzz in the Heart of the EU**” with a view to raise awareness on homophobia and transphobia and highlight our demands towards the EU institutions.

Updated **Rainbow Europe Map**, which we originally launched in July 2009, reflects European countries’ legislation which protects the human rights of and ensures equality for LGB people as well as laws and practices which discriminate against and violates the human rights of LGB people.

The **Rainbow Europe Country Index** rates each European country on its legislation affecting the human rights of LGB people. The Rainbow Index is based on the legislation and practices reflected in our Rainbow Europe map. The rating places a country on a scale between 10 (maximal positive score) and -4 (minimal negative score) and is an average of possible positive and negative points.

Positive points are awarded to a country which has

- legislation protecting from discrimination on the grounds of sexual orientation,
- recognising same-sex partnership,
- parenting rights of same-sex partners,
- recognising homophobia in hate speech/crime legislation.

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The negative points are awarded to the countries which

- have law banning same-sex sexual acts,
- have unequal age of consent,
- violated the rights of LGB people to peaceful assembly and freedom of association.

The Map and Index do not reflect the situation for trans and intersex people in Europe. ILGA-Europe is working with Transgender Europe on identifying the categories and data collection which will enable to have such an overview. We expect to produce such map and index on trans and intersex issue in 2011.

The aim of our **“Rainbow Buzz in the Heart of the EU”** event is to raise greater awareness on homophobia, transphobia and the situation for LGBTI people in Europe. During the event ILGA-Europe will distribute a leaflet which summarises our demands towards the EU institutions and identifies what they can do to improve the situation. The event will culminate with the release of 300 rainbow colours balloons at 13:45.

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

“The International Day against Homophobia and Transphobia is an appropriate occasion to revise the situation for LGB people in Europe. The Rainbow Index is a great tool to monitor the development of the legal situation for LBG people in Europe and useful tool for our advocacy work.

The only European country which scored 10 of 10 available positive points in our index is Sweden, our congratulations to this country for making sure its legislation and practices are fully inclusive and respectful of human rights of LGB people. Sadly, despite advances in many parts of Europe, we still experience human rights violations of LGB people in Europe. This year Russia and Ukraine are on the bottom on our Index with a score -2.”

Linda Freimane, Co-Chair of ILGA-Europe’s Executive Board, added:

“We organise “Rainbow Buzz in the heart of the EU” to remind the EU institutions about what they can and should do to advance the human rights of LGBTI people in Europe and beyond. This is the first IDAHO since the election of this European Parliament and the formation of a new European Commission. We believe that the EU institutions can and should take an even greater role towards the elimination of injustice and inequalities, and we will be there to remind and help them.”

Rainbow Europe Map & Rainbow Europe Country index are available for download on our website: www.ilga-europe.org/europe/news/for_media/media_releases/today_is_the_international_day_against_homophobia_transphobia_idaho

Pictures from our “Rainbow Buzz in the Heart of the EU”:

www.ilga-europe.org/europe/picture/2010/rainbow_buzz_in_the_heart_of_the_eu_17_may_2010



European Institutions mark the International Day against Homophobia and Transphobia

by Juris Lavrikovs, ILGA-Europe's Communications Manager

This year, the International Day against Homophobia and Transphobia, was acknowledged and marked by many European organisations. For the first time, representatives of all three main EU institutions (The European Council, the European Commission and the European Parliament) issued statements condemning homophobia and committing to fight discrimination.

Herman van Rompuy, President of the European Council, said:

“With the entry into force of the Lisbon Treaty, the EU's Charter of Fundamental Rights became binding on the European institutions and mandatory in the field of EU law. This Charter prohibits discrimination based on a number of grounds, specifically including sexual orientation among them.

In this respect, discrimination on the basis of gender and sexual orientation has ceased to constitute a political cleavage, and is enshrined in the EU's founding act and statement of values. It is something that distinguishes Europe from many other parts of the world.¹

Jerzy Buzek, President of the European Parliament, issued a video message and said: “The European Union is devoted to combating discrimination on any ground: homophobia is no exception. This commitment is enshrined in our fundamental legal texts: both in the Charter of Fundamental Rights of the EU and in the Treaty of the European Union...The European Parliament should continue to affirm its strong opposition to homophobia. No matter whether it takes place inside or outside the EU.”²

Vivianne Reding, Vice-President of the European Commission and Commissioner for Justice, Fundamental Rights and Citizenship, also issued a video message and particularly highlighted the problem of homophobic hatred and violence. She also stressed the need to tackle prejudice and stereotypes and expressed the European Commission's commitment to fight discrimination.³

Baroness Catherine Ashton, High Representative of the European Union for Foreign Affairs and Security Policy, said: “The European Union rejects and condemns any manifestation of homophobia as this phenomenon

¹ His full statement is available on: www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/114351.pdf

² You can view his video message on our website: www.ilga-europe.org/europe/news/latest_news/idaho_2010_international_day_against_homophobia_and_transphobia_may_17/video_message_from_the_president_of_the_european_parliament_jerzy_buzek_now_with_subtitles

³ You can view this video message on our website: www.ilga-europe.org/europe/news/latest_news/idaho_2010_international_day_against_homophobia_and_transphobia_may_17/vivianne_reding_speaks_against_homophobia_now_with_subtitles

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is a blatant violation of human dignity.” She highlighted the creation of a Taskforce on Lesbian, Gay, Bisexual and Transgendered People’s (LGBT) rights within the Council Working Group on Human Rights (COHOM) and the upcoming adoption by the latter of a EU Toolkit on LGBT rights.⁴

Thorbjørn Jagland, Council of Europe Secretary General, said: “Although homosexuality has been decriminalised throughout Europe, prejudices remains. It is only a constructive debate within societies that will consign discrimination on the grounds of sexual orientation or gender identity to the pages of history”. He stressed the key role the Council of Europe and particularly the European Court of Human Rights played in ensuring the observation of human rights of LGBT people.⁵

Statements condemning homophobia and transphobia were also issued by the **European Trade Union Confederation (ETUC)** and the **European Network Against Racism (ENAR)**.⁶

⁴ View full statement on our website: www.ilga-europe.org/europe/news/latest_news/idaho_2010_international_day_against_homophobia_and_transphobia_may_17/declaration_by_the_high_representative_catherine_ashton_on_behalf_of_the_eu_on_the_international_day_against_homophobia_and_transphobia

⁵ View his statement on:

<https://wcd.coe.int/ViewDoc.jsp?id=1622485&Site=DC&BackColorInternet=F5CA75&BackColorIntranet=F5CA75&BackColorLogged=A9BACE>

⁶ Both statements are available on our website: www.ilga-europe.org/europe/news/latest_news/idaho_2010_international_day_against_homophobia_and_transphobia_may_17

www.ilga-europe.org/europe/news/latest_news/idaho_2010_international_day_against_homophobia_and_transphobia_may_17



Council of Europe Parliamentary Assembly strongly condemns discrimination against LGBT people in Europe

Source: ILGA-Europe media release, 3 May 2010

On 29 April 2010, the Parliamentary Assembly of the Council of Europe (PACE) adopted a **Resolution on Discrimination on the basis of sexual orientation and gender identity**. This is the second time in a few weeks that a major Council of Europe institution has come out strongly in support of the rights of lesbian, gay, bisexual and transgender (LGBT) people: on 31 March 2010, the Committee of Ministers of the Council of Europe unanimously adopted a historic **Recommendation on measures to combat discrimination on grounds of sexual orientation or gender identity**.

ILGA-Europe welcomes the adoption of this Resolution which addresses all the major issues of discrimination against LGBT people and encourages the 47 member states of the Council of Europe to take steps to fight such discrimination.

The adopted Resolution points to an extensive range of human rights violations affecting the lives of millions of people which still take place within the member states of the Council of Europe.

Freedom of assembly and expression: the Resolution calls these rights pillars of democracy and calls upon member states to ensure these rights are respected in line with international human rights standards.

Hate speech: the Resolution identifies hate speech by certain politicians, religious and other civil society leaders as well as hate speech in the media and internet as being of particular concern. It condemns hate speech and discriminatory statements and calls for effective protection for LGBT people from such statements.

Hate crime: the resolution stresses that the eradicating of homophobia and transphobia requires political will in member states and calls for provision of legal remedies to victims and putting an end to impunity for those who violate fundamental rights of LGBT people to life and security.

Anti-discrimination: the Resolution calls upon member states to adopt and implement anti-discrimination legislation which includes sexual orientation and gender identity among the prohibited grounds for discrimination and provide sanctions for infringement and effective reporting mechanisms for cases of discrimination.

Transgender people: the Resolution particularly highlights the cycle of discrimination and human rights

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deprivation that transgender people experience. The Resolution calls for specific measures by member states to ensure that identity documents should be changed to reflect a person's preferred gender identity without prior obligation to undergo sterilisation or other medical procedures such as gender reassignment surgery and hormonal therapy.

Young people: the Resolution stresses the particularly serious consequences of homophobia and transphobia for young LGBT people and underlines the importance of not criticising the perceived or declared sexual orientation of young people, particularly of those under the age of 18.

LGBT families: the Resolution points out that the denial of rights to de facto LGBT families in some member states must be addressed through legal recognition and protections of those families. Regretfully, the Resolution calls for the legal recognition of same-sex partnerships only when national legislation envisages such recognition.

Parenting: the Resolution calls for the possibility for joint parental responsibility of each partner's children bearing in mind the best interests of children.

Asylum: the Resolution calls upon member states to recognise persecution of LGBT people as a ground for granting asylum.

Additionally, the parliamentarians urge the Council of Europe to allocate resources to work on LGBT issues, and to include violence against LBT women in the drafting of its proposed Violence against Women Convention.

Evelyne Paradis, Executive Director of ILGA-Europe' said:

"This is a very significant development and in a space of one month we see two major Council of Europe institutions adopting comprehensive documents not just strongly condemning discrimination against LGBT people but mapping how the 47 member states should address such discrimination.

We believe this is a solid foundation and a valuable practical tool helping the Council of Europe's member states develop their laws, policies and practices towards elimination of discrimination against LGBT people and ensuring their fundamental human rights.

Moreover, we believe the Council of Europe has made it crystal clear that homophobia, transphobia, discrimination on the grounds of sexual orientation and gender identity are completely unacceptable in Europe and need to be tackled head on."

PACE - the parliamentarians who make up PACE come from the national parliaments of the Council of Europe's 47 member states. They meet four times a year to discuss topical issues and ask European governments to take initiatives and report back. These parliamentarians speak for the 800 million Europeans who elected them.

The texts of the PACE Report, Resolution and Recommendations, as well as voting record, are available at http://assembly.coe.int/ASP/NewsManager/EMB_NewsManagerView.asp?ID=5517&L=2

The verbatim report of the debate is available at:

<http://assembly.coe.int/Main.asp?link=/Documents/Records/2010/E/1004291500E.htmw>



Council of Europe Conference of Gender Equality Ministers recognizes need to combat discrimination against lesbian and bisexual women and transgender persons

Source: ILGA-Europe statement, 26 May 2010

The Council of Europe's 7th Conference of Ministers responsible for Equality between Women and Men which took place on 24-25 May 2010, has recognized the need to combat discrimination against women and girls and transgender persons on account of their sexual orientation or gender identity.

The Conference Resolution, entitled "Bridging the gap between de jure and de facto equality to achieve real gender equality", refers to the multiple-discrimination which they face, and the taking of "all necessary measures to ensure their full and equal enjoyment of all human rights and fundamental freedoms." (paragraph 30)

The Conference also adopted an Action Plan which recommends that the Council of Europe "undertake research on the situation of lesbian, bisexual and transgender women with a view to drafting specific guidelines on preventing and combating all forms of discrimination against them." (Section VII)

This is believed to be the first time that a Council of Europe Ministerial Conference has taken up LGBT rights. It follows on a recent Committee of Ministers Recommendation, and Parliamentary Assembly resolution, both addressing the need to combat sexual orientation and gender identity discrimination, and underlines the increasing commitment of the Council of Europe to fighting homophobia and transphobia. The planned research into discrimination and the resulting guidelines should provide authoritative documents underlining the need for action by member states, and the measures to be taken by them.

These developments follow the submission by ILGA-Europe of a report on violence against lesbian, bisexual and transgender women and of proposals for action to the Council of Europe's intergovernmental Steering Committee for Equality between Women and Men.

A Council of Europe press release with links to the texts of the Ministerial Resolution and the Action Plan can be found at:

[https://wcd.coe.int/ViewDoc.jsp?Ref=PR418\(2010\)&Language=lanEnglish&Ver=original&BackColorInternet=F5CA75&BackColorIntranet=F5CA75&BackColorLogged=A9BACE](https://wcd.coe.int/ViewDoc.jsp?Ref=PR418(2010)&Language=lanEnglish&Ver=original&BackColorInternet=F5CA75&BackColorIntranet=F5CA75&BackColorLogged=A9BACE)



Amnesty International joins campaign for new EU anti-discrimination directive

by Juris Lavrikovs, ILGA-Europe's Communications Manager

ILGA-Europe and other anti-discrimination networks are campaigning for a new EU anti-discrimination directive which would provide protections from discrimination on the grounds of age, disability, religion and belief, and sexual orientation in such areas of social protection as social security and health care, education and access to and supply of goods and services which are commercially available to the public, including housing. You can find more information about ILGA-Europe's campaign on our website:

http://www.ilga-europe.org/europe/what_we_do/working_with_the_european_institutions/eu_anti_discrimination_law

Amnesty International recently launched a petition calling on German government to adopt a favourable position. Germany currently opposes the proposal for a new EU anti-discrimination directive. You can support the campaign and sign this petition:

<http://www.amnesty-actie.nl/eupetition/>



Marriage equality in Portugal

by ILGA-Europe, 17 May 2010

On 17 May, the President of Portugal, Anibal Cavaco Silva, ratified a bill that brings equality into marriage for all. The ratification makes Portugal the sixth country in Europe to allow marriages of same-sex couples after the Netherlands, Belgium, Spain, Norway and Sweden.

In January 2010, the Parliament of Portugal passed a bill to remove marriage discrimination. Sadly, at the same time it rejected the proposal to allow entitlement of adoption by same-sex couples. The marriage bill was up to the President to ratify, but he chose firstly to send it to the Constitutional Court. Luckily, the Constitutional Court validated the bill's legality last month, which led to the presidential ratification.

Read the ILGA-Europe media release reacting to the decision of the Portuguese parliamentarians to introduce marriage for all:

www.ilga-europe.org/europe/news/for_media/media_releases/parliament_of_portugal_takes_an_important_step_towards_marriage_equality

Look for more information on the website of ILGA-Portugal, ILGA member organisation. (only in Portuguese):

www.ilga-portugal.pt/noticias/index.php?codigo=77



LGBT public events in Europe are still subjects to bans, limitations and violent protests

by Juris Lavrikovs, ILGA-Europe's Communications Manager

Arrival of the spring means the beginning of Pride season across Europe. This season LGBT people in Europe already experienced limitations of their constitutional right to peaceful assembly and even faced hateful and violent opposition.

- **Chişinău - Moldova**

This year the Mayor of Chişinău again initiated a ban on a public event in supporting the adoption of anti-discrimination legislation. The court ruled that the planned peaceful demonstration can only take place in a park far from the city centre. The organisers, GenderDoc-M, rejected the alternative location for their event and plan to appeal this decision. Following the court decision they have cancelled their original demonstration in the central square.

- **Nikolaev – Ukraine**

The Rainbow Spring LGBT Festival was organised by LiGA (Nikolaev, Ukraine) from 14-17 May. The Nikolaev authorities banned the festival's public events in 2008 and 2009, and thus the organisers included only private events in the 2010 festival programme such as round table discussions and community events. The local authorities and the Ukrainian Ombudsman's office were asked to be present at the round table discussions but declined to participate.

Read ILGA-Europe's media release on Moldova and Ukraine:

www.ilga-europe.org/europe/news/for_media/media_releases/ensuring_freedom_of_assembly_for_lgbt_people_in_moldova_and_ukraine

- **Baltic Pride – Vilnius (Lithuania)**

This year's traditionally troubled Baltic Pride was scheduled to take place in Vilnius. It was the first time such event was organised in Lithuania. Considering previous years' bans and violent protests during other Pride events in the Baltics and strong opposition within Lithuania, this event attracted significant attention from and presence of European and international politicians and human rights organisations. ILGA-Europe organised two of its events in Vilnius to coincide with and to support the Baltic Pride. The permission for the planned March for Equality was temporarily suspended prior to the March, but successfully challenged in the court by the organisers. The March went ahead under heavy police protection and significant number of protesters. Despite some attempts to disturb the March and a smoke bomb thrown towards the marchers, the event went without

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any major incidents and no one was hurt. You can find our detailed report on this years' Baltic Pride on our website: www.ilga-europe.org/europe/guide/country_by_country/lithuania/baltic_pride_2010

- **Slavic Pride – Minsk (Belarus)**

Just a week before the planned event, the organisers of the Slavic Pride in Minsk received a letter from Mr Mikhail Titenkov, deputy head of Minsk City Executive Committee, refusing permission for the Slavic Pride march to take place. The letter refers to Article 9 of the Law of Belarus Republic on the staging of public events and says that "public events are not allowed at the distance of less than 200 metres from underground pedestrian crossings and metro stations". About 20 activists defied the ban and went to the streets of Minsk and were arrested by the militia. ILGA-Europe issued a statement condemning the ban of the Slavic Pride: www.ilga-europe.org/europe/news/latest_news/ban_of_slavic_pride_2010_in_minsk

- **Rainbow Pride - Bratislava (Slovakia)**

This was the first ever Pride event organised in Slovakia. While the Rainbow Pride March took place, its route had to be changed and the marchers could not walk through the centre of Bratislava due to hundreds of neo-Nazi protesters disturbing the March and intimidating its participants. The police was criticized for the lack of resources and the number of police personnel allocated to this event. At the same time this event was proclaimed as victory as it took place for the first time in Slovakia.

Slovak media report of this event: www.sktoday.com/content/2173_rainbow-pride-parade-bratislava-disrupted-aggressive-protesters-radical-groups

- **Russia**

Moscow prepares to see the 6th banned LGBT Pride on 29 May (<http://www.gayrussia.ru/en>). A last decision on an appeal to the ban is expected from the Tverskij Court on 28 May. The ban on three pickets has been upheld by the Taganskij Court of the Moscow region, because of the negative effect on public transport and inability to guarantee for the security of the participants.

On 26 June a Pride event is planned to take place in St. Petersburg (www.spb-pride.ru) There is little hope for it to be sanctioned from authorities.

In the mean time, LGBT activists all over Russia are using different forms to bring visibility to the issue of homophobia. This year, more than 1000 people in 34 Russian cities took part in the public actions around the Rainbow Flashmob (<http://rainbowflash.info>) and the Day of Silence (<http://dayofsilence.lgbtnet.ru/en.html>).