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In this issue:

- *Amnesty on Romania*
- *Partnerships recognized in Belgian Cities*
- *Antidiscrimination law in Spain*
- *Sexual Orientation as a ground for Asylum in Ireland*
- *ILGA Press Release of 15 November 1995*
- *Erratum to EuroLetter 36*

Amnesty on Romania

Amnesty International Calls on European and Romanian Parliamentarians to Ensure that Legislative Reforms Respect Human Rights

European and Romanian parliamentarians should review recent legislative amendments and the human rights situation in Romania, Amnesty International said on the eve of a meeting between the Mixed Parliamentary Commission of the European Union and the Romanian Government on 16 October in Brussels.

"Far from guaranteeing freedom of expression, many of these amendments would impose even greater restriction on this fundamental human right than those already in force," the organization said.

On 22 May 1995 Amnesty International published a report, presenting cases of continued violations of human rights. These included the imprisonment of prisoners of conscience, the torture and ill-treatment

of detainees, death in detention in suspicious circumstances and a nationwide pattern of police failure to protect the Roma minority from racist violence.

The international human rights organization made extensive recommendations to the Romanian Government regarding legislative and judicial reforms, the investigation of allegations of torture and other ill-treatment by law enforcement officers, as well as the effective protection of Roma from racist violence.

Following the publication of its report further cases of imprisonment of homosexuals considered prisoners of conscience by Amnesty International, ill-treatment and a death in suspicious circumstances have been brought to the attention of the organization.

In the past month the Chamber of Deputies of the Romanian Parliament has continued to debate the reform of the Penal Code, begun in the autumn of 1993. Although Amnesty International and other international and Romanian human rights organizations have repeatedly called for their revision, the reform has proceeded on the wrong tack, at variance with Romanian international commitments.

"We are concerned that the amended Penal Code could be used to silence any criticism of public authority and its officials and lead to the prosecution of people who peacefully exercise their right to freedom of expression," Amnesty International said.

The following amended articles violate the right to freedom of expression guaranteed by Article 19 of the International Covenant on Civil and Political Rights and Article 10 the European Convention for the Protection of Human Rights and Fundamental Freedoms:

Article 168 would punish by imprisonment of one to five years "dissemination of false news, facts, information or false documents, which is aimed at impairing the security of the Romanian state or its international relations"

Article 236 would prohibit any "manifestation of contempt for the emblems or insignia used by the authorities" as well as "displaying of a flag or insignia or intonation of the anthem of other states on Romania's territory"

Article 236,1 would punish by imprisonment of one to five years "public defamation, committed by any possible means, of the Romanian country or nation" Article 238 would punish anyone who "casts slurs upon the honour" of a public official Article 239 would punish anyone who would "insult, libel or slander" a public official

"We urge the Romanian parliamentarians to reject such a revision of the Penal Code and to ensure that all adopted laws conform to Romanian's commitments under international human rights treaties," Amnesty International said as the Chamber of Deputies is due to vote on the amendments this week before they can become law.

At the same time Amnesty International reiterates its appeal to the Romanian Government to comply with extensive recommendations contained in its report Romania: Broken commitment to human rights.

For further information please refer to the following documents: Romania: Broken commitments to human rights (AI Index: EUR 39/01/95) and Romania: Update to May 1995 Report (AI Index: EUR 39/19/95).

Partnerships recognized in Belgian Cities

The City of Antwerp this week stated that they will officially open a register from the 1st of January 1996 where people can register themselves as living together regardless of whether they are same sex or different sex couples. The aim is to push the federal government to adopt a registered partnership law at the national level.

The cities of Gent, Oostende and Mechelen are also considering proposals, reported ILGA member groups Tel-Quels and FWH, who are the two co-hosts of the ILGA Administrative Office in Brussels.

Antidiscrimination law in Spain

ILGA Member group, Coordinadora Gai Lesbiana of Catalunya, host group for ILGA's new secretary general, Jordi Petit, reports on a historic advance for the gay and lesbian movement in Spain.

The new Penal Code that was ratified on November 8th by the Congress of Deputies contains and recognizes the right of sexual orientation as a fundamental liberty that will be protected under this new law.

After a long campaign, begun in 1989 with the Juan Reina case (the first gay to claim inheritance rights from his deceased companion) and after the support of numerous persons and institutions, sexual orientation for the first time in the history of Spain is protected as a fundamental human right, as equally recognized as ethnicity, sex and religion.

Sexual Orientation as a ground for Asylum in Ireland

Sexual orientation was recently recognized as a legitimate grounds under which one can claim political asylum, reports ILGA-member, the Gay and Lesbian Equality Network (GLEN) of Dublin.

ILGA Press Release of 15 November 1995

"The guarantee of democracy: equality between people and the right to be different"

Proof of Genetic Homosexuality no easy solution to discrimination

In relation to the recent investigations by scientist Dean Hamer, who published findings in the magazine "Nature Genetics" saying that the sexual orientation of men could be determined by certain genes of chromosome X, Jordi Petit and Inge Wallaert, Secretaries-General of the International Lesbian Gay Association, commented, "We don't object to scientific study, although the interest in finding an explanation for homosexuality can be based in prejudice and discrimination, considering that so many other questions concerning human beings are not investigated with the same persistence. In any case, whatever reason

might be found for the origin of homosexuality, there is no denying the practical existence of homosexuality throughout history in all places and cultures.

The possible biological determinism of sexual orientation does not add anything new to the lives of lesbians and gay men and will not be much different from other biological differences such as colour of skin or eyes or hair...

Equality is the guarantee of the right to be different.

It is precisely science that has clarified with the Kinsey report that up to 37% of the population has practised homosexuality with greater or less frequency during their lives and for that reason, Dean Hamer's findings are certainly plausible. However, these findings have ideological consequences. Could they be used by those wanting to eliminate the gay gene? Can these findings stop discrimination?

No. The only guarantee of a democratic society is the recognition of diversity and the defense of the right to be different as a basis of equality between people in a modern democracy with basic fundamental human rights.

Recently, various institutions such as the OCSE, and before that the European Parliament, have condemned discrimination on the basis of sexual orientation. This has been recognized in the new Spanish Penal Code which was ratified on the 8th of November by the Congress of Deputies; similar measures have been approved in other democratic countries.

No one must forget that we are in the midst of the 50th anniversary of the liberation of nazi camps where the holocaust took place killing different people for their race, ideology, sexual orientation, religion or handicap. We must remember that any discriminatory use of science could be a great abuse and insult to the most fundamental basic human rights.

Erratum to EuroLetter 36

In EuroLetter 36 was included an article by Alan Rieke about the Progress Report on the preparations for the IGC 1996.

The extract from the Progress Report should end:

"Among those who support this view, some would however accept a Bill of Rights in the Preamble to the

Treaty or are in favour of the Treaty incorporating a citizen's right to information."

and, in the accompanying presentation, add that the "Maastricht" Treaty already includes, in Title I - Common Provisions, Article F:

"1. The Union shall respect the national identities of its member-States, whose systems of government are founded on the principles of democracy.

2. The Union shall respect fundamental rights, as guaranteed by the European Convention for the protection of Human Rights and Fundamental Freedoms signed in Rome on 4 November 1950 and as they result from the constitutional traditions common to the member-States, as general principles of Community law.

3. The Union shall provide itself with the means necessary to attain its objectives and carry through its policies."