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Dutch gay marriage

By Andy Quan

A Moral Victory But Battles Still Ahead

On April 16th in the Hague, the Dutch House of Representatives approved a motion for the government to investigate the possibility of gay marriage by a vote of 81 to 60.

While the news is being widely reported around Europe and the World, news reports have not been

making the facts clear: while this paves the way for what would be full marriage rights for same-gender couples, the battle is not won yet. Many journalists and reporters have jumped to the conclusion that the issue is moving much quicker than it actually is.

Joop Van Der Linden, of the Dutch national gay and lesbian organization, COC, explained: The motion approved is to ask the government to appoint a commission to look into two issues. First: the opening of marriage to same-sex couples with the resulting international and national implications; Second; the opening up of adoption to same-sex couples, and the resulting international implications. As in Scandinavian countries with their "registered partnerships," Dutch officials worry about the adoption issue. Many adopted children come from countries where homophobic officials might prohibit adoption if they believe the child will be placed in lesbian or gay household.

The commission must present the results of the research before 1 August 1997. Then, a further discussion will have to take place, and any proposed law will have to go through more discussions and votes. Members of the senate and government are opposed to same-sex marriage. Still, the COC is calling the development "a moral victory."

Secretaries-General, Inge Wallaert and Jordi Petit, of the International Lesbian Gay Association (ILGA), a federation of 450 members from 75 countries, send their congratulations to the board of COC, and to Dutch lesbians and gays for this first step, in what

hopefully will be full marriage rights for same sex couples.

The Resolution in Dutch Parliaments Second Chamber

By Hein Verkerk

Herewith I forward the full text of the two resolutions past in Dutch Parliaments Second Chamber on April 16, The ongoing debates and speculations on what exactly happen they might clarify some aspects. They will be on line on Dutch Queer Resources Directory in the Politics chapter)
<http://www.xs4all.nl/~heinv/dqrd/politics.html>

In the mean time it should be stated that Parliament agreed to government proposals to have legislation on registration of same sex couples anyway. But the Parliament wants to go further.

It is not clear yet if and how the Dutch government will follow up the lift of the ban on same sex marriages.

Translation of the resolutions adopted by the Second Chamber of Dutch Parliament with regards to lifting the ban on marriages of persons of the same sex. (official document: Handelingen van de Tweede Kamer. 1995-1996 22700 nr 9)

Resolution of lifting the ban on marriage of persons of the same sex. adopted with a 81 over 60 majority (total number of members of the Second Chamber = 150)

Motion moved by the members M.van der Burg(PvdA) and B.Dittrich (D66).

The Chamber,
heard the debate,

noticing that frequently in our society two persons of either sex and persons of the same sex want to engage in a enduring relationship, sharing their common destinies;

furthermore noticing that contracting a civil marriage by two persons of the same sex, according to the Civil Code is not allowed ;

is of the opinion that in line with the General Law on Equal Treatment, there is no objective justification for the ban on marriage of couples of the same sex;

states that the legal ban on marriage for two persons of the same sex is lifted;

requests that the government as soon as possible is starting the preparation of legislation in this respect, also taking into consideration the international aspects, notably in the European context.

and requests that the government, given the broad context of the above mentioned activities also nominates a committee composed of non-governmental experts, representing the various relevant branches of knowledge and to instruct this committee to wind up a draft legislation in this matter not later than August 1st 1997.

and resumes the work of the day;

Resolution on adoption
(official document: Handelingen van de Tweede Kamer. 1995-1996 22700 nr 10)

Motion moved by M.van der Burg (PvdA), seconded by Mr. Boris Dittrich) (adopted by a 83 over 58 majority)

The Chamber,
heard the debate,

noticing that there is unclarity on the readiness abroad to consider the eligibility for adoption, by singles and same sex couples;

is of the opinion that if agreements are reached with any country on a broader adoption policy, these are not to be blocked by the provisions in the Law on adoption of foreign foster children;

requests from the government to trying to get a clear view c.q. keeping an insight of the position of (respective organizations in) adoption countries with regards to adoption by a single parent and by homosexual relationships, in order to be able to have an estimate, also in the future, of the possibilities for adoption and

also requests to make an inventory of whether and if so, which pros and cons there are in adoption by a single parent and by homosexual couples, in order eventually based on these data, to adapt the Law on adoption of foreign foster children.

and resumes the work of the day

Questions in European Parliament on Dutch Gay Marriage

By Hein Verkerk

Nel van Dijk and Claudia Roth (Green Group) have asked the European Commission if it shares their opinion that the decision of the Dutch Parliament this week April,16 to lift the ban on marriage for persons of the same sex is not conflicting with European regulations.

Dutch Parliament's Second Chamber adopted a resolution stating that the legal ban on marriage of persons of the same sex be lifted and invited the Dutch government to introduce on short notice legislation in this respect taking into consideration international aspects of the matter, namely in the European context. The MEPS raised the question whether the European Commission agrees with them that there are no obstacles in European legislation to lift legal bans on marriage for persons of the same sex in the Netherlands or any other member state of the EU. If the Commission does not share this opinion, it is invited by van Dijk en Roth to indicate where the obstacles in European legislation are.

Antidiscrimination Law in Latvia?

By LASV

In 1991, the Latvian parliament adopted a new paragraph (#69) of the Criminal Code which criminalized "voluntary actions with the purpose of encouraging hatred or intolerance among ethnic or racial groups, of debasing ethnicity, or indirectly creating advantages for citizens which are based on race or ethnic identity." In September 1994, the Latvian Association for Sexual Equality (LASV) sent a proposal to the parliamentary Human Rights and Juridical Commissions to supplement Paragraph 69 with the words "sexual orientation."

It took almost one and a half years for them to reply to this proposal, but finally, in January 1996, LASV representatives were invited to a discussion with the members of the Human Rights Commission. LASV explained its proposal to members of the parliamentary commission: the democratization process in Latvia has allowed lesbians and gays to establish organizations and infrastructural elements such as bars, clubs, stores, libraries, etc. Cultural, educational and other events can be held, and lifestyles can be freely developed. Unfortunately, however, our society has not reached a high level of tolerance, which clearly is a consequence of 50 years of totalitarianism. Society cannot fully understand and

accept alternate lifestyles. Over the last three years, there have been violent attacks against individuals in lesbian and gay bars and cafes, police representatives have conducted unauthorized raids against such establishments to check documents and search for weapons, during the course of which establishments are often closed down and patrons are humiliated. Lesbians and gays are often attacked in the streets or in the meeting places. Lesbians and gays can make no criminal charge against their attackers other than "hooliganism" (LASV letter to parliamentary commissions).

After a closed session, members of the Human Rights Commission informed LASV that their opinions were very divided and they had decided not to bring this proposal to the parliament for further discussion, but rather to forward it to another parliamentary commission which is working on the creation of a new Criminal Code.

Later, LASV and the State Human Rights Bureau (an independent state institution) met to discuss a new antidiscrimination law in Latvia. The groups decided to arrange a meeting with the parliamentary commission working on the new Criminal Code to prepare a definition of discrimination as well as enlarge the basis on which citizens would be protected against discrimination (for example, based on social status, health conditions, or sexual orientation).

We also discussed possible changes to the Constitutional Law on Rights and Duties of People and Citizens. This law was adopted on December 10, 1991 since part two of the *Satversme* (the Latvian Constitution of 1922 which was readopted after regaining independence from the Soviet Union), which included rights and duties of Latvian inhabitants and citizens, was never passed. Section 12 of the Constitutional Law says that "all people in Latvia are equal before the law regardless of race, ethnicity, sex, language, political and religious affiliation, social and work conditions, and national origin," but conspicuously leaves out sexual orientation.

Finnish Bill on the Spousal Agreements of Gay Men and Lesbian women

By Hannele Lehtikuusi

The collection of signatures for a bill on the legalization of partnerships of same-sexed couples has been started. Ms Outi Ojala, an MP of the Leftist Alliance was the first to sign the bill that proposes

that two persons of the same sex could contract a spousal agreement. The agreement would not mean marriage. The bill does not propose the right for the lesbian and gay couples to adopt children either.

A spousal agreement would mean that the rights and obligations of the two persons vis-a-vis each other would be comparable to those of married couples. This would among other things allow the same-sexed life companion being officially recognized as one's next of kin. In the same vein, one partner would have right to intestate succession of property after the death of the other. As to the social benefits, the incomes of the couple would be regarded together as in the case of married couples.

The bill was prepared by the representatives of the Leftist Alliance, the Greens, the Social Democratic Party, The Swedish National Party, The Progressive Liberal Finns Party, and also Seta, the Finnish Organization for Sexual Equality. To a great extent the law bill corresponds to the existing legislation of the other three Nordic countries.

Iceland Gets Partnership Law with Possibility to Joint Guardianship over Children

The Icelandic government has, according to the Icelandic Gay and Lesbian Rights organisation Samtoekin '78, put forward a bill to the Parliament about a registered partnership legislation which is roughly equivalent to the partnership laws existing in Denmark, Norway and Sweden (that means it does not include the right to Church weddings, adoption and artificial insemination), the largest difference being that the Icelandic bill includes the possibility of homosexual couples who enter into partnership to receive joint guardianship over children brought into the relationship by one of the partners. The bill also includes a proposal to ban defamation against homosexuals as a group. The law changes are expected to be in force from 1 July 1996.

SOURCE: News from Swedish Lesbian/Gay Politics Published by the Swedish Federation for Gay and Lesbian Rights (RFSL) No. 11/1996 (March 19-26, 1996)

Macedonia

By Kurt Krickler

In reply to an inquiry of HOSI Wien, deputy secretary-general of the Council of Europe, Peter

Leuprecht, informed that, in November 1995, at the time of the admission of Macedonia to the Council of Europe, the country's government undertook inter alia to adopt a new criminal code within one year. The Council of Europe has been informed that the preparations are well under way. Draft bills have been presented and the CoE's Directorate of Legal Affairs is ready to advise the Government in Skopje as soon as the texts are available in English. The new criminal code should meet European standards and, therefore, is expected not to criminalise consensual adult homosexual relationships anymore. Article 101.2 of the current Macedonian penal code bans male adult homosexuality (prison terms of up to one year).

Anti-discrimination Clause in Portuguese Constitution?

By Goncalo Diniz

ILGA-Portugal doesn't stop. Within our effort to have article 13 of the constitution changed (add the term "sexual orientation") we have made several advances.

Article 13

- 1) All citizens have the same social dignity and are equal before the law.
- 2) No person may be privileged, benefitted, forfeited, forsaken of any right or exempt of any duty, on grounds of ascendancy, gender, race, language, territory of origin, religion, ideological or political convictions, education, economical situation or social condition.

We were received by two of the five parties represented in parliament, the Socialist Party and the Green party. Our ideas were very well taken by the Socialist Party and the indications were those of clear support. On the other hand, the Green Party actually surprised us by having a proposal of their own, already including "sexual option" in article 13. Although happy with the initiative, we advised the Green Party to change the term to "Sexual Orientation". We feel this term is far more correct than the first. The other parties (Popular (right), Social Democrats and Communist) have not yet set a date for our appointment. Their position are as yet unknown.

ILGA-Portugal (IP) is having its own proposal being drawn up to deliver to all the parties as well as the Government and President. However, the discussion in Parliament on this issue is already guaranteed thanks to the Green's proposal.

IP is also supporting a national petition addressed to parliament regarding discriminatory laws towards homosexuals. This petition mentions among other important subjects; marriage, parenthood, adoption, age of consent and protection laws.

Thursday, the 28th of March, ILGA-Portugal formally presented Parliament with our own project for the Constitutional Revision due later this year. The 54 page document was handed, during a hearing, to the President of Parliament. Four of the five parties, granted us a hearing too, during which we discussed our proposal and formally delivered it. The only party which hasn't yet scheduled a meeting with ILGA-Portugal is the Popular Party, a right-wing party with but a few MP's in this chamber. No reasonable excuse has been provided so far, only the guarantee that eventually a date shall be set. All the other parties that have talked with us, seem to agree that there are no obstacles to have article 13 changed in the manner we proposed.

In the nineteenth century, Portugal set a precedent, being the first country in the world to outlaw slavery and the death penalty. ILGA-Portugal hopes that this proud tradition in human rights be continued into creating legislation to protect the minority homosexual community.

To all those who help us in this project, here and abroad, we thank you. Now we have to wait a few months, and observe the results.

Law Reform in Romania - again *By ACCEPT (Bucharest Acceptance Group)*

The Romanian Parliament is at it again. Last month, the Senate approved a draft law for the revision of Romania's Penal Code that would continue to prosecute consensual same-sex relations among adults, and would, for the first time, forbid the association of gays and lesbians in Romania. This draft law, with the exception of a few commas and periods, is identical to the one rejected by the Chamber of Deputies last Fall. However, since 1996 is a critical election year in Romania, there is no guarantee that it will be rejected again. The Chamber of Deputies is to begin debate on revisions to the Penal Code soon.

WE NEED YOUR HELP! The continuing refusal by Romanian authorities to acknowledge the legitimate rights of homosexuals and to allow them any form of public expression is not only unconstitutional and anti-democratic, but also a blatant violation of

regional and international human rights standards. The Parliamentary Assembly of the Council of Europe has strongly urged its member states to change their legislation to end discrimination on the basis of sexual orientation. In September 1993, Romania was admitted as a member of the Council of Europe, despite its anti-homosexual legislation. At the time, the Parliamentary Assembly of the Council urged Romania to "change its legislation in such a way that: ..." (ii) Article 200 of the Penal Code will no longer consider as a criminal offence homosexual acts perpetrated in private between consenting adults." [For a concise analysis of the draft law, see attached summary from Amnesty International. Please note that ACCEPT has taken the liberty of updating the wording of the draft law. Nevertheless, these slight revisions do not affect the substance of Amnesty's analysis.]

We are writing to urge your organisation to send letters - AS SOON AS POSSIBLE - to key members of the Chamber of Deputies imploring them to end Romania's state-sponsored discrimination against gays and lesbians once and for all. A list of key parliamentarians, along with their addresses and fax numbers is below. You will note that the list is rather long, and divided into two categories. Because of the importance of this issue, and our conviction that the Parliament is determined to act on this issue this year, we are requesting that you send letters to all of those appearing on the attached list. If for some reason this is not possible, we ask that you contact at least those in category 1.

We also ask that you send our appeal to other sympathetic persons and organizations. Finally, we would appreciate receiving a copy of any letters you may send. Please fax them to the fax number above.

As you know, ACCEPT is an effort of Romanian citizens and expatriates living in Romania to promote and protect the rights of Romania's sexual minorities. The group was first organized in November 1994 - under the name "Bucharest Acceptance Group" - by a core group of Romanians and non-Romanians committed to promoting an open dialogue about the human rights of homosexuals. In May 1995, the Bucharest Acceptance Group brought together representatives of the Government, the Parliament, the Orthodox Church, the diplomatic community, local human rights groups, and regional gay and lesbian groups for the first serious public discussion on this issue. In November 1995, ACCEPT organized the first national conference on the human rights of homosexuals, bringing together gays and non-gays from eight different cities in Romania. The draft law

currently before the Parliament would doom our efforts.

Romanian Parliament; Chamber of Deputies
Category no. 1

The Permanent Bureau: Aleea Patriarhiei nr. 1, Bucuresti, Romania, Tel: +40 1 615.94.27 fax: +40 1 312. 08.28:

Mr Adrian NASTASE, president of the Chamber; Mr Radu Mircea BERCEANU, vice-president of the Chamber; Mr Martian DAN, vice-president of the Chamber; Mr Ioan GAVRA, vice-president of the Chamber; Mr Ioan RATIU, vice-president of the Chamber.

The Juridical Committee, : Palatul Parlamentului, Calea 13 Septembrie nr. 2, sector 5, Bucuresti, Romania:

Mr Aurel STIRBU, president of the Committee; Mr George Iulian STANCOV, vice-president of the Committee; Mr Rasvan DOBRESU, vice-president of the Committee; Mr Vintila NICU, secretary of the Committee; Mr Ion DOBRESU, secretary of the Committee.

The Human Rights Committee: Palatul Parlamentului, Calea 13 Septembrie nr. 2, sector 5, Bucuresti, Romania:

Mr Eberhard-Wolfgang WITTSTOCK, president of the Committee; Mr Otto-Ernest WEBER, vice-president of the Committee; Mr Imre ANDRAS, vice-president of the Committee; Mr Mihai TEODORESCU, secretary of the Committee; Mr Ioan Adrian VILAU, secretary of the Committee.

The Foreign Policy Committee, Palatul Parlamentului, Calea 13 Septembrie nr. 2, Sector 5, Bucuresti, Romania

Mr Ivanciu NICOLAE-VALEANU, president of the Committee; Mr Stelian TANASE, vice-president of the Committee; Mr Miron MANESCU, vice-president of the Committee;

Category no. 2

The Permanent Bureau

Mr Alexandru KONYA-HAMAR, secretary of the Chamber; Ms Viorica AFRASINEI, secretary of the Chamber; Mr Ovidiu Cameliu PETRESCU, secretary of the Chamber; Mr Emil-Livius-Nicolae PUTIN, secretary of the Chamber; Mr Cristian RADULESCU, chestor; Mr Dumitru BALAET, chestor; Mr Sorin LEPSA, chestor; Mr Emil STOICA, chestor.

The Juridical Committee

Mr Stefan CAZIMIR; Mr Marian DUMITRU; Mr Ioan-Catalin IAMANDI; Mr Ovidiu-Valeriu IOSIF; Mr Vasile LUPU; Mr Mihail OLTEANU; Mr Emil-Teodor POPESCU; Mr Nicolae ROSCA; Mr Adrian SEVERIN; Mr Ervin Zoltan SZEKELY; Mr Petru TANASIE; Mr Gheorghe TODUT; Mr Gheorghe TOKAY.

Draft Law on Article 200

Amnesty International is concerned that the Draft Law amending Article 200 of the Penal Code, does not fulfill international human rights standards ratified by Romania which the organization urged the government to consider in revising this legislation. Paragraph 1 of this article states the following:

"Sexual intercourse between persons of the same sex, taking place in public, or producing a public scandal, is punishable by one to five years imprisonment."

The proposed formulation which criminalizes homosexual acts modifies the law in force by incorporating a legal standard - public scandal. This legal standard is very broad and could lead to varying and contradictory judicial interpretation. Amnesty International is concerned that "causing public scandal" could be interpreted to allow the prosecution in Romania of adults solely because of consensual homosexual acts in private, which are not criminal if carried out in similar circumstances by heterosexuals.

This would be considered by Amnesty International to be a violation of the nondiscrimination principle provided in Article 26 of the ICCPR, which has been ratified by Romania. The principle guarantees to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Amnesty International would also consider the prosecution of adults for practising homosexual acts in private to be an arbitrary interference in people's privacy, in violation of ICCPR Article 17 which states that no one shall be subjected to arbitrary and unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.

Furthermore, Amnesty International would consider the proposed Draft Law on the revision of Article 200, paragraph 1, to be contrary to Article 8 of the ECHR, which was signed by Romania in November 1993. [NOTE: Romania ratified the European

Convention in 1994, therefore making it part of domestic law.] Article 8 of the Convention states that "everyone has the right to respect for his private and family life, his home and his correspondence." The European Court of Human Rights has held that the right to privacy includes the right to establish and develop emotional and sexual relationships with other human beings, including homosexual relationships. In *Dudgeon v. United Kingdom* (22 October 1981, Series A, No. 45) and *Norris v. Ireland* (26 October 1988, Series A, No. 142), the European Court held that the prohibition in Northern Ireland and Ireland, respectively, of homosexual acts between consenting adults over the ages of 21 constituted an unjustifiable interference with the right to respect for private life under Article 8 of ECHR.

The Court reviewed whether any justification existed for "...interference by a public authority with the exercise of this right [to privacy]..." - as stipulated in Article 8, paragraph 2 of the Convention. The Court acknowledged that some degree of regulation of male homosexual conduct by means of criminal law could be justified as "necessary in a democratic state", to preserve public order and decency and to protect the citizen from what is offensive or injurious. The Court suggested that the necessity for some degree of control might even extend to consensual acts committed in private in order to protect those who are especially vulnerable by reason, for example, of their youth.

With regard to the prohibition of private consensual homosexual acts involving males over the age of 21, however, the Court decided that the law in question violated Article 8 because it was not "necessary in a democratic society", even though it was accepted that societies in northern Ireland and Ireland were more conservative in sexual matters than the rest of Europe. The Court said that:

"such justifications as there are for retaining the law in force unamended are outweighed by the detrimental effects which the very existence of the legislative provisions in question can have on the life of a person of homosexual orientation like the applicant. Although members of the public who regard homosexuality as immoral may be shocked, offended or disturbed by the commission by others of private homosexual acts, this cannot on its own warrant the application of penal sanctions when it is consenting adults alone who are involved ... In particular, the moral attitudes toward male homosexuality in Northern Ireland and the concern that any relaxation in the law would tend to erode existing moral standards cannot, without more,

warrant interfering with the applicant's private life to such an extent. 'Decriminalization' does not imply approval ... To sum up, the restriction imposed on Mr. Dudgeon under Northern Ireland law, by reason of its breadth and absolute character, is, quite apart from the severity of the possible penalties provided for, disproportionate to the aims sought to be achieved." (See ECHR *Dudgeon* judgment, paragraphs 60-61; see *mutatis mutandis*, ECHR *Norris* judgment, paragraph 46.)

Paragraph 5 of the proposed Draft Law on the revision of Article 200 states:

"Enticing or seducing a person to practise same sex acts, as well as propaganda, associations or other forms of proselytizing with the same aim are punishable by one to five years' imprisonment."

Amnesty International considers that the formulation of this provision is vague and ambiguous and that its implementation could result in the prosecution of persons solely for having exercised the universally recognized right to freedom of expression and the right to free assembly and association with others. Thus such a provision would not conform to Articles 19 (the right to freedom of expression), 21 (the right of peaceful assembly) and 22 (the right to freedom of association with others) of the ICCPR and Articles 10 (the right to freedom of expression) and 11 (the right to freedom of assembly and association with others) of the ECHR. Hence, Amnesty International is concerned that the enforcement of the proposed paragraph 5 could lead to the imprisonment of people who would be considered prisoners of conscience.

Amnesty International also notes that the Draft Law modifying Article 200 in paragraphs 2, 3, and 4, punishing homosexual acts with minors, homosexual rape and all such acts which result in serious bodily injury, death or suicide, prescribes as maximum punishment longer prison terms than when such crimes are committed by heterosexuals.

Switzerland and Gay Partnership

By Frederic Ballenegger

The Swiss Federal Council will receive (hopefully in 1996 yet) report from a Justice Commission that is supposed to examine a law project for gay partnership. A petition has been brought to the Parliament last year by the national G/L organization Pink Cross to urge the authorities towards gay partnership under Scandinavian principles.

Italian Gays Outraged by Church Advice to Voters

By Alan Baldwin (Reuter)

ROME - Italian gay activists expressed outrage Thursday after the Vatican newspaper urged Roman Catholic voters to shun candidates backing proposed gay rights legislation at next month's election. A spokesman for the Arci-Gay group accused the Church of adopting Nazi-style language and also criticized the center-left bloc, led by a Catholic economist but with ex-Communists as majority partners, for skirting the issue. "It's anti-gay racism, pure and simple," spokesman Franco Grillini told Reuters. "The consequences are bound to affect the 'Olive Tree' (center-left) more than others ... but the center-left is embarrassed by the issues," he added.

The semi-official newspaper L'Osservatore Romano, in a column attacking a mass "gay marriage" ceremony in San Francisco, reminded its readers Thursday that their vote would be vital in defending the family. "The citizen who, with his choice, favors the election of a candidate formally committed to translating the homosexual demands into law, cannot be without censure," wrote Catholic theologian Gino Concetti.

Under the headline "A Moral Muddle," Concetti wrote that gay marriages "fundamentally undermined the family model on which human civilization was built." "The legislature cannot be turned into a clerk for changing habits, least of all of deviant trends," he added. Grillini said there had been no discussions for legalized marriages between gays in Italy.

A draft proposal was presented in the outgoing parliament to give basic rights, such as social security and pensions, to couples of the same sex as well as heterosexuals. Grillini said that the Church, by depicting gays "as against nature, as against morality...are effectively saying the sort of things that Goebbels said against the Jews."

"The Church is clearly trying to make this an election issue. I think it's a sign of weakness," he said, adding that in his estimate Italy had as many gays as practicing Catholics -- around seven to eight percent of the population. "Our message to the parties is 'watch out for the homosexual vote,'" Grillini said, accusing the center-left of having adopted a subservient role to the Church.

The center-left is divided, with Catholic candidate for prime minister Romano Prodi opposed to any legalized marriages between gays but some

candidates in favor. Italy's center-right Freedom Alliance, led by media mogul Silvio Berlusconi, has made traditional family values a cornerstone of its campaign for an April 21 poll in which undecided moderates will be decisive.

Prime Minister Lamberto Dini's centrist Italian Renewal Party, a center-left ally, is also wooing the Catholic vote. Gloria Buffo, a senior member of the ex-Communist Democratic Party of the Left (PDS), was quoted by newspapers Thursday as saying that her party "was and remains in favor of the draft law on civil marriages." She said the PDS would say so clearly during the campaign for Italy's third election in four years. The Greens and the hardline-left Communist Refoundation have both publicly backed the proposal.

Ceremony for Gay Couples brings Church Denunciation

By The Associated Press

VATICAN CITY -- Citing the pope's statement that same-sex marriages create "moral disorder," the Vatican on Wednesday denounced a ceremony in San Francisco this week at which gay couples were symbolically wed.

The Vatican's latest condemnation of same-sex marriages, contained in a commentary in its official newspaper, L'Osservatore Romano, also appealed to voters not to support candidates who back homosexual unions.

The author, Gino Concetti, a moral theologian, recalled how in 1994, Pope John Paul II had denounced a European Parliament resolution stating that homosexual couples should be allowed to marry and adopt children.

At the time, the pope warned that such a development would legitimize "moral disorder."

But "if 'unions' of homosexuals are a 'moral disorder,' neither can they ever be legitimate on the legal or civil level," Concetti wrote.

Noting that some center-left parties in Europe, including ones in Italy, have tried to make an election issue of gay demands for the right to marry, Concetti worried that "for a handful of votes," parties or candidates might court the gay lobby.

The question of making such marriages legal has come up only peripherally in Italy's campaign for May 21 parliamentary elections.

Also eligible for "moral censure," the commentary said, is "the action of that citizen, who, with his choice, favors the election of the candidate who has formally promised to translate into law the homosexual demand."

Such censure is warranted, Concetti said, under the principle that "no one is allowed to cooperate with 'moral disorder.'" He concluded that homosexual marriages would "undermine the foundation of the family model upon which human civilization was built."

An Italian homosexual lobby, Arcigay Arcilesbica, denounced the commentary as "cruel, anti-gay racism," and said the Vatican newspaper's "real objective is to block debate of any kind of reform of the concept of family -- reform that is already a reality in a lot of countries."

In San Francisco on Monday, some 200 couples took part in a domestic partnership ceremony performed by the city's mayor, Willie Brown. The ceremony carried no legal weight, because California law doesn't recognize same-sex marriages.

France Prohibits Gay Wedding at Sweden's Embassy

by Rex Wockner

France's Ministry of Foreign Affairs last week told Sweden it cannot offer gay-marriage ceremonies at its embassy in Paris even though the building is legally Swedish territory.

Sweden is one of three countries where gays can marry under registered-partnership laws that grant all the rights of regular marriage except access to church weddings, adoption and artificial-conception services.

France based its decision on Article 5 of the Vienna Convention which permits countries to prohibit certain consular functions at embassies, according to the Swedish newspaper Dagens Nyheter.

Many Swedes travel to Paris in the springtime to get married at the embassy.

Since Sweden legalized gay marriage on Jan. 1, 1995, more than 400 same-sex couples have tied the knot -- 75% of them male.

Hungary is set to Legalize Same-Sex Partnerships

by Sandor Borsos

The Hungarian parliament is set to vote an amendment to the partnership law which would possibly make Hungary, this Central-European nation of 10,6 million people the first country to legalize same-sex partnerships, excluding the Northern European countries where homosexual marriage is possible. The only other country which is about to do the same is the Netherlands. Hungary was among the first countries of the former Soviet Union to legalize a gay group 'Homeros' in 1988 as a precursor to the dramatic democratization which followed.

The Hungarian government has already approved of the proposed change in the rules governing the common-law marriage and a vote is expected soon in the parliament where coalition parties have the necessary majority to vote the amendment into law. The government decided to change the law after the Constitutional Court in March last year surprisingly - without any prior lobbying by gay groups - ruled that the non-recognition of same-sex couples was violating the Constitution of Hungary and called on the government to "cease discrimination within a year".

A campaign against the emancipation of gay common-law marriages is led by the populist and demagog leader of the strongest right-wing opposition party, the Smallholders, Jozsef Torgyan who was recently reprimanded by the (Socialist) Speaker of the parliament for using the term 'queer' for homosexuals in a parliamentary debate. Mr. Torgyan who preaches nationalism and family value claims that "the Hungarian nation is in danger of extinction because the socialist-liberal government promotes gay marriages instead of aiding families". Conservative parties last February caused an uproar in parliament when they attacked the pro-tolerance campaign of the Council of Europe "You are different, too, you're not different either" for a poster which was sent out by the Ministry of Culture to all secondary schools and depicted minority groups, including a young gay couple.

Gay groups have started to lobby for the passage of the law. For the first time a group of representatives of Hungarian gay organizations was received by a Member of Parliament, Gabor Fodor of the liberal Free Democrats party (SZDSZ) who had been the first Minister of Culture of the centrist-left coalition which in the last 1994 election defeated the conservative

parties, winners of the first democratic elections since II World War. The 40-minute meeting took place on the 3rd of April, the same day as Hungary's only gay magazine, the respected MASOK, celebrated its 5th birthday at a flamboyant party in a gay club next to the headquarters of the homophobic Smallholders' Party, in the presence of leading government philosopher Janos Kis.

Gays in Hungary lost an important supporter when Mr. Fodor quit the government at the end of last year over coalition conflicts. Mr. Fodor had defected to the Free Democrats party from the Young Democrats party after the junior liberal party which also used to support gay issues took a conservative course and is now in opposition. Fodor was the first to protest homophobic attacks in Hungarian parliament when the smallholder's 'fuehrer' Torgyan criticized last year that public television had broadcast a report on a gay street demonstration "exactly on Palm Sunday afternoon, offending the feelings of families". Mr. Fodor was several times implicitly accused of being homosexual himself by Mr. Torgyan during parliamentary debates and also by a popular satirical television show (Parabola) disgustingly distorted when the public broadcaster was controlled by the former conservative government. The widespread homophobic attacks against Fodor may have been too burdensome for his party which decided to drop him as a minister.

The pro-gay ruling of the Constitutional Court and the willingness of the government to grant equal treatment to same-sex couples is a balm to the Hungarian gay movement which felt frustrated by the lack of encouraging gestures of the first liberal government put into office after the 1994 elections. MASOK, the respected gay magazine had earlier expressed its disappointment with the popular and respected liberal Head of State Arpad Goncz for never addressing gay issues and leaving unanswered a letter in which the gay rights group Rainbow asked to include sexual orientation into his proposed amendment of law to punish more severely hatred-motivated crime. His wife, the Hungarian 'First Lady' who is the honorary chairman of the HIV-positive association 'Plus' takes care not to attend any manifestation of that organization, MASOK complained. The gay magazine also was worried because a leading member of the liberal coalition party SZDSZ, chairman of Parliament's Constitutional Committee was also among the founders and leading activists of the emerging and very aggressive religious group, 'Congregation of Faith', which is running a fanatical campaign to 'chase

away gays'. A leading lesbian activist, Judit Szabo of Szivarvany (Rainbow), complained on the national Hungarian radio and on the pages of MASOK (in the January 1996 issue) that although it was legal to be homosexual in Hungary, it appeared not desirable to 'come out' - even liberal circles treated her like a leper when she disclosed her homosexuality. State and local governments, even foundations and other civil organizations which aim to aid minority groups refused to support gay groups, she complained. MASOK also complained that it received less public aid from the liberal government than the former conservative one which was more eager to support independent organizations.

Many intellectuals, including philosopher Janos Kis, theoretician of the influential Free Democrats party expressed support to gay cause when a year ago the Supreme Court refused to register the Rainbow gay-rights lobbying group on the ground that it used in its name the not official term 'gay' and did not exclude minors as possible members. Mr. Kis in a long article published in the largest circulation daily, Nepszabadság, pointed out that the ruling of the Supreme Court was in contradiction to that of the Constitutional Court which branded the discrimination of homosexual partnerships as unconstitutional. The refusal of the Court to register Rainbow prompted a petition by leading intellectuals and the issue is debated as of today.

It is not clear if parliament will pass the bill but it has not many alternatives: in its ruling of 7 March 1995 the Constitutional Court obliged the government to eliminate within a year the discrimination of same-sex couples in the common-law marriage.