

# EURO-LETTER

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The Euro-Letter is published on behalf of ILGA - The International Lesbian and Gay Association - by Gay and Lesbian International Lobby. Editors: Steffen Jensen, Ken Thomassen, Peter Bryld and Lisbeth Andersen

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NB: An updated version of the Survey on the Legal Situation for Gays and Lesbians in Europe can be found on this URL: <http://www.inet.uni-c.dk/~steff/survey.htm>

## **ILGAS NGO STATUS WITH THE COUNCIL OF EUROPE**

*By Steffen Jensen*

ILGA applied for NGO status with the Council of Europe after the European conference in December 1994. The process has taken a long time, but now I have just this letter:

"By letter of 12 March 1995 the ILGA presented an application for consultative status with the Council of Europe.

While finalising the yearly communication from the Secretary General on the implementation of Committee of Ministers Resolution (93) 38 "on relations between the Council of Europe and international non-governmental organisations" we have learned that at a recent meeting of the UN's ECOSOC Committee on NGOs, the consultative status of ILGA was suspended, following some specific US charges against your Organisation.

Before preparing a proposal for the Secretary General on granting consultative status for your Organisation, I would much appreciate it if you could send us further information on this matter."

- and responded like this:

"We acknowledge reception of your letter of 18 June 1996 concerning ILGA's application for NGO status with the Council of Europe.

It is correct that ILGA's NGO status with ECOSOC has been suspended following US charges against ILGA because of the policy of one of ILGA's (former) US member organisations, NAMBLA (North American Man Boy Love Association).

Even though ILGA is not responsible for the policy of its member organisations and ILGA several times has alienated itself from any kind of pedophilia, ILGA decided at the world meeting in July 1994 to expel NAMBLA, so that the organisation is not any longer member of ILGA.

A thorough description of the whole matter including ILGA's efforts to convince the ECOSOC that it does not condone pedophilia is given in the enclosed article from 'Human Rights Quarterly', February 1996, by professor Doug Sanders, p. 29-32.

If you need supplementary information you are of course welcome to contact me again."

## **THE FINNISH PARTNERSHIP BILL**

*By Hannelee Lehtikuusi*

Below you will find the text of the Private Bill for the Act on The Same Sex Partnership. First part is the lengthy explanatory part and right in the very end is the law itself. The Bill was handed to the Parliament on the 28th of May and the debate on it took place on the 5th of June. Next step will be taken in the Committee of Law, which has to decide if it is taken into handling.

### *A BILL FOR THE ACT ON THE SAME SEX PARTNERSHIP*

#### *The main contents of the bill*

In the bill it is suggested that two persons of the same sex could enter a partnership. With some exceptions, the provisions to be applied to the recognition and dissolution of a partnership would be the same as in marriage.

The legal effect of the recognition of a partnership would be the same as that of contracting marriage. The laws concerning marriage and legally wedded spouses would be extended the recognized partnership and the partners with certain exceptions, such as the right to adoption. The rights and obligations of the partners in a recognized partnership would be the same as they are in marriage.

Generally, the bill corresponds to the legislation in force in the three other Nordic countries with the aim of securing equitable legal treatment of citizens living in a partnership irrespective of their sexes.

#### **General justification**

##### *General*

The bill is based on the need of two women or two men forming a partnership to build the relationship on a juridical foundation. The bill for the Act on The Same Sex Partnership would regulate the mutual relations of the persons in the relationship as well as their relations with society.

The legislation in Finland does not recognise partnership of two persons of the same sex. A Committee on Family Issues in its report in spring 1992 (KM 1992:12, Families and the Law) stated that "partnerships of persons of the same sex are in a very divergent situation." The partners in a partnership of two persons of the same sex cannot apply such provisions of the law "where possible future problems have been anticipated and their righteous solution envisaged." The Marriage Act does provide the heterosexual couples with this option. The

Committee found that "equality before the law had not been effected."

That was why the committee ended up suggesting to initiate preparations of an act with an aim that couples of the same sex could, if they so wish, have their partnership recognized, and thus share the norms pertaining to the juridical problems of the partnership as well as its dissolution. The Committee also suggested that a survey should be made to establish to what extent regulations concerning spouses in the legislation on social welfare and taxation could be applied to people in a recognized partnership. The suggestion of the Committee on Family Issues puts an emphasis on the regulation of juridical aspects of the parties in a partnership. It is as important to regulate the relationship of persons of the same sex in a partnership with society. A recognized partnership like marriage, too is understood in the context of the bill as a juridical relationship. This is in line with the opinion of the Committee on Family Issues according to which judicial regulation of marriage does not any more aim at supporting certain ethical or religious convictions but at solving practical questions raising in the course of the relationship. The Committee sees no ethical or religious obstacles to regulating a partnership of persons of the same sex adopting decisions similar to those in the Marriage Act.

The law bill has been based on this ideologically and religiously neutral stand, which, logically, leads to that no prescriptions on church wedding are included.

#### *The Scope of the Act on The Same Sex Partnership*

The bill for the Act on The Same Sex Partnership would be only extended to two persons of the same sex. They would be allowed, if they so wish, have their partnership recognized if there is no legal objections to it.

#### *Prerequisites of a partnership of Two Persons of the Same Sex*

The prerequisites of the recognition of a partnership of two persons of the same sex would be the same as of contracting marriage. As regards the legal objections and how they are established, the respective regulations of the Marriage Act would apply. At least one of the parties of such partnership shall be a Finnish citizen or have permanent residency in Finland.

#### *Recognition of a partnership*

The bill differs from the Marriage Act essentially in that there is no provision for church wedding in it. The justification is based on both principal grounds and practical realities. The bill does not aim to impose the recognition of a partnership of two women or two men in the same form with heterosexual

marriage but, instead, to create prerequisites for the form and procedures of recognizing a partnership to develop in a manner, corresponding to the specific nature of the event.

The bill does not either contain regulations on how religious communities should relate to the recognition, but the matter is left a prerogative of these communities.

#### *Dissolution of a partnership*

As regards dissolution of a partnership regulations of the Marriage Act, as appropriate, would be applied. In a matter of dissolving a partnership only a Finnish court of jurisdiction would be competent.

#### *Legal effect*

The legal effect of recognizing a partnership would be mainly the same as in the case of contracting marriage. The legislation on marriage and common marriage in force in Finland would be applied to the recognized partnership and its parties with certain exceptions. The most significant exception would be that the parties of a recognized partnership would not be allowed to adopt a child together. The regulations of the Marriage Act on the property of the spouses, division of such property, marriage settlement contract, gifts of one spouse to the other, maintenance and the debts of the spouses would be extended to the parties of a recognized partnership and so would be legislation concerning inheritance, social welfare and taxation as well as all remaining legislation with regulations on marriage and spouses. The parties of a partnership would be entitled to inheritance and, as regards taxation and decisions on any social benefits, they would be considered on a par with married couples. This would among other things mean that the income of the other party of the partnership would be taken into consideration when a decision is being made whether a person is entitled to employment benefit on social grounds.

#### *Changes in the remaining legislation*

When enacted, the bill would require changes in the prescriptions related to family and inheritance laws as well as in the remaining civil legislation and also in tax, crime, and social legislation and Rules and Procedures. The need to regulate the status of children in lesbian and gay families would require the biggest changes. There are often children of the parties in the families of couples of the same sex. Although a child may have lived in the family of his or her biological parent and her or his partner since birth or early childhood, the child's relationship with this social parent has not been regulated in our legislation. In the case of death or illness of the biological parent, the social parent has no right or obligation to take care of the child. The responsibility for the

child is transferred to the biological relatives of the child irrespective of what the child's real relationship with his or her kin is. The good of the child requires that the parties of a recognized partnership, contracted as stipulated in the bill shall have the right to agree upon a child's joint custody. A court of jurisdiction shall be able to decide that the custody of a child is granted to the parent and her or his partner together, or should the good of the child so require, e.g. in the case of the biological parent being ill, to the partner of the biological parent of the child. It would seem that it is not completely impossible to interpret the provision in paragraph 4 of the Act on Custody and Visiting Rights in a manner that the custody of a child, in a case where the child's good so requires, is regulated by a court order as prescribed above. It is suggested that the Cabinet should look into whether the existing legislation in force suffices to protect the right of a child to his or her social family or should the respective regulations be specified to this end.

## **Detailed justification**

### *1. Prerequisites of a partnership*

Only two persons of the same sex can enter a partnership. The act would not allow several people living in the same household to recognize their mutual relationship. Before a partnership is recognized, the fulfilment of the preconditions of not having obstacles as prescribed in chapter 2 of part I of the Marriage Act, would be established. A person under 18 years of age would not be allowed to enter a recognized partnership but with a special permission by the Minister of Justice. A ward would only be allowed to enter a recognized partnership with permission of his or her guardian or a court. A new partnership would not be recognized if an earlier partnership or marriage is in force. Also, a partnership would not be allowed to be recognized with one's mother, father, their parents, one's children, grandchildren or any other relative in the direct line. Partnership shall also not be allowed between siblings and half-siblings. An adoptive parent and child or persons, if one is a direct descendant of the other's sibling would only be allowed to have their partnership recognized with a permission of the Minister of Justice. The Population Registrar would, on a joint request of the two wishing to have their partnership recognized establish that there is no legal objection to the partnership prescribed in the law. If a permission of the Minister of Justice is required, it would need to be submitted to the Population Registrar. The persons wishing to have their partnership recognized would be requested to give a statement in written that there is no obstacle to it prescribed in the law and also, in written, whether one or both of them have been earlier in a marriage or recognized

partnership. Then, the Population Registrar would issue a written certificate stating that there is no legal objection to the recognition of the partnership.

### *2. Recognition of a partnership*

A partnership would be recognized in a special procedure with both parties of the partnership simultaneously present. The procedure would be witnessed by relatives or two outside witnesses. Authorities, entitled to service civil marriage, i.e. lagman (Senior Law Counsellor), Assistant District Judge or District Registrar would be authorised and obliged to service the recognition. On the specifics of the service of recognition a separate decree would be issued.

### *3. Dissolution of a partnership*

A recognized partnership would be dissolved like marriage in the case of death or declaration of legal death of one of the parties without any action to dissolve it. When both parties alive, the parties would be allowed to dissolve their partnership on a request after a minimum of 6 months' reconsideration period, according to what is stipulated in the section on divorce of the chapter 6 of part I of the Marriage Act. The parties of a recognized partnership would also have the right to dissolve their partnership when they have uninterruptedly lived in separation for the past two years.

Dissolution of a partnership would always be a matter of competence of a Finnish court of jurisprudence, and dissolution of partnership anywhere else would not be effected in Finland.

### *4. Legal effects of a partnership*

The recognition of a partnership would have the same legal effect as contracting marriage. Without certain exceptions, the legislation on marriage and spouses would be applied to the parties of a recognized partnership, their mutual relationship as well as their relationship towards third persons.

The Marriage Act would be applied, as appropriate, without the regulations on wedding in the chapter 4 of part I. The regulations of chapter 3 of the Inheritance Code on the inheritance right and right of possession of property would be extended to the parties of a partnership, too. Further, they would be treated on a par with married couples as regards taxation or decisions on social benefits. The main exception in applying the legislation on Married spouses would be that parties of a partnership would not have the right to adopt a child together.

### *5. Coming into force*

The Act is meant to be effective as soon as possible. On the basis of the above, we suggest that the Parliament enact the following bill.

## **ACT ON THE SAME SEX PARTNERSHIP**

According to the decision of the Parliament it is stipulated that

### *1. Prerequisites of a partnership*

Two persons of the same sex (parties of the partnership) may have their partnership recognized according to what the law stipulates. Before the act of recognition, it shall be established that there is no legal objection to the recognition, as set forth in the Marriage Act (234/29). What is prescribed on how it is established that there is no legal objection to a marriage, shall apply to partnerships. A person of under 18 years of age must not enter a partnership. The Minister of Justice, however, may grant a person of under 18 years of age the permission to recognize a partnership. Before the decision is made, a chance to be heard shall be provided to the guardian of the person seeking the permission, if the guardian's domicile can be located with a reasonable effort.

### *2. Procedure of recognizing a partnership*

The partnership shall be serviced by an authority entitled to service civil marriages in the attendance of relatives or other witnesses. In the procedure, the parties of the partnership shall be simultaneously present. Further regulations on the procedure shall be stipulated in a decree.

### *3. Dissolution of a partnership*

A partnership is dissolved when one of its parties dies or is declared legally dead. The parties of a partnership are entitled to have the partnership dissolved after a period of reconsideration according to what is prescribed in the Marriage Act (324/29).

The parties of a partnership have, however, the right to dissolve the partnership without any reconsideration period if they have uninterruptedly lived in separation for the preceding two years. In cases to dissolve a partnership contacted under this Act, only Finnish courts of jurisprudence are competent authorities. Otherwise, what has been stipulated on divorce, shall apply.

### *4. Legal effects of a partnership*

The recognition of a partnership has the same legal effect as contracting marriage. Prescriptions on marriages and spouses shall apply to the recognized partnership if it has not been otherwise stipulated. As regards application of the Act on adoption and prescriptions by virtue of it, parties of a partnership are not regarded as legal spouses.

What is prescribed in the Marriage Act on wedding shall not apply to the recognition of a partnership.

## *5. Coming into force*

This Act shall be enacted on.....

(Translation: Mr Mika Vepsäläinen)

## **RESPONSE FROM AUSTRIAN EMBASSADOR IN SWEDEN**

*By Bjorn Skolander*

The Embassy of Austria in Stockholm has responded to the protest letters, re. EuroLetter 42:

"I acknowledge receipt of your letter urging a repeal of Articles 209, 220 and 221 of the Austrian Penal Code.

The Austrian Parliament has discussed the matter of a possible repeal of the said provisions for some time. In the debate a general political consensus for abolishing Articles 220 and 221 seems to have emerged. As to Article 209 (same sex relationship with a male person below the age of 18), the coalition agreement between the Social Democratic Party and the conservative Austrian People's Party, which forms the basis for the current Austrian Federal Government, has defined the vote on this issue as a matter of conscience for each member of parliament. A new parliamentary vote on these and other proposed amendments to the Austrian Penal Code can be expected in the fall of 1996.

A copy of your letter has been forwarded to the relevant Austrian authorities.

Yours sincerely,  
Franz Parak  
Ambassador"

## **BELGIAN RESPONSE TO PARTNERSHIP PROPOSAL - NEWSPAPER ARTICLE**

*Translated by Alan Reekie from The Flemish Liberal-Democrats oppose "civil partnership registration" (by Christian Laporte, in "Le Soir", Brussels, 20 June 1996)*

Will the "register of civil partnership" for same-sex or differentsex couples [in Belgium] who do not wish or are unable to get married, and thus the contracts that could provide the legal basis for registration, be condemned even before they have been defined by law? You may think so according to the stand taken by the VLD (the [right-wing] Flemish Liberal Democratic Party) which, contrary to what might be expected, has just rejected the principle of such contracts while pleading in favour of marriage.

Some people may think that this is a gesture towards the CVP [Flemish Christian Social party] and its new president, Mark van Peel, - who has expressed his opposition to these contracts, even though he is a member of the political coalition holding a majority of seats in the Antwerp city council which voted to set up a register - perhaps in the hope of a possible creation of new party alliances, but Hermann de Croo denies any such suggestions: "Our position was established several weeks ago, but we delayed announcing it until now out of respect for Johan van Hecke after he resigned. So you can't say that we are following suit with the CVP, even if it is our opinion that marriage between a man and a woman should form the cornerstone of social life."

The Flemish "blues" [from the traditional colour of the VLD] will not, however, go so far as to say that, in the words of a recent statement by the Church authorities (including Monseigneur Leonard, in an extraordinary "parents, I love you"), "[marriage] is in practice absolutely indissoluble" (to the point of telling divorced persons who have remarried to abstain from sexual intercourse if they wish to remain communicants!). The VLD says that it is aware that marriages frequently fail - one in three of them does - and that is why the party wants to facilitate the procedures for separation. Not so that those concerned may be libertines, of course, but only to put the arrangements for "voluntarily terminating" a marriage on the same basis as those for entering into one.

The VLD considers that the freedom with which one can choose one's husband or wife should provide the model in the event that the marriage breaks down. The procedures for separation should be simplified. The judge should do no more than establish that the marriage has failed, and no longer investigate who is responsible for the failure, because - according to the party that has resulted in too many human dramas. Any children could be at the center of concern and be assisted [financially] by whichever parent is better-off.

The VLD seeks to eliminate the discrimination that the "other" couples or those who don't want to marry are subject to. More in practical terms than purely symbolically: "- What's the use of fighting for symbols?" continued Hermann de Croo. "In Antwerp, where the media made a great fuss (about the new register) only four applications for registrations have so far been made. Nevertheless, there is a need to get rid of all the legal provisions that create so many obstacles for such couples. We are willing to participate in the initiatives for reforming the law on taxation, social security and everything concerning joint property contracts- rental agreements, transfer of title, liability for debts etc. "

In order to show that these are not empty promises, the VLD group will table a Bill on inheritance taxes that would put unmarried couples on the same footing as married ones provide the former can produce an official certificate... from a register... showing that the partners have been living together for a total period of at least three years.

In the same context, the VLD also expressed its opposition to the anti-discrimination Bill tabled by the Members of Parliament Landuyt (Flemish Socialist Party) and Willems (CVP). In the opinion of the VLD's expert, Hugo Coveliers, such legislation would be the "thin end of the wedge" towards criminalising certain thoughts or beliefs. As an example, he suggested that under such a law a bishop who expressed opposition to the consecration of women to the priesthood in a pastoral letter might find himself in jail for [inciting] sexual discrimination.

#### *The "Contract for living together" in the Chamber*

To become united without getting married; that is what the Bill tabled by the French-speaking Socialist Serge Moreaux and supported by the members Decroly and Lozie (from the Frenchspeaking and Flemish green parties) and Maingain (from the PRL-FDF party) envisages. This Bill, which is intended to grant couples who do not wish to marry access to the same rights (notably concerning inheritance, property and presence in Belgium for non-EU citizens) as those who do, will be debated in the Chamber of Deputies' Justice Committee starting on 3 July 1996. It is likely that the discussions will be lengthy, because opinions in the Christian-Social party are divided on the recognition of a form of union other than marriage.

#### **BELGIUM: PARTNERSHIP BILL PROGRESS**

*[free English translation by Alan Reekie of] "Le contrat de vie commun lierait des amis, des parents" (The contract for living together could [also] bind friends and relatives) by Michelle Lamensch, in "Le Soir", 19 July 1996*

The Justice Committee of the Belgian Chamber of Representatives began its examination of the Bill intended to define a contract for living together on the evening of Wednesday (17 July 1996). The examination was laborious, because, as a Bill dealing with ethical matters, the text presented jointly by MPs Serge Moureaux (Fr. Socialist), Vincent Decroly (Fr. Green), Franz Lozie (Fl. Green) and Olivier Maingain (Fr. Liberal-FDF), must obtain a 'green light' from the Federal government coalition (consisting of both the French-speaking and Flemish Christian Social and Socialist Parties). And while the French-speaking Socialist Party supports its MP and the

Flemish Socialist Party is in favour of registered partnerships, both Christian Social Parties are divided on this issue and are delaying the discussions. According to Serge Moureaux, this Bill is the outcome of "an urgent request" from the homosexual community which is "fighting to obtain social recognition" and is also intended to protect heterosexual couples who are living together out of a philosophical conviction that free love is preferable to the holy wedlock that binds the partners together for "what seems like eternity". The contract for living together would enable two persons to bind themselves together, regardless of gender, age or family relationship. So the partners could be a brother and sister, uncle and nephew or any other family members who would otherwise be liable to suffer financially under the provisions of inheritance law. And indeed for that reason, the only case of persons being forbidden to bind themselves by such a contract would be where one is directly descended from the other. Furthermore, any unrelated couple, such as two gay men or lesbians, could sign such a contract, which would not require sexual fidelity but impose duties of co-habitation, mutual assistance, and shared responsibility for the household expenses. Each partner would benefit from the same rights regarding healthcare, insurance against illness or accidents, and pensions that spouses already enjoy. And the same immigration rules would apply to a Belgian citizens' registered partner as to his or her spouse. Official recognition of this "contrat de vie commune" would be granted upon registration of the particulars, including a certified detailed inventory of each partner's assets, at their local Town Hall. It would thus correspond closely to a "marriage with separate assets", except that the contract could be terminated by either partner sending a registered letter, which need not state any particular grounds, to the Registrar. After such a termination, the partners would retain their existing right to joint occupation of their home, and where one had been dependent on the other (s)he could apply [to a Court] for maintenance from the other. In the absence of individual title, the partners would be deemed joint owners of any property that had been acquired during the partnership. In the event of death, the survivor would be entitled to a lifetime right of usage of the property that had been occupied jointly as their main residence, and to the dead partner's estate on the same basis as a spouse. Homosexual couples would be able to gain the most from the availability of such a contract, because unmarried couples living as "man and wife" can already jointly sign property rental contracts, make gifts to each other and define their mutual responsibilities during the period they live together and thereafter by a valid private contract. This Bill, and that intended to provide protection against discrimination on the grounds of sexual orientation or relationship, tabled

by the MPs Landuyt (Fl. Socialist), Willems (Fl. Christian Social party), de 't Serclaes (Fr. Christian Social party) Moureaux (Fr. Socialist) and Vande Castele (Fl. Volksunie) could be examined by the members of Parliament in September. Serge Moureaux concluded "The Flemish Christian Social party will have to clarify its position. There is a potential majority in favour of both Bills; the monolithic Christian Social parties could indeed block them, but there is a risk of a political battle if those parties want to make it an issue of governmental principle."

## **ANTI-GAY POLICE ACTION IN BULGARIA**

*By Nikolai Voiskov*

With fabricated accusations of breaking some laws an attempt is made to put an end to the only one detached and self-dependent gay and lesbian structure in the country. The marauding attitude of the police and its repressive methods will lead up to a new, marked confrontation between the two social components. The economic ruin, the financial liquidation of the small and medium business, the ethnic tension, the bread shortage result in crude conflicts. The spurring on sexism and discrimination of the other-minded is taken as a good advantage by the state in its effort to get the public attention off its basic problems.

In the summer of 1990, at the invitation of the general secretary of the International gay and lesbian association (ILGA), Bulgaria was admitted officially to membership in the international gay and lesbian community. The contacts proceeded with the International Jew congress, the Christian-democratic groupings (EUROFORUM), the International gay and lesbian human rights commission (IGLHRC) and other organizations. The forming of structures in the country started, "Flamingo" - the first gay and lesbian magazine in Bulgaria - was published. Economic mechanisms for self-financing were created.

In 1994 erotic center "Flamingo" (Sofia, 208 Tzar Simeon street) was founded with businesslike participation in the erotic publications in order to inform the Bulgarian gay community. Competitions ("Mr. Eros", "Sliven Hero"), carnivals, international days in the memory of the victims of AIDS had been held. The medias participated in the organized by us health prophylaxes and anti-AIDS activities periodically. Movies were had been shown on the private channels. Every one of the activities resulted in greater acceptance of "the people with double feeling" by the rest of the society. That was also associated with reinforced interest of the political organizations and public formations in us.

On the other hand, the strengthened impact of the Bulgarian gay and lesbian community was followed by systematic repressions by the governmental structures and their satellites, undercover as racket groups, police spying, phone tapping, "lost" of international and home correspondence, threats, regular breaking of police officers in the places of gay gathering, documental robberies, informations in the medias for the existence of groupings, acting for the elimination of homosexuals. That motivated some murders. The start of the last police action for total liquidation of "Flamingo" agency and its members is the brutal rush in the organization's office on July 10, 1996. The police confiscated the cardfiles, the correspondence, the computer for the information processing and other auxiliary technic, advertising materials, merchandise, and sealed the center after a rude and demonstrative arrest of the employees. The latter are forced, under threat, to change their evidence. On the next day a police crushing of the gay groups in the country started, with the respective unjustified cover.

The breaking of human rights and the sexual discrimination are a state policy, carried on by certain people and groupings. Feature films with homosexual element have been banished from the screen of the national television by order of the state attorney Tatchev and with the active participation of the ex-director Granitski. The ex-chairman of the International labour organization and president of the National trade union "Podkrepa" ("Support") - Konstantin Trenchev - publicly stigmatized the tolerant attitude of the opposition ex-prime minister Filip Dimitrov and his team of ministers as "psychopats, for whom there is no place in the government".

I call all the tolerant people in the world, public organizations and governments for moral, material and political help. Because of the constant police pressure on me and the crudely fabricated accusations I beg for political shelter abroad both for me and my family, as well as for the members of the organization.

I ask for financial support for the future restoration of the "Flamingo" agency's structure and any other support for its members. Angel Bliznachki  
Address for correspondence: Republic of Bulgaria, City of Sofia, postal code 1680, post box 63  
Address for interview: Erotic center "Flamingo", Republic of Bulgaria, City of Sofia, postal code 1303, 208 Tzar Simeon street

## **UK DISCRIMINATION CASE REFERRED TO EUROPEAN COURT OF JUSTICE**

*By Alan Reekie*

According to the British press on 23 July, the Southampton Industrial Tribunal has referred the case involving the British railway staff member Lisa Grant, whose employer refused to issue a concessionary travel permit to her partner Jill Percey, despite its stated commitment to non-discrimination, solely because she is not a man, to the European Court of Justice (ECJ) in Luxemburg. The Tribunal has requested the ECJ, as the body responsible for adjudicating on disputes arising from the interpretation or application of the European Treaties or legislation based on them to rule whether or not the European Union's general prohibition of "discrimination based on sex" applies in particular to discrimination against same-sex partners, relative to opposite-sex partners. The ECJ's ruling in this case should, in due course, set an important precedent that may have to be taken into account when drafting any national legislation intended to define the procedure for official recognition of same-sex partnerships in EU member-States.

## **IRISH GOVERNMENT PUBLISHES EMPLOYMENT EQUALITY BILL**

*By GLEN, Ireland*

At the beginning of July the Irish Government published the text of its Employment Equality Bill. The Bill will give protection against discrimination in employment and vocational training on the grounds of sexual orientation as well as sex, disability, religion, race, ethnic origin or membership of the Travelling community (Irish gypsies). The Bill would also outlaw harassment in the workplace.

The Bill is a great advance on the current Employment Equality Act which only covers discrimination on the grounds of sex or marital status. However, the Bill includes exemptions for religious, educational or medical institutions. GLEN, together with other lesbian and gay groups, has welcomed the extension of protection in the Bill but expressed concern about the exemptions.

Kieran Rose (Co-Chair GLEN) said: "We also have deep reservations about an exemption to deal with sexual behaviour which is imprecise and could be very damaging".

The Bill will be brought before the Dail (Irish Parliament) in the Autumn.



The Bill costs seven Irish pound (IR7); enquiries to: Government Publications Office, Molesworth Street, Dublin 2, Ireland.

## **LETTER TO THE IRISH GOVERNMENT ON REVISION OF THE EUROPEAN TREATIES**

*By GLEN, Ireland*

We are writing to express our strong welcome for the Government's proposal for changes to the European Treaties on the issues of social exclusion. We would also, rather belatedly, like to offer our equally strong congratulations and thanks on the inclusion of the category of "sexual orientation" in the Refugee Bill, on which we are writing separately to Minister Bruton.

There have been somewhat confusing reports about the categories likely to be defined in the new sections on "Social Exclusion". There has also been some confusion as to whether this concept of "Social Exclusion" will offer, in effect, the anti-discrimination protections that are the purpose of the forthcoming and much-welcomed Equal Status legislation.

On our own behalf, and on behalf of all the groups with whom we work in the "Equality" Campaign, we are writing to urge that the Irish Government should do all that it can to ensure that the Revised Treaties explicitly protect all of the categories to be specified in the Equal Status legislation. Protection in other words from discrimination on the grounds of sex, disability, religion, race, ethnic origin, sexual orientation, or membership of the Travelling community. Even more positive would be a declaration of equality of citizenship specifying those categories.

[It is sometimes suggested that the current Treaties already cover possible discrimination: the enclosed reply from the European Parliament makes explicit that they do not].

## **IRELAND: NEW REPORT ON HIV/AIDS & GAY COMMUNITY PUBLISHED**

*By GLEN, Ireland*

In June 1996 GLEN published a report on "HIV prevention strategies and the Gay Community: Phase One report - a baseline study".

This is the report of Phase One of an action research project to develop a renewed and integrated HIV prevention strategy for gay men. The objective is to radically reduce the number of new HIV infections so that it approaches zero. The report was commissioned and funded by the Department of Health, co-

ordinated by the Gay and Lesbian Equality Network and carried out by Nexus Research Co-operative.

The project is based on the principle that gay community development and measures to promote the self-esteem of gay men are essential to effective HIV prevention work. The research focused on examining the capacity and needs of gay community organisations to carry out such health promotion work. The report also includes the findings of a survey of the statutory sector and other voluntary AIDS groups as well as a survey of relevant Irish and international literature. The report recommends that there should be a partnership between the gay community and the statutory sector.

The report costs five Irish pounds (IR5) and can be obtained from: Eoin Collins, Nexus Research, Fumbally Court, Fumbally Lane, Dublin 8, Ireland. (Tel: +353-1-473-0599 / Fax: +353-1-473-0597 / E-mail: nexus@nexus.ie).

## **DUTCH OFFICIALS DIVIDED ON GAY MARRIAGE**

*By Rex Wockner*

Dutch officials are less than thrilled with the April vote by parliament instructing the Labour-led coalition government to present legislation to legalize gay marriage. Parliament voted 81-60 in favor of the move. A second vote of 83-58 signalled support for gay adoption as well.

"There is no objective justification for the ban on marriage of couples of the same sex," the legislators declared.

Among those who remain unconvinced are Queen Beatrix (according to reports) and Junior Justice Minister Elizabeth Schmitz, who is assigned the task of steering the gay-marriage legislation through parliament.

Schmitz is worried, in particular, about the fact that homosexuality is taboo in many Third World countries from which the Dutch adopt children. She has set up a committee to study the matter. It must report back by August 1997.

Denmark, Greenland, Iceland, Norway and Sweden allow gays to form "registered partnerships" that grant all rights of marriage except access to church weddings, adoption and artificialconception services. In Iceland, however, gays can adopt their spouse's biological children.

## **DUTCH COMMISSION ON CIVIL MARRIAGE**

On 26 June 1996 the Dutch State-Secretary of Justice has appointed a Commission of legal experts to look into the advantages and disadvantages of civil marriage between persons of the same sex. This followed the adoption by Parliament, on 16 April, of a resolution asking for legislation to open up marriage for same-sex couples. The Commission will make an inventory of national and international, social and legal aspects, including the issues of parenthood and adoption. Before August 1997 it must advise on the content of a possible legislative proposal.

The Commission is chaired by Bas Kortmann, professor of private law at the Catholic university of Nijmegen. Among the other members are Astrid Mattijssen and Kees Waaldijk, who have been active both in the Dutch lesbian/gay movement and in the International Lesbian and Association (ILGA). Until recently both worked as law researchers at the Department of Gay and Lesbian Studies (Homostudies) of the University of Utrecht. At present Astrid Mattijssen is working as legal staff member at the Clara Wichman institute, the academic institute for women and the law. At the University of Utrecht she teaches a course on homosexuality and the law. Kees Waaldijk is employed by the Netherlands institute of Human Rights (SIM) at the same University to do research on the free movement of same-sex partners in Europe. He teaches law at the University of Leiden, and is a member of the Netherlands Family Council.

## **A VICTORY FOR ICELANDIC LESBIANS AND GAYS**

By SAMTOEKIN '78

*Icelanders lead the way in the improved legislation for lesbians and gays.*

Parliament in Iceland - the Althingi - has passed a law on the cohabitation of people of the same gender, so-called Registered Partnership. On 27 June, Gay Pride Day, Icelandic lesbians and gays gain the right to enter into marriage before the law. The minister of justice introduced the bill in parliament and while the new law is similar to those passed in Norway, Denmark and Sweden, it also gives gay couples joint custody of the children of either partner. Both partners then become the children's guardians and should the natural parent die, the other partner the children's step parent - automatically becomes their sole guardian. Nowhere have gay couples had such rights up to now. In addition to this the parliament is scheduled to change several provisions in the

criminal law, making it a punishable offence to defame or persecute gays and lesbians in public.

Though a great victory has been won, the new law differs in some ways from the general laws on marriage. It does not permit the adoption of children by gay or lesbian couples, nor does it provide for the right to artificial insemination. In addition, the law only permits gay and lesbian couples to confirm their partnership in a civil ceremony; this in light of the Church of Iceland's firm opposition to church marriages of gay and lesbian couples. The new law enjoys the support of all political parties represented in parliament and only one member voted against the bill which was introduced by the minister of justice, Thorsteinn Þósson of the the conservative Independence Party which is Iceland's largest political party.

Into the twenty-first century Samtoekin '78, the Organisation of Lesbians and Gay Men in Iceland, has played a key role in the struggle to improve the legal standing of lesbians and gays. The existence of this organisation has made it easier for homosexuals in Iceland to come out of the closet, which can be especially difficult in a small society of only 270.000 inhabitants. Currently there is a number of people of all ages out of the closet, ready to proclaim their right to live as gays or lesbians in Iceland.

On 27 June lesbians and gays in this country begin their march into the next century, says Margrét Ólafsdóttir, the present chairman of Samtoekin '78 who has led the movement in the last years.

Admittedly we are disappointed that the new law does not allow for adoption as we had hoped and as many parliamentarians were ready to accept it would. We are happy, that Iceland has gone further than other countries in granting us joint custody of our children. We should also remember that not so long ago Icelandic gays and lesbians had to leave the country in order to lead an openly gay life. In a certain sense we are now returning from exile, but the struggle goes on. If we continue to work as well as we have done for the last fifteen years we will eventually convince the legislature of our right to adopt children just as other Icelandic couples do.

A long and hard struggle preceded the present victory. A parliamentary motion protesting discrimination against lesbians and gays was first put to the Althingi in 1985 at the behest of Samtoekin '78. It did not pass due to the 'non-importance of the matter', to quote the parliamentary committee concerned. Times have changed, however, and following an increasingly open debate about homosexuality and homosexuals in the Icelandic media, attitudes

have become more positive and have moved in the direction of greater tolerance. A new motion was put to parliament in 1992 and unanimously passed. A committee was set up to investigate the position of lesbians and gays in Iceland and to return an opinion that would become the basis for new legislation. Samt=kin '78 had representatives on this committee.

The first legislative victory was also won in 1992, when the section of the criminal code dealing with sexual offences was changed. All special articles concerning homosexual activity were abolished and a common age of consent, fourteen years, was established for homosexuals and heterosexuals alike. Now, four years later, lesbians and gays are to get their own marriage laws as well as changes to the criminal code that help them defend themselves against persecution and public defamation.

Althingi - the world's oldest parliament - has answered the call of the times.

#### **DETAILS OF THE ICELANDIC PARTNERSHIP LAW**

*By Lilja S. Sigurdardottir Spokeswoman at the Samtoekin '78*

The new Icelandic partnership law is similar in most ways to the Danish, Swedish and Norwegian law. It is based on the usual Icelandic matrimonial law, and is in fact a marriage, except for three things: 1) a couple in this partnership cannot adopt children 2) women in the partnership cannot have artificial insemination 3) and the couple cannot marry in church (that is, can only have a civil marriage).

What makes this law different from the Scandinavian ones, is that a "registered" couple can have joint custody for the children that one partner has (as long as the parent has the custody in the first place, of course). This means for example, that if X is married to Y who has a child, X can share custody for the child with Y and thus represent it legally in school, at the doctor's and so on, and be responsible for its upbringing, costs etc. And if Y dies, X can keep the child and the other biological parent (if it exists) has second right.

Icelandic gay people are of course very happy about this new law, since it is the first official acceptance of gay love and our forms of families. But we also know very well what is missing, but we are not going to let that spoil our happiness.

Another thing we are very happy about is that the law passed Althingi (the parliament) with only one

vote against it, and one congressman sat by. All others voted for the law, and some spoke very eagerly about making the law go even further! So we see future very brightly as you can imagine! But this is of course the result of twelve years of work by many people, and we have to thank Gudni Baldusson especially for his part as he was the one responsible for making the first discussion on gay rights happen on Althingi in 1985 (the matter then was sent to a committee and "put to sleep").

#### **ITALY REDUCED AGE OF CONSENT TO 14 FOR ALL - AND TO 18 FOR SOME**

*by Helmut Graupner, Rechtskomitee LAMBDA, Vienna*

On 15 February the Italian parliament passed the Law on sexual Violence ("Norme contro la violenza sessuale) which is committed to the fundamental principle that the criminal law should protect sexual self-determination not moral convictions.

Nearly all sexual offences - with the only exception of 'obscene' acts in public places (Art. 527 CP) and pornography (Art. 528 CP)- have been transferred from the chapter on "offences against public morals" to the chapter on "offences against the person".

During the fascist period the age of consent of then 12 years has been raised in 1930: to 14 for "morally corrupted" youths (Art. 519, 521 CF) and to 16 for the "uncorrupted" (Art. 530 CF). The higher age limit for "innocent" adolescents should serve as a basis for a moralising jurisdiction and i.e. for discrimination of homosexual relations.. Fortunately the courts seemed to handle the law rather restrictively. More than 100 people a year have been reported to police for this offence but less than 10 convicted. Now the offence has been repealed and the new law establishes a uniform, non-discriminating age limit for all youths (whether "corrupted" or not) 14 years (Art. .609 quater CP). Moreover consensual sexual relations with 13 year olds are not punishable if the partner is not older than 16 (Art. 609 quater CP).

Some other outdated offences have been repealed as well (like the seduction of women under 18 by the promise of marriage under deception about one's marital status, Art. 526 CP).

On the other hand the sanctions for sexual violence drastically have been raised and several new provisions are intended to protect the victim of sexual offences from offensive exposure during criminal proceedings.

Still criminal proceedings for sexual offences can only be instituted if the victim (or its legal representative) applies for proceedings. Just in the case of non-violent sexual contact with children under 10, sexual violence against under 14 year olds and sexual contact in relations of authority an application is not afforded (Art. 609 - septies CP). Moreover proceedings can be instituted ex officio if the offence is connected to an offence for which an application is not needed (ibid.). That means that a consensual sexual relation with a 13 year old for instance can be prosecuted upon application of the adolescent (or his parents) only if the contact takes place in private but ex officio if the sex takes place on the beach.

Surprisingly Italy retained the moralising offences of "Attack on family morals" (Art. 565), criminalising the presentation and the accentuation - in periodicals - of circumstances violating family morals, and of "Invitation - in public places - to libertinage" (Art. 5 legge 20.02.588, n 75). A conviction for the last mentioned offence regularly is connected to the interdiction of public offices and of guardianship and tutelage for a period of 2 to 20 years (Art. 6).

### **THE BAN ON HOMOSEXUALITY IN BELARUS HAS BEEN LIFTED**

*By Kurt Krickler*

For some time now, there have been rumours about a repeal of the total ban on homosexuality in Belarus (Art. 119.1) but it seemed impossible to trace them back to concrete sources or information as to when this should have happened. The legal situation has remained unclear until now. At the XIth International Conference on AIDS in Vancouver in July 1996, however, a poster was presented on "Some Epidemiological Aspects of HIV-Infection in Belarus" (Abstract # Tu.C.202, Abstract Volume I, p. 241) in which it is stated that Article 119.1 was repealed in 1991. Since I found this rather surprising and wanted more details and clarifications, I went to the oral poster discussion on 9 July where I had the opportunity to talk with the author of this poster abstract, Dr. A. Pimenov from the National Centre for AIDS Prevention of Belarus. He told me that it is true: in 1991, Belarus was the first of the former Soviet republics to repeal the total ban on homosexuality, even before Ukraine and the Baltic countries and Russia did so. He was so sure about that because it was his National Centre that drafted the reform bill and presented it to Parliament. Dr. Pimenov also reported that Belarus has today an equal age of consent of 16 years for all sexual orientations. This reform seems not to have been publicized at all in Belarus in the first years of its effect because the delegates from Belarus to the 7th ILGA Regional

Eastern and Southeastern Conference in Vienna in April 1993 still reported that Article 119.1 would not be implemented anymore but would still be on the books (jf. Conference Report, pp. 26-27). These delegates were from non-governmental AIDS organisations. (I also discussed this with Henning Mikkelsen who has worked a lot in Eastern Europe for WHO, and he doubts heavily that the ban had been lifted as early as in 1991.) Although a certain mystery remains with this reform, we can at least take it for granted now that the total ban on homosexuality has been lifted.

**RUSSIA:** In May of this year, the Russian Parliament voted new penal code provisions for the age of consent. The new law provides for an equal age of consent of 16 years for all sexual orientations and will come in force as of 1 January 1997. (Oral information by Serguei Shcherbakov from the International AIDS Project in Sankt Petersburg)

### **OSCE REVIEW CONFERENCE, VIENNA, 3 - 29 NOVEMBER 1996**

*By Kurt Krickler*

At the Helsinki Follow-Up Meeting in 1992, the OSCE decided not to hold any more Follow-Up Meetings. Instead, Review Conferences will be held every second year (the first took place in Budapest in 1994). These Conferences will review the progress made in all OSCE fields of activities (formerly "baskets") and elaborate a Document. In the years between the Review Conferences, the OSCE holds "Implementation Meetings" (1993 and 1995 in Warsaw) where the implementation of OSCE Human Dimension obligations is assessed.

The Review Conference 1996 will again be an opportunity to work for the inclusion of "non-discrimination based on sexual orientation" as a commitment in a binding OSCE document although it is not clear yet what kind of document will come out from the Vienna Review Conference.

ILGA members in OSCE countries, however, should already start now to lobby their national OSCE delegations.

#### *Whom to lobby?*

From the past lobbying activities, we know that the lesbian and gay issue was only taken up by those delegations that had been lobbied by ILGA member groups in advance. Therefore, it is important that ILGA members contact their national OSCE delegation back home before the Vienna meeting. Usually, there is a OSCE department in each Ministry for Foreign Affairs. Meet with them and discuss the issue!

The OSCE member States are the following: all 45 European countries, Macedonia, however, has only observer status, and Yugoslavia (Serbia and Montenegro)'s participation has been suspended; plus the eight Asian former Soviet republics (Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, Uzbekistan), and Canada and the United States of America.

#### *What to lobby for?*

ILGA is lobbying for including non-discrimination based on sexual orientation as a binding commitment in an OSCE document. ILGA has proposed the following text which both was adopted at ILGA/NGO parallel activities in Moscow (1991) and Helsinki (1992) and already presented to the delegations on previous occasions (see below: Short History of ILGA's CSCE Lobbying):

"The participating States consider the right of any person to live in accordance with her or his sexual orientation a fundamental human right and will take measures to eliminate and to prevent discrimination against persons based on their sexual orientation. The expression "sexual orientation" shall mean sexual attraction towards a person of the same sex or the opposite sex, whether this is manifested in a physical or emotional form."

This text is similar to a text proposed by ILGA for the draft of an additional protocol to the European Human Rights Convention.

In talks with your national OSCE delegations, point out to the first mention of the "lesbian and gay issue" in the Report of the CSCE Implementation Meeting on Human Dimension Issues in Warsaw in 1993 and the Resolution passed by the OSCE Parliamentary Assembly in its 4th Annual Session in 1995 (see below).

Another item for lobbying would be to convince your country's delegation to include human rights of lesbians and gay men or non-discrimination based on sexual orientation in their agenda for the Conference and to include this topic also in the delegation's statement(s). The more countries refer to this topic, the more important, of course, the issue will be.

It is important that all groups active in this lobbying report about their efforts and results to ILGA EURO and the EUROletter.

People interested to represent ILGA at the Vienna RC should contact Steffen and also Kurt Krickler, HOSI Wien, Tel/Fax: +43-1-545 13 10  
hosiwien@via.at.

#### *Short History of ILGA's CSCE/OSCE Lobbying*

- 1980 - On the opening day of the Madrid Follow-Up Meeting (15 Nov.), Spanish and French gay and lesbian groups held a press conference and demonstration; HOSI Wien urged the Austrian foreign Minister to work for the recognition of gay and lesbian rights
- 1985 - Homosexuality was discussed in the CSCE Cultural Forum in Budapest in November when the openly gay writer, Dominique Fernandez, took up the topic
- 1986 - On the occasion of the start of the Vienna Follow-Up Meeting, HOSI Wien wrote to all national delegations on 3 November demanding the recognition of non-discrimination based on sexual orientation; correspondence with several delegations up to 1988
- 1990 - In May LBL-Denmark organised an NGO parallel activity to the Copenhagen (= Second) Meeting of the Conference on the Human Dimension of the CSCE
- 1991 - In August ILGA Secretary General John Clark sent a letter to the foreign ministers of all participating States requesting the recognition of lesbian and gay rights
- In September RFSL/Sweden and ARGO/Moscow organised an NGO parallel activity in the Russian capital; a resolution to all delegations to the Third Meeting of the Conference on the Human Dimension (CHD) of the CSCE was adopted
- Third Meeting of the CHD in Moscow from 10 September - 4 October - ILGA participated for the first time as an NGO; ILGA representatives had contacts with 25 delegations; in general very positive reactions, but ILGA's proposal to include the above text in the Document of the meeting failed because no delegation was prepared to table (introduce) the text into the deliberations. Several delegations referred to homosexuality in their statements
- CSCE Seminar of Experts on Democratic Institutions in Oslo in November: the Norwegian ILGA member DNF-48 participated, also in the parallel activity, gay and lesbian issues were a topic
- 1992 - In April SETA organised an NGO parallel activity in Helsinki; the Moscow Resolution was endorsed ("Helsinki Appeal")
- Follow-Up Meeting in Helsinki from March to July; ILGA representatives lobbied many delegations. Finally, the Norwegian delegation tabled (presented) a proposal but it failed due to the reluctance of and the resistance from the delegations of France, the United Kingdom, USA, and Spain. Several delegations made positive mention of gay and lesbian rights

- Human Dimension Seminar on "Tolerance" was held in Warsaw, 16-20 November. ILGA distributed a "Human Rights Information Package"; ILGA activist Mirjam Turksma was a member of the Dutch delegation in her capacity as the City of Amsterdam's coordinator for gay and lesbian liberation. She gave a presentation on her work; ILGA representative Kurt Krickler gave an oral statement in the final plenary - it was a premiere, the first time that an ILGA representative gave an "official" statement on lesbian and gay rights in the CSCE process
- 1993 - (First) CSCE Implementation Meeting on Human Dimension Issues (which are held every second year alternating with the Review Conferences) in Warsaw, 27 September - 14 October. ILGA prepared a "Written Presentation" in advance which was distributed to all delegations; various delegations mentioned again non-discrimination based on sexual orientation as a CSCE commitment. ILGA Secretary General Hans Hjerpekjoen made an oral statement in the Final Plenary. The Final Report of the Meeting devoted the following lines to the gay and lesbian issue:

"Participants pointed out to groups which were not "national minorities" but which none the less suffered discrimination, including women, homosexuals, migrant workers, and conscientious objectors.

It was pointed out that CSCE commitments in the area of non-discrimination cover homosexuals as well. Suggestions were made that discriminatory State policies against homosexuals, and criminalizing legislation, should be eliminated."

This report was adopted unanimously in the plenary. It was again a premiere. For the first time, the gay and lesbian issue is mentioned in a CSCE Document, although it is not a binding one.

- CSCE Human Dimension Seminar on Free Media, Warsaw, 2-5 November 1993, ILGA representative Tom Lavell distributed a written statement and gave an oral presentation.
- 1994: - 3rd Annual Session of the Parliamentary Assembly of the CSCE in Vienna. ILGA distributed a written presentation.
- ILGA representatives continued their lobbying work at the CSCE Review Conference in Budapest 10 October to 2 December but failed to achieve the inclusion of gay and lesbian issues in the Final Document. ILGA distributed a Written Presentation, Scott Long and Kurt Krickler gave oral statements on behalf of ILGA

on 18 October and 1 November. Several national delegations spoke in favour of non-discrimination of lesbians and gay men. The Dutch and Norwegian delegations presented a joint statement dealing solely with gay and lesbian issues - the first in the whole CSCE process since 1975.

- 1995: - CSCE becomes OSCE.  
ILGA representatives participated in the International Seminar on Tolerance in Bucharest (23 - 26 May) co-organized - on the occasion of the International Year of Tolerance - by the OSCE Office for Democratic Institutions and Human Rights and the Council of Europe; an oral statement was presented by ILGA.
- At their 4th Annual Session in Ottawa in July, the Parliamentary Assembly of the OSCE adopted a Resolution calling "on the member States to ensure that all persons belonging to different segments of their population be accorded equal respect and consideration in their constitutions, legislation and administration and that there be no subordination, explicit or implied, on the basis of ethnicity, race, colour, language, religion, sex, sexual orientation, national or social origin or belonging to a minority".
- (Second) Implementation Meeting in Warsaw from 2 to 19 October. ILGA delivered a Written Presentation but could not send any delegate.
- 1991-96 - ILGA member groups in several OSCE countries have been continuously lobbying their national OSCE delegations. The following countries have already made positive statements on gay and lesbian rights in Moscow, Helsinki, Warsaw and/or Budapest: Austria, Canada, Denmark, Finland, the Netherlands, Norway, Sweden, and the USA.

## **EQUAL CIVIL RIGHTS FOR SAME SEX COUPLES IN SCHWITZERLAND**

*By Marcel Ryser*

On Thursday June 13th 1996 the Swiss parliament (nationalrat) instructed the government (bundesrat) to sound out a way to enable gay and lesbian couples to attain a legally sanctioned partnership. The move was put forward by 68 votes against 61 with one abstention and 70 absentees. A timetable for legislative action was not set yet.

The parliamentary move has its origin in a petition called "same rights for same sex couples". In 1994 Swiss gay and lesbian organisations collected about 85'000 signatures of Swiss citizens demanding equality of homosexual and heterosexual partnerships.

In the year 1994/95 a very conservative church party (EDU) likewise rallied 85'000 signatures for a petition to invigorate heterosexual marriage, an obvious move against the gay movement's petition. The parliament debated this petition, too, but refused it: in the course of that debate the EDU party's leader, Otto Zwygart, compared homosexuality to pyromania and kleptomania and he pointed out the population's 'natural aversion to' homosexual people. The social democrat Ursula Baeumlin asked the members of parliament to consider that just such discriminatory opinions as the one expressed by Zwygart were responsible for the persecution of gays and lesbians until the very recent past.

The Swiss national gay association Pink Cross wishes to enforce the lobbying of the members of parliament; the question why a third of the members of parliament were absent from the vote has not been answered yet.

#### **ANTI GAY QUESTION IN THE EUROPEAN PARLIAMENT**

*By RFSL, Sweden*

Roberto Mezzaroma, MEP from the Italian right wing party Forza Italia, has this question to the Commission (E-3529/95):

"There is a growing number of 'mixed', non-traditional family set-ups based on sex, in particular families made up of lesbians or homosexuals, and families of men and women of different religions, hailing from different cultures.

Can the Commission conduct a study into the effects on society of such families, including:

- the medium- and long-term results of the union of individuals who are not naturally compatible, and their relationship with society;
- the mental and societal characteristics of any children who are adopted by or the result of such unions;
- the effects on families which are based on natural and religious relationships;
- the social costs borne by institutions;
- how such couples are viewed by their acquaintances?

Can the Commission give its views on the above-mentioned points?"

Commissioner Pdraig Flynn gave this neutral answer:

"The Commission has not so far conducted such a broad study on mixed families whether they have differences in sexual orientation, religion or culture. One study which has been co-financed by the Commission and widely disseminated may be of interest to the Honourable Member ('Homosexuality: A European Community Issue')."

#### **GAY FRIENDLY QUESTION IN THE EUROPEAN PARLIAMENT**

*By RFSL, Sweden*

Jörn Svensson, Swedish MEP, has asked this question (P-376/96):

"In February 1994 the European Parliament adopted a resolution calling for the removal of discrimination against homosexuals in society (A3-28/94).

The resolution concluded with a list of minimum requirements which the Commission was urged to persuade Member States to adopt.

What has the Commission done since then to combat discrimination against homosexuals in society?"

Mr. Flynn answered:

"At the time when the Parliament adopted its resolution on equal rights for homosexuals and lesbians, the Commission had already ordered a study entitled 'Homosexuality - a European Community issue: essays on lesbian and gay rights in European law and policy', which was published in 1993.

In December 1995, the Commission, in its communication on racism, xenophobia and anti-semitism, indicated it would propose, where appropriate, non-discrimination clauses in Community instruments, to be decided on a case by case basis. Pursuant to this communication, the proposal for a Council Directive on the framework agreement on parental leave adopted on 31 January 1996 provides 'when the Member States adopt the provisions ... these should prohibit any discriminations based on race, sex, sexual orientation, colour, religion or nationality'."

#### **TURKEY: BILL INTRODUCED TO DISCHARGE GAYS FROM THE MILITARY**

*By Haluk Buguner, Lambda Istanbul*

The Justice Commission of the Turkish Parliament accepted on July 31, 1996 a bill stating that those people who conduct "unnatural sexual intercourse" shall be expelled from the Army. However the bill does not state how to determine that a person

actually conducts the act, whether it will be sufficient to conduct the act only once or regularly, and whether the act should be conducted in private or in public. This means court decisions can be made on a case by case basis, and these decisions will set examples. According to the bill, those members of the military who get into relationship with prostitutes and "morally decadent women" shall also be discharged.

## **HOMOSEXUALITY IN EASTERN EUROPE**

*Presentation at the Europride Hearing in Copenhagen, 28 June 1996*

*By Kurt Krickler*

If we want to make an assessment of the situation of lesbians and gay men in Eastern Europe, it is obvious to take a closer look on the following three areas: the legal situation, the societal situation and the progress and development made by the gay and lesbian movement.

Since I am going to speak about more than a dozen countries, I think it's most important to already stress at this point that all the countries have very distinct histories and traditions so that it is impossible to generalize and to lump all countries together. Since I have limited time, I will, however, try to regroup countries with similar situations without ignoring those distinctions.

The legal situation is the easiest area to talk about because there we have the hard facts. It is also important to stress in this context that the former East-bloc was not at all a monolithic bloc concerning the laws on homosexuality. There were countries with a total prohibition, countries which had just higher age of consent laws and countries where homosexuality was not all mentioned in the criminal code. It is also important, I think, to stress that only in Albania and in Romania, the legal situation for gays and lesbians became worse under the communist regime - the Soviet Union being a special case because the Tsarist total ban on homosexuality, as it is widely known, was immediately repealed after the October Revolution but reintroduced under Stalin in 1934. Under communist rule, in many countries, the legal situation was actually improved much earlier than in comparable countries in the West. Hungary and Czechoslovakia abolished their total ban inherited from the Austro-Hungarian monarchy already in 1961 while it took Austria ten years longer to do so. And for example East Germany, immediately after the end of the nazi regime, had declared invalid the sharpened version of the total prohibition of male homosexuality classifying it as typical

national-socialist legislation while the the nazi version of the "famous" Article 175 was in force in West Germany up until 1969.

When the Soviet Union collapsed there were suddenly 15 new republics with a total ban on homosexuality. All European successor republics to the Soviet Union, however, have meanwhile abolished this ban. The Ukraine and the Baltic states - as we just heard - have taken the lead in this development, followed later by Russia where, remarkably enough, it was not Parliament but President Yeltsin who - by a personal decree - carried out this law change. The most recent decriminalization of adult homosexuality happened in Serbia in 1994 and in Albania and Moldova in 1995. Albania and Moldova are, just as Lithuania, good examples of the International Lesbian and Gay Association's successful lobbying in connection with these countries' aspirations to become members of the Council of Europe. Unlike Romania, these countries took their obligations as signatories to the European Convention of Human Rights seriously. Today, there are only three countries left in Eastern and the whole of Europe where a total ban on homosexuality still exists: that is, besides Romania, Bosnia-Herzegovina and Macedonia, the latter has already committed itself, on the occasion of its admission to the Council of Europe last November, to repeal this ban within one year.

Many of the Eastern European countries, however, have discriminatory age of consent laws. Before 1989, the end of the Iron Curtain, only Poland, Slovenia, Montenegro, and East Germany had complete equality between homosexuality and heterosexuality in the penal code. And only in Czechoslovakia, the emerging gay and lesbian movement succeeded in getting rid of their unequal age of consent law in the euphoric times immediately after the Velvet Revolution. In other countries, this did not work although the gay and lesbian movement was part of the new democratic movement. Also in other legal areas such as anti-discrimination laws or partnership laws, the revolutionary elan had faded away before the movement was consolidated enough to achieve substantial legal improvements. A good example for this is that the attempts to introduce registered partnership in the Czech Republic in the framework of new family legislation finally failed this year after very promising progress and efforts done by the Czech movement. If we consider the general European standard to be at least the absence of any anti-homosexual provision in the criminal code, e.g. equal treatment of homosexuality and heterosexuality in penal law, we can conclude that several countries still have to make up for a gap between their legal situation and this European standard. It should be mentioned, however, that not all Western European countries



have reached this standard yet. For example Austria, the United Kingdom, Cyprus and Liechtenstein also trail behind it. If we look at more far-reaching achievements such as anti-discrimination provisions or registered partnership, we have to clearly see that Eastern Europe has not at all started to embark on this route yet - with two exceptions which constitute, even in an all-European context, major achievements. Slovenia's Parliament voted an anti-discrimination provision in the new criminal code in October 1994 which came in force in the beginning of 1995. And so, Slovenia is today one of only ten European countries with anti-discrimination legislation explicitly covering the protection against discrimination based on sexual orientation. However, attempts to explicitly include sexual orientation as a non-discrimination category in the new 1991 Slovenian Constitution had failed. And last month, the Hungarian Parliament adopted an amendment to the Civil Code equalizing same-sex partnerships with unmarried heterosexual couples. This amendment was made necessary by a ruling of the Hungarian Constitutional Court in March 1995 which declared unconstitutional the limitation of this law provision to heterosexual couples. In this context, it should also be mentioned that the new provincial constitutions of two former East German provinces - Thuringia and Brandenburg - as well as of the province of Berlin explicitly cover sexual orientation as a non-discrimination category.

Before talking about the societal aspects - mentalities, attitudes in the population etc. - I will talk about the situation of the gay and lesbian movement because if I run out of time - this part is more important.

Under communist rule, it was very difficult to organise in an independent setting, all activities were controlled by the Communist Party and the State authorities. And gay and lesbian organisations absolutely did not fit into their programme. Besides some attempts to form groups in East Germany in the early 1970s - which finally were prohibited -, we had to wait until the early 1980s to see some groups and organisations emerge. It was very difficult for these groups, they were more or less illegal, under surveillance by the police authorities, in some cases just tolerated. The first groups were established in East Germany in 1982 under the roof of the Protestant Church, there was an early group in Leningrad in 1983/84 which was dissolved later by KGB. In 1983 also in Poland informal groups were formed. In 1984, the first Yugoslav group was formed in Ljubljana in Slovenia in the structure of the local student organisation - and it still exists and is still active today after 12 years. Serious organising also began in Hungary in 1986, and in Czechoslovakia in 1987 under the wings of the prestigious Institute of

Sexuology of Charles University in Prague. In 1988, e. g., still under communist rule, Homeros Lambda, a group in Budapest, was the first association to be registered in Eastern Europe. The year before, in November 1987 the first Eastern European conference of the International Lesbian and Gay Association (ILGA) with participants from several Eastern countries had taken place in the Hungarian capital, semi-legally, the observing plain cloth policemen left the conference venue after the first day. It is no exaggeration to say that the gay and lesbian movement was among the avantgarde of independent NGO movements which started to emerge in these countries and which finally resulted in a peaceful revolution. Of course, AIDS also played an important role and was a major reason for the authorities to tolerate these activities.

After the end of communist rule, gay and lesbian groups and organisations were formed in all former East-bloc countries. Their progress and development was closely interlinked with societal factors such as mentality, the tradition of self-organizing, the degree of urbanization, and certainly the economic conditions. In countries with democratic traditions dating from the time before the communist rule, in richer countries, in countries with a tradition of sexological studies and sciences and an influential intelligentsia with closer relations to the West, in such countries the gay and lesbian movement had a better start than in predominantly rural countries, in urban centres in the heart of Europe it has been easier than at the periphery of the continent.

There is certainly one very special phenomenon concerning the movement in the East - due to the lack of tradition in volunteer unpaid NGO activities, the movement often developed commercial activities, bars, discos, dating and contact agencies, magazines etc. which also gave a living to the activists. The situation is different from what we are used in the West. The Western movement can rely on volunteers who earn their living in a paid job or receive social allowance in case they are unemployed and who dedicate some of their free time to the activities within the movement, and in some Western countries the movement can even pay employees due to public funding. Due to the bad economic situation of Eastern countries, they can neither grant subsidies to the movement nor usually pay sufficient unemployment money. Additionally, people in the East used to have two or three jobs in order to have a decent living - volunteer work simply was not possible. Therefore, it was obvious for people to try to earn money in the gay movement, especially in the poorer countries such as Ukraine, Bulgaria, Russia. Only in the more advanced countries which also are better off economically, we can see the clear distinction

and separation of the movement and the commercial scene which we are used to in the West. Therefore, it's no surprise either that in some countries, the commercial scene is better developed than the movement. And it is also clear that under such circumstances, there was a lot of fluctuation in the groups and organisations, many activists dropped out again after short time when they finally found a job, others started from the beginning, re-inventing the wheel. Rivalry, jealousy, distrust have also been common features among activists and groups - but those we are also familiar with in the West. Well, after seven to ten years of gay and lesbian organizing in Eastern Europe, we can draw some conclusions and constate: Few countries have really reached a degree of movement which - for instance in the case of the Czech movement - is not only comparable with Western levels but which is even very advanced according to West European developments. For instance, the Czech movement has reached a degree of organizing which most Western countries can only dream of. There is a strong umbrella with very high membership figures, with branch offices in almost every smaller city, a well selling monthly magazine, a strong political lobby and a certain recognition in Czech society. I must confess, we do not have this in Austria. In Slovenia, Poland, Hungary, the Baltics, and Slovakia, the movement have reached what we could say is European average or standard, maybe a little bit below. All the other countries - Ukraine, Belarus, Bulgaria, Albania, Romania, Croatia, Serbia, Moldova - could not really establish such strong movements with basic continuity. Of course, there have been already early attempts in all these countries, too, and there are groups also today but these movements are not comparable with those in the Czech republic or in Poland. Russia is a completely different case, because there we have to distinguish between the huge urban centres such as Moscow and St. Petersburg and the rural areas or the big cities in Siberia. It is impossible to generalize about the situation in Russia. But if we have to fit Moscow and Petersburg into one of the three levels just mentioned, we could put them maybe on one level with Hungary and Poland. But that does not say anything about the rest of this huge country.

If we try to describe the societal situation, the attitudes in the population, there is always the inherent danger to reinforce prejudice and stereotypes. But as mentioned before, there is a strong correlation between these societal factors, between historical developments and the degree of gay and lesbian organizing, of emancipation and liberation. Poland and the Czech Republic or Bohemia as it was called in earlier days are advanced in this respect also because of historical reasons. There had been both intellectual debate on homosexuality and an early homosexual

movement before World War II. There has been scientific research and discussion before the war. This was completely different in the countries of the Balkans where homosexuality has always been a great taboo although homosexual practice has been widespread - we know this pattern from the Mediterranean and Arab countries.

In the Catholic belt from Poland via Slovakia and Hungary to Croatia and Slovenia, progress has always been slowed down by the strong influence of the Catholic church under which we also have to suffer in Austria. Catholic domination had also a negative impact on the mentalities of the people in terms of revolting against the ruling powers and of creating democratic traditions.

In other countries, the debate or non-debate on homosexuality is comparable maybe with the situation in Western Europe in the 1950s and 1960s. The taboo still has to be broken. The situation of gays and lesbians, thus, would rather be improved by measures of education than of law reform because mentalities do not change over night. Another factor of changing the situation has to do with economics. As we perfectly know from Western experience, developing an alternative lifestyle to heterosexual marriage is still an economic problem because the shortage of housing and its costs force people to marry or to remain in the house of the parents which usually would not know about the homosexuality of their children. Developing gay and lesbian lifestyles depend on fundamental changes in society such as the general trend to single lifestyles etc.

So to conclude I can say there is no reason to look down on these countries in a paternalistic way, there is no reason to pity them, to be sorry for them - maybe with the exception of Romania, Albania and some parts of Russia.

But of course, it is as important - as it is for all Western European countries - to give clear signals and clear guidance as to what is expected in a European perspective in terms of non-discrimination against and human rights of lesbians and gay men. Therefore, we would urgently need a ruling by the institutions of the Council of Europe - the European Commission and the European Court for Human Rights - declaring different ages of consent and all other unequal treatment, in penal law, of homosexuals compared to heterosexuals to be violations of the Convention; the same for unequal treatment of same-sex partners compared to different-sex partners. And we would also need clear non-discrimination statements by the European Union, the European Parliament and other bodies of the EU.

## **LESBIAN AND GAY SITUATION IN THE BALTIC COUNTRIES**

EuroPride Hearing at the Danish Parliament 28 June 1996, Copenhagen

*by Juris-Ludvigs Lavrikovs, Latvian Association for Sexual Equality*

I want to start by saying how delighted I am to have the opportunity of addressing a Parliament which enjoys such an excellent and well-deserved reputation for its enlightened approach to issues affecting social minorities in general and lesbians and gay men in particular, and whose commitment to international solidarity in the field of human rights is also well-known. The liberal and progressive attitudes of the Nordic neighbours have exerted a great influence on the development of our homosexual liberation movements in the Baltic States, and go some way towards accounting for the relatively more rapid progress made towards achieving homosexual rights in our countries in this decade than in some other states which have experienced Soviet occupation.

If I begin straight away with a reference to the Soviet occupation of our countries, it is because it is from that time that the beginning of the systematic persecution of homosexuals by both the legal and medical authorities must be dated. Before the Soviet occupation of the Baltic countries in 1940, there were no laws criminalizing homosexual activity, and, although it would be rash to assume that homosexual women and men were viewed in a particularly positive light by the wider community, there is no evidence that homosexuals were singled out for special persecution in this period. At the same time, no information has so far been uncovered regarding lesbian or gay meeting places, or the existence in the first half of this century of homosexual associations or publications of the kind which existed in your country or in pre-Nazi Germany.

The situation changed abruptly in 1940 when Soviet legislation was introduced into all the Baltic countries following their occupation. Following the model of the Russian Criminal Code, new articles were introduced which, although they were titled "Pederasty", were primarily concerned with homosexual acts between adult men. Consenting homosexual acts were punishable by up to five years in prison. At the same time as criminalizing homosexuality, the Soviet authorities also regarded it as a psychological illness. Those who found themselves forcibly consigned to mental institutions could face even longer terms of confinement than those convicted under the criminal law. It was the start of almost 50 years of taboo on homosexuality.

In 1988 the so-called "Singing Revolution" sprang up in all three Baltic countries, and this also signalled the start of lesbians' and gay men's open organization for their own liberation. In September 1990 the Estonian Lesbian Union was established, and two months later the Latvian Association for Sexual Equality announced its existence in the mass media. I think Estonia is unique in Europe, perhaps in the world, in being a country where lesbians took the lead, ahead of gay men, in organizing for homosexual rights. This fact, together with the fact that in Latvia too, lesbians have played an active role in our movement since its inception, undoubtedly reflects the influence and solidarity of our Nordic neighbours, where lesbians have also been active campaigners in both their own and mixed organizations for many years. The Latvian group was the first to be officially registered, but groups in all three countries are now officially recognized, including, since 1993, in Lithuania.

The first problem our groups had to tackle was the repeal of Soviet anti-homosexual legislation. Members of the Latvian group met with members of the Parliamentary Human Rights Commission to discuss the possibility of repeal. The Chairman of the Commission informed us that since 1986 no-one had been prosecuted under Article 124 paragraph 1, which criminalized homosexual acts between consenting adults. After a number of further meetings this paragraph was abolished on the 2nd of February 1992. The same legal change was made in Estonia in May 1992 and Lithuania, in the face of rather stronger resistance, in June 1993. There are many factors which may account for the relatively rapid achievement of these victories by three very young lesbian and gay movements. In part, the fact that the anti-gay laws had no analogue in pre-Soviet legislation made it possible to persuade the authorities to regard them as an alien imposition which should have no place on the statute books of the liberated Baltics. But it is also clear that international pressure played a very decisive role, both in the form of the direct influence of homosexual and other groups elsewhere in Europe, and the insistence of the Council of Europe that the Baltics conform to basic human rights standards in order to gain membership.

### *PRESENT LEGAL SITUATION*

The present legal situation for lesbians and gay men is very similar in all three Baltic countries, since the Soviet Penal Codes were changed in similar ways, and no new criminal legislation has been introduced.

The first paragraph of the anti-gay "Pederasty" articles, which criminalized consensual homosexuality, were abolished. But remaining paragraphs of the "Pederasty" articles provide for a three- to eight-year

term of imprisonment for homosexual acts committed with the use or threat of violence, taking advantage of the helplessness or dependence of the victim, or with a minor. These provisions are, as one might expect, very similar to those which apply in the case of heterosexual rape or sexual assault. The Latvian lesbian and gay organization has appealed to the Latvian Government and MPs to unite these two pieces of legislation in a single Article, since we believe that to have separate legislation on sexual violence for heterosexuals and for homosexuals offends against the principle of equality before the law for all individuals, and unjustifiably separates gays from the rest of society. It also, and not least, offends against the right of victims of sexual assault to equal consideration in law, regardless of their own sex or sexuality, and that of their assailant.

The Latvian Association for Sexual Equality had also been campaigning for positive protection of the rights of homosexual citizens in Latvian law. In 1991 the Latvian Parliament adopted a new Article (#69) of the Criminal Code which outlaws “voluntary actions with the purpose of encouraging hatred or intolerance towards ethnic or racial groups, ethnic debasement, or indirectly creating advantage for citizens on the basis of racial or ethnic identity.” In response to the Latvian group’s proposal to add the words “sexual orientation” to Article 69, LASV representatives were invited in January 1996 to a discussion with members of the Human Rights Commission. After a closed session of the Commission, members informed LASV that their opinions were very divided and they had decided not to bring this proposal before Parliament at that stage, but to forward it to another Parliamentary Commission working on drawing up a new Criminal Code.

Later, LASV met with the State Human Rights Bureau (an independent State institution) to discuss a new antidiscrimination law. The group decided to arrange a meeting with the Parliamentary Commission working on the new Criminal Code to prepare a definition of discrimination, as well as to enlarge the basis on which citizens would be protected against discrimination. The possibility of changing the Constitutional Law on Rights and Duties of People and Citizens was also discussed. This law was adopted in December 1991, since Part Two of the Latvian Constitution of 1922, readopted after the regaining of independence from the Soviet Union, which included the rights and duties of Latvian inhabitants and citizens, was never passed. Section 12 of the Constitutional Law states that “all people in Latvia are equal before the law regardless of race, ethnicity, sex, language, political or religious affiliation, and social and working conditions.” Sexual orientation is not included.

Of course, provisions of civil law have just as important an impact on the lives of lesbians and gay men as criminal legislation. In September 1991 the Latvian Parliament reinstated the 1937 Civil Code. At the same time, Parliament passed an amendment (Article 35(2)) prohibiting same-sex marriage - a possibility which had not been explicitly excluded by the 1937 Code. Lesbians and gay men therefore face discrimination in inheritance, insurance, pension, child custody and adoption law (to cite only a few examples). In all these areas Latvian legislation takes marital status into account, to a much greater extent than I believe is the case here in Denmark, and invariably to the disadvantage of unmarried partners. In October 1994 LASV passed a resolution to independently register same-sex partnership, in protest against paragraph 35(2) of the Civil Code. The first such ceremony took place in August 1994, and received unprecedented press, TV and radio coverage in the Latvian media. A newspaper poll on public attitudes towards same-sex marriage found that 25% were in favour, 45% opposed, while the remainder were either “don’t know” or stated that they “would probably be in favour”. Given the relative newness of the homosexual rights movement in Latvia, we regard this as quite a positive result.

At the same time, it has to be acknowledged that many negative attitudes towards lesbians and gay men persist among Latvian politicians. Recently Prime Minister Andris Ķīriņš stated in an interview that “differently oriented” persons should not be allowed to occupy responsible State positions. He said that homosexuality is an illness, and that “right orientation” is compulsory for officials. He believes that only people with “right orientation” can “create a nation”. The Chairperson of the Parliamentary Human Rights Commission compared homosexuals to alcoholics when the issue of the antidiscrimination law was discussed, arguing that alcoholics are also entitled to legal protection in a general sense as citizens, so likewise no specific protection for lesbians and gay men is required. Another MP stated that homosexuals should not be allowed to serve in the army or work in schools. I cite these examples from Latvia, not because Latvia is more repressive or intolerant than its neighbours, but rather for the opposite reason: to show that even in Latvia, where we have had most success in influencing public opinion in favour of lesbians and gay men, such attitudes persist. Our friends in Lithuania have certainly experienced far greater difficulties with their authorities and fellow-citizens. Even the official registration of their organization was delayed for a significant period by the Lithuanian Ministry of Justice, which insisted that since the word “gay” does not exist in the Lithuanian language, no group with that word in its name could be registered.

## *CHURCH*

A partial explanation of the relatively undeveloped state of homosexual rights in Lithuania, and certainly an inescapable factor in understanding the social differences between the three Baltic countries, is the influence of the various Christian churches in the three countries. Lithuania is historically a Catholic country, and since the regaining of independence the Catholic Church has rapidly increased its influence of political activity, Parliament and Government. The negative reaction of the Catholic Church in Lithuania has not only blocked initiatives at Government level, but has also contributed to a situation where many lesbians and gay individuals in Lithuania feel compelled by fear to remain in the closet.

Although Latvia is a largely Protestant country, it has also experienced difficulties with the church authorities. In September 1994 the Latvian Evangelical Lutheran Church directed all its parishes that "persons who deliberately practice homosexuality and have chosen it as their way of life must not be allowed to fulfil any responsibilities during parish services or within the Church hierarchy. They shall also be separated from the Eucharistic community." In its final paragraph, the Church resolution "invites national government structures to note that recently activated homosexual propaganda is targeted against moral principles fundamental to a healthy society, which also poses a fundamental threat to the renewal of the vitality of the Latvian people." On Christian newspaper, reporting the resolution, went even further in its attacks on lesbians and gay men, in a bizarre flight of fantasy comparing homosexual "propaganda" with the ideology underlying the breaking up of Latvian families by the Soviet authorities during the Stalinist deportations of "anti-Soviet elements" in the 1940s. The Head of the Latvian Lutheran Church Archbishop Jānis Vanags had already achieved international notoriety when he announced that he would refuse to ordain women as ministers in the Lutheran Church. The Latvian Lutheran Church is, believe it or not, in communion with the Danish Lutheran Church, which I know has adopted a very different approach on these matters.

## *BALTIC LESBIAN AND GAY GROUPS*

The three Baltic States share many common features of culture and history, and lesbian and gay men in the three countries share many of the same problems. It is probably true to say for all of us that our biggest tasks lie in educating the general public and in building proud and self-confident homosexual communities, as well as in achieving legislative reform. For this reason, all organizations have evolved similar basic infrastructures geared towards political lobbying, education the public about homosexuality, AIDS prevention, telephone counselling etc. All

three participated last year in a joint anti-discrimination project together with the International Lesbian and Gay Association, under the auspices of the European Union's PHARE Democracy Programme, which gave us the opportunity of co-ordinating our strategies to some degree and working towards common solutions to the problems that face us.

Nevertheless, there are some quite marked differences in emphasis between our three movements, reflecting differences in social circumstances, national characters and, as always, the personalities of the individuals involved. Thus, while the Estonians groups - the Estonian Lesbian Union and the Estonian Gay League in Tallinn and a new group in Tartu - have concentrated on the organization of social activities and on building cohesive and mutually supportive lesbian and gay communities, the Latvian Association for Sexual Equality has laid greater emphasis on political lobbying and on high-profile media campaigns. The Lithuanian Gay League and the Lithuanian Movement for Sexual Equality have adopted a more low-key strategy, designed to chip away at the prejudices of their relatively more resistant political structures and public opinion.

One thing we all have in common, however, is our continuing need for international support and solidarity, and nowhere is that support and solidarity more valuable to us than among our near neighbour in Denmark and the other Nordic countries. We are well aware of the help and encouragement given to lesbian and gay liberation movements throughout Eastern Europe and the former Soviet Union not only by Members of your own House, but also by Danish representatives in international forums such as the European Parliament and the Council of Europe. It hardly seems necessary for me to ask for your continued support in this area, since you have so clearly demonstrated that we can rely on it.

Many in the Baltic countries look upon our Nordic neighbours as our natural models in our rediscovery of democracy. This is an attitude which, of course, Baltic lesbians and gay men have every interest in encouraging. I don't know who is currently ahead in the apparent race between your country and the Netherlands to be the most gay-friendly country in Europe, but even if Denmark comes in an honourable second, it cannot fail to be a beacon to us in the Baltics, to light our own path to liberation. I thank you for this opportunity to speak to you and for your kind attention.