

# EURO-LETTER

September 1996

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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>

## **ROMANIAN PARLIAMENT INCREASES PERSECUTION OF HOMOSEXUALS**

*ILGA Press release 12 September 1996*

**Increased persecution of homosexualsRomanian Parliament ignores Council of Europe's advise. Human Rights Organizations called "degenerates". European Parliament estimated to be 35% homo.**

On Tuesday, 10 September 1996, the Romanian Parliament agreed to a change in the Romanian criminal code which severely INCREASES the punishment for homosexual acts. In a surprise move, homosexuality becomes a criminal act under all circumstances. The previously proposed "Paragraph 200" made homosexuality punishable when it constituted a "public nuisance." It was feared by activists that this paragraph would be used by authorities to harass lesbians and gay men. Protest actions against Paragraph 200 have already been initiated by ILGA, Amnesty International and the International Gay Lesbian Human Rights Commission (IGLHRC).

This latest development brings far worse news: the possibility of from six months to three years incarceration for homosexual acts committed in private and from one to five years imprisonment, if such acts constitute a public nuisance.

The Parliamentary Assembly of the Council of Europe, as well as the European Parliament, have strongly urged member states to change their legislation to end discrimination on the basis of sexual orientation, and Romania, as a member of the Council of Europe since 1993, has been specifically asked to decriminalize homosexuality. Romania is the only state in the Council of Europe that criminalizes homosexuality.

In the voting, 165 Mps voted for the new harsher measures, twenty were against, and eleven abstained. During the debate, When an allusion was made to the stated positions of international human rights groups, one Deputy referred to those groups as "organizations of degenerates." One Deputy estimated that 35% of members of the European Parliament are homosexuals.

Because the chamber's version differs from that of the senate, another meeting is required to finalize document, but this could happen as soon as next week. ILGA is preparing an ILGA e-mail action alert. We ask you all to be on the alert at the moment for more news, and ready to participate in e-mail actions, and mail and fax actions.

## **THE ROMANIAN CHAMBER OF DEPUTIES HAS VOTED "NO" TO DECRIMINALIZE CONSENSUAL HOMOSEXUAL ACTS BETWEEN ADULTS**

*By Scott Long*

The Romanian Chamber of Deputies voted today on Art. 200 of the Penal Code. This comes in the wake of a vote in the Senate last month. Since the Chamber's version differs from the Senate's, this vote does not represent a final decision, and discrepancies will have to be worked out in a conference committee. However, time is short - with a general election set for November - a final version could be worked out by next week, and the feeling here at the Helsinki Committee is that the Chamber of Deputies version, which is far worse than the Senate's, may well prevail.

In brief: the Senate's version reads roughly as follows. Para. 1: Homosexual acts "committed in public or which cause public scandal" are punishable with 1-5 years' imprisonment. (Same as current language) Para. 2-4 (dealing with sex w/minors, rape, and acts which cause grievous bodily harm or death): unchanged Para. 5 (substantially new): Organizing or associating, or any act of proselytism for the acts in the above paragraphs, is punishable with 1-5 years' imprisonment.

The CHAMBER's version now reads as follows: Para. 1: Sexual acts between persons of the same sex are punishable with imprisonment from 6 months to 3 years. Para. 2: Homosexual acts committed in public or which cause public scandal are punishable with 1-5 years' imprisonment. (Same as Senate para. 1) Para. 3-5: (dealing with sex w/minors, rape, and acts causing grievous bodily harm or death): unchanged from current paras. 2-4 Para. 6: Organizing or associating, or any act of proselytism for the acts in the above paragraphs, is punishable with 1-5 years' imprisonment.

PLEASE OBSERVE. The Chamber of Deputies voted NOT to decriminalize consensual homosexual acts between adults. This in spite of clear statements from the new Minister of Justice that Romania had international obligations requiring it to do so. Deputies, especially from the leading opposition party - the Christian Democrats - denied that any such obligation is binding. The decision to LOWER penalties for these acts was adopted by the Deputies as a "compromise." However, the proposed para. 6 (identical to para. 5 in the Senate version, and almost certain to be adopted) continues to penalize any public expression of homosexuality.

Debate - held on Sept. 5 - was heated and demagogic. At one point a measure was introduced which would penalize ANY sexual act not intended to result in

procreation. When an allusion was made to the stated positions of international human rights groups, one Deputy referred to those groups as "organizations of degenerates." One Deputy estimated that 35% of members of the European Parliament are homosexuals. Another insisted that homosexuality is a "phenomenon placing in peril the birth rate of Romanians and the health of the Romanian people."

In both 1994 and 1995, Parliament tentatively accepted a modification of the Penal Code criminalizing "homosexual acts which cause public scandal," only to have the final version of ALL reforms to all provisions of the Penal Code rejected. In 1995, the package of penal code reforms was rejected largely because 3 extremist parties refused to support it, citing the "liberalization" of Article 200 as their reason. The result has been that, for three years, no penal code reform whatsoever has passed the Parliament, and the Ceausescu-era legal code as a whole has remained in force. This year, it appears that the opposition Christian Democrats have promised to allow a penal code reform package to go forward - but only so long as homosexuality remains criminalized.

#### **ACTIONS TO BE TAKEN AGAINST ROMANIA** *By Steffen Jensen*

When Romania was accepted into the Council of Europe it was under the specific prerequisite that the ban on homosexuality should be lifted. As this has not happened, and as the Parliament in contrary has confirmed the ban, Romania is not worthy being a member of the Council of Europe.

The governments of all other member states should be asked to start the process of excluding Romania from the Council of Europe. Members of the CoE working are asked to do so.

#### **LETTER TO THE PRESIDENT OF ROMANIAN CHAMBER OF DEPUTIES** *By Kagendo Murungi, IGLHRC*

The Permanent Bureau of the Chamber of Deputies  
Mr. Adrian Nastase, President of the Chamber  
Aleea Patriarhiei nr. 1, Bucuresti, Romania

Dear Mr. Nastase:

I am writing on behalf of the International Gay & Lesbian Human Rights Commission (IGLHRC), our international membership and staff, Board of Directors and International Advisory Board to express our deep concern and outrage at the newly approved version of Article 200 adopted by the Romanian Chamber of Deputies. The vote to continue to criminalize

homosexuality contradicts Romania's own constitutional guarantees of equal protection (Article 16), the right to privacy (Article 26), freedom of assembly (Article 36), and the constitutionally stated commitment to subordinate national laws to the international human rights treaties and covenants ratified by Romania. As such, we hope and expect that the Court finds Article 200 of the Romanian Penal Code to be unconstitutional.

In failing to pass adequate reforms to the Penal Code, the Parliament of Romania has flagrantly rejected its international human rights commitments. Paragraph one of the adopted law criminalizes sexual acts between consenting adults by imposing prison sentences of 6 months to 3 years. In its 1993 resolution recommending the admission of Romania, the Parliamentary Assembly of the Council of Europe declared that it "expects that Romania will shortly change its legislation in such a way that ... Article 200 of the Penal Code will no longer consider as a criminal offense homosexual acts perpetrated in private between consenting adults." Three years later, Romania stands in direct contempt of this resolution.

Paragraph two further persists in criminalizing with up to 5 years imprisonment, same sex relations "which cause public scandal." This contravenes decisions issued by the European Court of Human Rights (Dudgeon vs. United Kingdom, 1982; Norris vs. Ireland, 1988; and Modinos vs. Cyprus, 1993), as well as the recent resolution passed by the European Parliament of the European Union (A3-0028 / 94), which have all called for the decriminalization of private, consensual homosexual relations and in some cases for an end to state sanctioned discrimination against lesbians and gay men. Specifically, the ECHR maintains that "although members of the public... may be shocked, offended or disturbed by the commission of others of private homosexual acts, this cannot on its own warrant the application of penal sanctions when it is consenting adults alone who are involved." (Dudgeon vs. United Kingdom, 1982) Furthermore, in 1994 the United Nations Human Rights Committee found a law criminalizing sexual relations between members of the same sex in Tasmania to be in violation of the International Covenant on Civil and Political Rights. (Toonen vs. Australia, 1994).

Paragraph 5 of the proposed draft revision of Article 200 which includes provisions against "organizing, associating, or any act of proselytism" constitutes an extreme violation of the freedoms of speech, assembly, and association guaranteed to all Romanian citizens. Respect for a private sphere unencroached by unnecessary state regulation, tolerance for diversity, and guarantees of freedom of speech and assembly are fundamental to democratic and civil societies.

As a signatory to the Universal Declaration of Human Rights and the European Convention on Human Rights, Romania has an obligation to honor the international consensus that private sexual acts between consenting adults are not a legitimate sphere for state regulation. The version of Article 200 approved on September 10, 1996 has exposed Romania to further isolation from and condemnation by the international community.

The International Gay & Lesbian Human Rights Commission urges the quick passage of an alternative revision of Article 200, which will eliminate all legal penalties for consensual homosexual acts, and which will honorably and finally fulfill Romania's international obligations.

Sincerely,  
Julie Dorf  
Executive Director

cc.

Mr. Daniel Tarchys, Secretary General, Council of Europe (CoE)

Mr. Gunnar Jansson, Committee on Legal Affairs and Human Rights, CoE

Mr. Friedrich Konig, Political Affairs Committee, CoE

Mrs. Halonen, Finnish Delegate to the CoE  
APADOR - Romanian Helsinki Committee

## EUROPEAN CITIZENSHIP

*By Ken Thomassen*

More and more attention is being devoted to European Citizenship, according to European Citizen Action Service (ECAS). In a special newsflash on the revision of the EU treaty, ECAS ask the question if making the EU more efficient and adapting it from 15 member states to 20 or 30 will grab popular imagination? ECAS does not think so, and in its report on the operation of the Maastricht Treaty, the Commission sees European citizenship as a potentially mobilising concept.

In the special newsflash from April this year, ECAS provides a first blueprint for a Chapter on European Citizenship in a new Treaty. ECAS aims to achieve 4 simple objectives:

- European rights should be consistent
- European citizenship must be based on traditional modern human rights
- European rights must be enforceable
- There should be more democratic parliamentary control

In the proposed Treaty Article 2 and 3 are of special interest:

### Article 2

*The Union shall respect fundamental rights as they result from the constitutional traditions common to the members states, and as listed by the European Convention for the Protection of Human Rights and Fundamental Freedoms signed in Rome on 4 November 1950, the protocols thereto and the European Social Charter.*

*Acting in accordance with Article 189 B, the Council shall decide within two years the entry into force of this Treaty on Union accession to European Convention for the Protection of Human Rights and Fundamental Freedoms.*

### Article 3

*Every person shall be guaranteed protection against discrimination on any ground, including age, physical or mental disability, language, national, social or ethnic origin, political opinion, race, religion, sex and **sexual orientation**.*

*Acting in accordance with Article 189 B of the Treaty, the Council shall issue directives or make regulations setting out the measures to eliminate all forms of discrimination against persons or groups of persons, whether citizens of the Union or not.*

*Measures to guarantee enjoyment or exercise of human rights and fundamental freedoms for the more vulnerable groups in society shall not be deemed discriminatory provided that they do not, as a consequence, lead to the maintenance of separate rights for different groups.*

In September 1993, ECAS organised a Citizens' week against racism and discrimination on the grounds of age, disability and sexual orientation in Bruxelles. One day in this week was devoted discrimination on the ground of sexual orientation. Since then ECAS has argued for an anti-discrimination clause in the treaty.

This proposal is in accordance with ILGA's EU policy, saying that ILGA should work for the inclusion of an anti discrimination clause covering sexual orientation in a new revised treaty.

A majority of member of the reflection group on the 1996 Intergovernmental Conference also called for the inclusion of sexual preference among the grounds on which discrimination should be prohibited (see Euroletter no. 36).

## **INTERNATIONAL CONFERENCE ON TRADE UNIONS, HOMOSEXUALITY AND WORK IN 1998 IN AMSTERDAM**

In 1998 the city of Amsterdam will not only be hosting the Gay Games. One of the other activities that will take place, in the days before the Games, will be an international conference on the role of trade unions in defending gay and lesbian rights.

### *Organization*

The initiative for this conference has been taken in the 1994 world conference of the International Lesbian and Gay Association (ILGA) in New York. Since then, the ILGA has firmly supported the idea of the conference. It was obvious, however, that the actual conference organization would have to be based in trade union organizations. Because of the idea of linking the conference to the Games, it was also obvious that Dutch trade unions would have to play an important role in this. A steering committee for the conference is now functioning with active members from the Dutch trade unions ABOP/NGL, AbvaKabo, KOV, PCO, the British UNISON, the German ÍTV and the Belgian ABVV-BBTK. So far, the largest Dutch trade union federation FNV has declared itself supportive and is willing to lend its name to the conference. It is likely that the other Dutch trade union federation CNV will join. The steering committee is also seeking input from other countries as well as a solid organizational construction for the conference itself. However, there is enough confidence that these issues can be solved and that the conference will go ahead.

### *Backgrounds*

One of the areas in which gays and lesbians are discriminated against is work. Some people fail in application procedures, because employers have a suspicion of homosexuality. Others are employed, but have no chance of getting a higher rank. Some people are fired, because the employer thinks that homosexuality is dangerous in their position. The working atmosphere may be suffocating for gays and lesbians. How many gay and lesbian workers are out at their work? Would it not be profitable for the work organization, if every worker would be respected by fellow workers and employers? And what about the official labour conditions? If workers are allowed to take leave because of a wedding, is the same right granted for a lesbian or gay relationship ceremony? Do lesbian and gay partners of workers have the same rights as legal spouses? These are areas in which there is clearly a role for trade unions. Trade unions need to fight for the rights of workers, including lesbian and gay workers. But trade unions also have a role in defending equal rights and combatting discrimination. The conference is meant as a forum for lesbian and

gay trade unionists to learn from each others experience. The establishment and expansion of an international network on gay/lesbian work and trade union issues is also on the agenda. Furthermore, the conference will be a place to discuss common policies and determine outline agendas for action towards national and international organizations and employers.

### *Participants*

The conference is mainly meant for gay and lesbian activists with interest in the issue. But the organizers are confident that also official trade union representatives will be present; in this way, the discussions can be very practical instead of theoretical, and it will also guarantee a direct impact of the conference. During the conference, some experts from universities etc. and other organizations working in this area will provide extra information.

### *More information*

The conference will be a three days conference: 29, 30 and 31 July 1998. It will be held in Amsterdam. Further details will be announced later, and will also be available from the Steering Committee of the

Trade Unions Homosexuality and Work Conference,  
PO Box 732,  
NL 2700 AL ZOETERMEER  
Netherlands

## **IMPROVEMENTS FOR EU STAFF**

*By Nils Kock*

On July 9 the European Commission adopted the proposal of Commissioner Mr. Liikanen on "New measures for the staff in the matter of cohabitation" which recognize cohabitation for certain matters. Cohabitation is now defined as : "de facto situation of two people, regardless of gender, who live together in a commonly acknowledged and committed relationship as a couple". Cohabitators will be required to complete a sworn statement of cohabitation and will obtain a certificate from the Commission.

The following entitlements will become available to cohabitators:- access to the Reception office, access to family clubs, access to sporting and social activity clubs, access to the Foyer and the Interinstitutional Centre, assistance of welfare officers in the event of difficulty.

Furthermore they will be entitled to - access to certain Commission premises such as the restaurants, cafeterias, the Foyer of the Staff Shop, - the right to attend language courses, - access to special leave arrangements provided for in Article 6 of Annex V to the

Staff Regulations (for death or serious illness of spouse or child).

Although it is only a first symbolic step at least it opens up the door for a more equal treatment of the European Commission staff whether married or not, heterosexual or homosexual.

The group EGALITE has been fighting for these rights over the last year. Their final goal is to obtain equal rights in all fields including pension rights, health insurance etc. This will however demand a change of the Staff regulations of the European Civil Servants.

### **NETHERLANDS: PROPOSES TINY CONCESSIONS**

*By Michiel Odijk*

Couples who want to register their partnership can brighten up the ceremony with the exchange of rings, the presence of witnesses, and other matrimonial rituals. Straight as well as lesbian/gay partners may adopt one of the family names as the common family name for both partners. This is what the Dutch vice minister of Justice Schmitz told the Second Chamber of Parliament in a letter. In the future, according to the Dutch government's proposal, partnership registration will grant the same rights and duties to couples as marriage does, except for the custody over children which is automatically arranged in marriage. Dutch partnership registration will include the obligation for mutual support up to alimentation if the relationship fails. Also for heritage the rights will be the same. The obligation for getting a low succession tax rate that partners now have: sharing the same address for more than five years, will fall. As mentioned before in the Euroletter, the majority of the Second Chamber of Parliament is in favour of granting the same rights to gay/lesbian couples as married people have, including rights about children. Therefore, opening up marriage for same-sex couples was proposed. The advisory commission about opening up marriage that was recently installed by Ms Schmitz will submit its advice to the government in August, 1997.

Will be continued..

### **OSCE REVIEW CONFERENCE IN VIENNA**

*By Steffen Jensen*

The Office for Democratic Institutions and Human Rights under OSCE has invited NGO's to submit written contributions to the Review Conference.

ILGA's CoE/OSCE working Party will prepare a written statement to the conference.

### **EU BUDGET AND FUNDING POSSIBILITIES**

*By Steffen Jensen*

Some of the budget lines of the European Union have special interest for NGO's and so do some of the EU programmes that are funding projects.

The organisation Euro Citizen Action Service (ECAS) has published second edition of "A Guide to European Union Funding for NGO's" ("The EU's most Colorful Flowers").

The guide contains description of the objectives of the programmes and budget lines and mentions contact persons.

The guide can be bought from ECAS (tel. +322 548 0490, fax. +322 548 0499).

### **LIST OF SIGNATORIES TO THE ILGA IGC STATEMENT**

The ILGA statement urging the European Union to include an anti-discrimination clause in the future treaty covering discrimination on the ground of sexual orientation has now been signed by the following gay/lesbian organisations:

#### **General**

- International Lesbian and Gay Association (ILGA)
- International Lesbian and Gay Youth Organisation (IGLYO)
- Equality for Gays and Lesbians in the European Institutions (EGALITE)

#### **Austria**

- Oesterreichisches Lesben- und Schwulenforum
- Rechtskomitee Lambda, Wien
- Homosexuelle initiative (HOSI), Wien
- Homosexuelle Initiative Linz

#### **Belgium**

- Federatie Werkgroepen Homoseksualiteit (FWH)
- OK Kortrijk, PB 109, Kortrijk
- Het Gehoor
- English-speaking Gay Group (EGG)

#### **Cyprus**

- Gay Liberation Movement of Cyprus, Nicosia

#### **Denmark**

- Landsforeningen for boesser og lesbiske, national
- Human Rights group, Aarhus

- Landsforeningen for boesser og lesbiske, Copenhagen

#### **Finland**

- OULUN Seta Ry

#### **France**

- David & Jonathan, Paris

#### **Germany**

- ISGITN Berlin
- AI-Group-2918
- Aktionsgruppe Homosexualiteit, Berlin
- Liederlich e. V. Kommunikations- und Beratungszentrum fuer Schwule und Lesben
- BUeNDIS 90/Die Gruenen, Landesverband Hamburg
- Schwulenverband in Deutschland (SVD)
- NA UND e.v., Oldenburg
- UHAev, Unabhaengige Homosexuelle Alternative, Hamburg
- Lesbenring e.V.
- AStA TU, Berlin
- Voelklinger Kreis e.V. Bundesverband Gay Manager
- Verein zur Foerderung Schwuler Kultur, Politik und Gemeinde e.V., Heidelberg
- Lesbian & Gay Liberation Front e.V., Koeln

#### **Greece**

- Homosexuals' Initiative of Thessaloniki, O.P.O.T.H.

#### **Ireland**

- LEA/NOW
- Lesbians Organising Together in Ireland, Dublin

#### **Portugal**

- Associacao ILGA-Portugal

#### **The Netherlands**

- Homosexuality and armed forces foundation
- Stichting De Kringen
- HOMODOK, Amsterdam
- SAD-Schorer foundation
- ILGA support group, Utrecht

#### **United Kingdom**

- Stonewall, London
- CARA-Friend, Northern Ireland
- Northern Ireland Gay Rights Association, Northern Ireland
- Outright Scotland, Scotland
- The Pride Trust Ltd, London
- The Naz Project
- University of Leicester Lesbian, Gay & Bisexual Association
- Lesbian & Gay Christian Movement, London

- Strathclyde Gay and Lesbian Switchboard
- Gay and Lesbian Humanist Association
- UNISON National Lesbian and Gay Committee
- REGARD
- Reading International Support Centre

#### **Spain**

- EHGAM (Euskal Herriko Gay Askapen Mugimendua) Euskal Herria

#### **Sweden**

- RFSL Lund
- RFSL Stockholm
- RFSL Trestad
- RFSL-Piteaaelvdal o Norra Vaesterbotten
- Gay Moderaterna

### **POSITIVE DEVELOPMENTS AT A NATIONAL LEVEL IN EUROPE**

*By Alan Reekie*

(Alan Reekie has updated the list of positive developments in Europe originally done by Alexandra Duda, Ed.)

Norway (1981), France (1985), Denmark (1987), Sweden (1987), The Netherlands (1992), Ireland (1989) and Finland (1995) have all enacted regulations prohibiting discrimination against homosexuals.

In 1986 Denmark equated homosexual couples with married ones concerning the right of succession.

In 1989 the Irish Parliament adopted a "Prohibition to Incitement to Hatred Act" covering hate speech against homosexuals.

In May 1989 the Danish Parliament enacted a "law on the registered partnership" of homosexual couples. It stipulates equal rights with one exception: same-sex couples are not allowed to adopt children together.

In Belarus, the total ban on homosexuality under Penal code Art. 119.1, corresponding to Art. 121.1 of the former Soviet Union Penal Code was repealed in 1991, according to Dr. A. Pimenov from the National Centre for AIDS Prevention there, speaking at the XIth International Conference on AIDS in Vancouver in July 1996. He was so sure about that because it was his National Centre that drafted the reform bill and presented it to Parliament. Belarus was thus 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. Dr. Pimenov also reported that by 1996 Belarus had an equal age of consent of 16 years for all sexual orientations. This reform seems not to have been publicised at all in Belarus in

the first years after it occurred [Euroletter 43, July 1996].

In 1991 the total ban on homosexual relations was abolished in the Ukraine.

The reform of the Swiss legislation on sexual offences enacted as the Federal Law of 21 June 1991, with effect from 1 October 1992 [RO 1992 1670-78, FF II 1985 II 1021], eliminated all discrimination against homosexuality from the Penal Code (Art. 187 - 212). This was largely in accordance with the recommendations of the report of the official Committee chaired by Prof. B. Schultz; it was approved by 73% of voters in the national referendum held on 17 May 1992.

In 1992 a number of Dutch local authorities started accepting the official registration of same-sex partnerships. In October 1993 a Bill intended to provide legal protection for "registered partners" equal to that enjoyed by married couples was introduced in Parliament. Although it did not become law, the issue will remain on the political agenda until it does (see below).

In 1990 and 1992 respectively, Estonia and Latvia abolished laws penalising homosexuality.

In June 1992 the German "Land" Brandenburg enacted a new Constitution emphasising recognition by the state of partnerships outside of marriage. In 1993 the "Land" Berlin included sexual identity among the non-discrimination criteria in its Constitution.

The discriminatory age-limits introduced in 1972 as Art. 372 bis of the Luxembourg Penal Code were eliminated by Art. 42 of the Law of 10 August 1992, which set a common age-limit of 16 years with effect from 25 December 1992.

In 1992 the total ban on homosexuality was abolished in Gibraltar and the Isle of Man (both internally self-governing British territories for whose international relations the UK government is responsible), with minimum age-limits of 18 and 21 respectively.

In Germany same-sex couples who were denied the right to marry have appealed to the Supreme Court. Judges interpret the right to marry as an exclusive right for heterosexuals (while family law does not specify gender). In its decision of October 4, 1993 the Constitutional Court upheld this view and ruled the appeal inadmissible, while emphasising the task for the legislative authority to bring about legal protection for same-sex partnerships.

In the Spring of 1993, the Norwegian Parliament adopted legislation for the registration of same-sex

partnerships, closely based on the law in Denmark. By this time, some 3000 partnerships had been registered in Denmark.

France, Ireland and The Netherlands enacted broad provisions prohibiting discrimination on various grounds including sexual orientation, e.g. in recruitment and during employment, and in the supply of goods and services.

In April 1993 the Russian Parliament enacted a new Penal Code which no longer includes the unconditional prohibition of homosexuality in Art. 121.1 of the old Penal Code.

Lithuania which became member of the CoE in May 1993 repealed the ban on homosexuality one month after its admission.

In June 1993, following a long campaign by the Irish gay and lesbian movement, and in accordance with the recommendations of the Irish Law Reform Commission's Report on Child Sexual Abuse [s. 4.29 of LRC-32, Dublin, 1990], the Irish Parliament abolished the laws prohibiting male homosexuality thereby setting a minimum age of 17 for penetrative acts, the same as for such heterosexual acts [Kieran Rose, 1994].

In autumn 1993, the French government adopted a law directing insurance companies to accept joint insurance coverage for non-married couples.

In October 1993, the "Unfair Dismissal Act" in Ireland was extended to include the prohibition of discriminating treatment on grounds of sexual orientation.

The Irish Parliament is planning to establish an Equality Commission to monitor all forms of discrimination against homosexuals.

In November 1993 the Parliament of the German "Land" Thuringia adopted a new Constitution prohibiting discrimination on grounds of sexual orientation - pending public approval by a referendum in late 1994.

On 21 February 1994, a large majority in the UK House of Commons adopted an amendment to what became the "Criminal Justice and Public Order Act, 1994", reducing the minimum age-limit for homosexual acts by males in Great Britain from 21 to 18 years. It rejected a proposed amendment intended to set the same minimum age as for heterosexual acts (16), by 307 to 280 votes. This and other amendments reducing, but not eliminating, the discrimination against homosexual behaviour from the UK criminal law came into effect on 3 November 1994.



In the 29th Criminal Law Amendment Act of 31 May 1994 (BGBl. I p.1168), the German Federal Parliament adopted by a large majority provisions eliminating all discrimination against homosexual acts from the Criminal Code, in order to unify the criminal law throughout the country. Equality had already been achieved (with a minimum age of 14 but prohibition under 18 in the case of certain relationships) in former East Germany several years before reunification in 1989 (where it remained in force afterwards). In former West Germany, however, Par. 175 of the Criminal Code still made any man older than 18 years who performed sexual acts with a consenting male partner below 18 liable to up to 5 years imprisonment. This paragraph (which until 1969 prohibited all male homosexual acts) had been THE symbol of legal discrimination against gays for the previous 124 years, leading to the destruction of the careers - and in some cases even the lives - of thousands of gay people.

While Par. 175 was simply repealed, Par. 182 was replaced by new provisions protecting persons of either sex between the minimum age of fourteen and sixteen against being persuaded by a person over 18 to participate in a sexual act by means of constraint or for reward, punishable by imprisonment for not more than five years or by a fine, and against being persuaded by a person over 21, who thereby exploits the protected person's lack of capacity for sexual self-determination, to participate in a sexual act, punishable by imprisonment for not more than three years or by a fine. Prosecution in the latter case can occur only where the protected person has made a formal complaint (as defined in Par. 77, i.e. which is within 3 months of the act and can be withdrawn at any time) or if there is a special public interest that outweighs the advantages of an absence of official intervention. On 7 June 1994, the Parliament in Sweden adopted a partnership law based on the Danish and Norwegian model by 171 votes to 141.

In August 1994, the total ban on homosexual relations was repealed in Serbia (incl. Kosovo), with a common minimum age-limit of 14.

On 20 January 1995 the Albanian Parliament finally legalised homosexual relations in Albania. The new penal code of the Republic of Albania, which entered into force shortly afterwards, foresees punitive sanctions only for sexual relations with minors and for sex involving violence. Article 137 of the old Penal Code promulgated under the communist dictatorship, which foresaw up to ten years of prison for simply "being homosexual" has thus been done away with completely.

A bill was introduced in the Cyprus Parliament in January 1995 to abolish the ban on homosexuality under Art. 171 of the Criminal Code.

The legislation on sexual offences in Italy was amended on 15 February 1996 by the Law on sexual violence, which increased the punishment for sexual assaults. In accordance with the principle that the criminal law should protect sexual self-determination, not moral beliefs, this transferred most of the articles from "offences against public morals" to "offences against the person". The gender-neutral minimum age-limit of 16 for "morally uncorrupted" youths set in 1930 (Art. 530 CF, which could be interpreted as grounds for discrimination against homosexuality) has been replaced by a general age-limit of 14 (fourteen) years and 13 where the partner is under 16 (Art. 609.4 CP). Criminal proceedings for sexual offences can be instigated only in response to a formal complaint laid by the victim or their legal representative, except where the victim is under 10 years old, where violence has been used on a victim under 14 years old, or where the offence occurred in public or in connection with a nonsexual offence, or where the victim is subject to the offender's authority (Art. 609.7 CP).

In response to a test case submitted by the homosexual rights group "Homerus Lambda", on 8 March 1995, the Hungarian Constitutional Court ruled that the Constitution requires that the legal situation of two persons of the same sex who are living together as members of a de-facto couple should be the same as that applicable to the members of a de-facto but unmarried heterosexual couple (sometimes known as "common-law marriage"). Although this situation is essentially the same as for formally married partners, the Court concluded that the Constitution does not require the State to make provision for marriages between persons of the same sex. The necessary changes in the law were enacted in 1996 [Homerus Lambda]. In the summer of 1995, the Danish, Norwegian and Swedish Governments formally agreed that the administration in each country would recognise civil partnerships registered in either of the other two countries [Euroletter].

On 15 June 1995, the former Soviet republic Moldova repealed its ban on consensual gay sex, former Art. 106 of the Penal Code [letter to Austrian ILGA activist Kurt Krickler from Moldova's Parliamentary Committee for Foreign Policy].

On 25 July 1995, the Belfort "Tribunal Correctionnel" gave legal recognition to a homosexual couple for the first time in France, when it ordered the Groupama insurance company to pay damages of 732121 francs to the partner of a 49-year old woman who had been killed in a road accident by one of its policy-holders.

After the "Centre gai et lesbien" had pointed out how the homosexual community might be expected to react to a successful appeal against this ruling, the Groupama company withdrew its appeal. ["Liberation", 14 Sep. 1995, p.12]

On 1 September 1995, the provisions of Chapter 11 Art. 9 of the Penal Code, making it a criminal offence to discriminate on the grounds of race, faith, sex, nationality, age or sexual orientation in Finland came into effect [SETA].

On 5 September 1995, in response to critical Court rulings in the judicial review of the discharge of four former service personnel because they were found to be homosexual, the United Kingdom Ministry of Defence announced that its policy of automatic discharge of any member of the armed forces identified as homosexual was being reviewed. After the Defence Department had produced evidence that the existing policy was widely supported, on the basis of the responses given by a sample of service personnel to a questionnaire that was, however, criticised for bias, the Ministry held hearings in March 1996. Although the UK Courts ultimately confirmed that the Ministry's policy was not contrary to law, the former service-persons stated that they would continue their campaign for reinstatement or damages, by taking it ultimately to the ECHR if necessary, and the Ministry undertook to use less-intrusive procedures to identify homosexual personnel. [U.K. press].

On 8 November 1995 the Spanish Parliament adopted a new Penal Code (replacing that dating from 1848, but much revised since then), which includes provisions severely punishing discrimination on various grounds, including sexual orientation. It also deems minors (persons under 18) not to be criminally responsible, like persons acting under the influence of alcohol or drugs [Le Soir, 9 Nov.1995].

On 16 April 1996, the Netherlands Parliament's Second Chamber adopted two Resolutions intended to extend the legal provisions on marriage to include marriages between same-sex couples: "Resolution on lifting the ban on marriages of persons of the same sex" (Handeling van de 2de Kamer. 1995/6 22700 nr.9), proposed by M. van der Burg (PvdA) and B. Dittrich (D66) and adopted by 81 votes to 60; "Resolution on Adoption" (Hvd2k 1995/6 22700 nr.10), proposed by M. van der Burg (PvdA) and B. Dittrich (D66), adopted by 83 votes to 58. The Dutch government has responded by setting up a Committee to consider the various implications and prepare proposals for legislation.

On 29 April 1996, the European Court of Justice in Luxembourg ruled that the provisions of the

European Treaty and the Equal Treatment Directive include a prohibition of discrimination against an employee on the grounds that the person has changed sex, thereby confirming that these texts should be given a broad interpretation. In May 1996, 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, reported in Euroletter 43].

In May 1996, the parliamentary groups of the Flemish Christian Social and Socialist parties in Belgium (within the Federal government coalition) tabled a Bill intended to outlaw discrimination on the basis of sexual orientation. The aim is to do something about discrimination against people on the grounds that they are gay or lesbian. Discrimination can take various forms. To refuse to sell or rent a house to somebody, for example. And discrimination in the workplace is also common. The penalties would be same as those applicable under the 1981 law on discrimination on racial grounds. The Bill does not address the issues of gay marriage or registered partnerships [BRT teletext on 15 May 1996 - which also has allocated two pages (762/3) for GLB news].

In July 1996, the European Court of Justice was requested to determine whether the European Treaty provision (and the "Equal Treatment" Directive) which requires EU member-States to ensure that employers do not discriminate among their employees on the basis of sex, also prevents an employer from denying a benefit it offers its employees' unmarried partners, in the case of same-sex partners. This request was made by the Southampton Industrial Tribunal (United Kingdom) after its hearing on 1 May 1996 in the case of Lisa Grant whose employer, South West Trains, refused to issue a pass for free rail travel to her domestic partner, Jill Percey, although it would have done so if Lisa Grant's partner had been a man [Stonewall Press Release, July 1996].

In 1996, the Parliament of Iceland adopted legislation making provision for the recognition of same-sex "registered partnership", with effect from 1 July 1996. Basically similar to that in Denmark, Norway Greenland and Sweden, this also allows such couples to adopt one partner's children.