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A description of partnership laws and other laws regarding same-sex partners can be found at

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CYPRUS - LAW 'REFORM'

By Steffen Jensen

Nearly five years after the verdict from the European Court of Human Rights saying that the Cypriot law criminalizing sex between gay men is a violating of article 8 in the European Convention on Human Rights, the Cypriot parliament finally 21 May 1998 passed a new law that decriminalize gay sex.

But the new law introduces some heavily discriminatory provisions in order to prevent that homosexuality is "encouraged" or "promoted". It is also forbidden to advertise for gay partners and to make "indecent proposals".

The international pressure on Cyprus to repeal the ban on male homosexuality had increased up to the parliamentary debate. The parliament has before debated a law reform but never passed any. The Council of Europe has (again) asked Cyprus to change the law (see Reuters article below) and also Amnesty International has released a press statement on the issue (see below).

The editorial of the Cyprus Mail of May 24th calls the changes to the law absurd, ridiculous, petulant and spiteful (see below), and also Amnesty International is concerned over the new law (see below).

CYPRUS SHOULD LIFT GAY BAN, European official says

By Michele Kambas, Reuters 14 May 1998

NICOSIA -- A senior Council of Europe official urged Cyprus on Thursday to decriminalize homosexuality, arguing that the ban clashed with the principle of safeguarding human rights.

"Cyprus has no choice, no real choice in fact," Hans Christian Kruger, Deputy Secretary General of the 40-nation Council of Europe, said on the sidelines of an informal European sport ministers' meeting in Nicosia.

Cyprus has been under pressure to ditch a 99-year-old law criminalising homosexual activity since a ruling of the European Court of Justice in 1993 that sympathized with a Cypriot's fight to overturn the law.

Cypriot government officials openly advocate a change but are having a hard time convincing parliament to act before the end of May, their self-imposed deadline.

"This is an international obligation which the country has and must comply with ... You can prolong it here and there, but not in the long run," Kruger told Reuters in an interview.

"I believe that this country, with a solid human rights record, would not wish to be in breach of the European Convention of Human rights."

Cyprus is the only member of the Council of Europe with laws banning homosexual behaviour.

Under the law, first promulgated in 1889, gay men can be imprisoned for up to seven years for sodomy. Cypriot authorities say the law is a dead letter, but gay rights' campaigners say its mere existence is enough to be concerned.

The dominant Greek Orthodox Church and religious groups are happy to leave things the way they are. Lifting a ban on homosexuality would taint traditional values, they say.

Last year monks and priests picketed parliament after rumours that parliamentarians would rush the amendment through.

There may be a repeat performance this year -- the issue is set to go to open debate in parliament on May 21 or 28.

The changes sought would allow intercourse between two consenting adults over the age of 18.

"There is an urgent need now to come to some rapport... I really don't know what would happen if the law is not changed," said Kruger, referring to some news reports that the island could even face expulsion from the Council of Europe if it fails to comply with the court ruling.

Locally, advocates of the change have long argued that non compliance would make Cyprus look hypocritical -- a country that is selective on human rights at home while frequently accusing Turkey of mass abuses. Turkey invaded the northern third of the island in 1974 after a brief Greek-inspired coup.

But anti-gay activists, convinced all hell will let loose if the law is scrapped, are already doing their homework.

Newspapers have reported that the church has sent letters to each MP urging them to vote against proposed changes.

Petitions distributed by religious groups urge the public to condemn the "legalization" of

homosexuality as a "sinful and heinous act against the law of God and natural law."

Kruger dismissed suggestions the change would encourage perceived perversion and debauchery.

"This has been applied to other parts of the world as well and it hasn't led to an erosion of ethics there. We are talking about a person's private life, what they do in private. Many would say this hasn't got anything to do with ethics at all."

PUBLIC STATEMENT ON CYPRUS

Amnesty International 20 May 1998

Parliament should decriminalize consensual sex between adult males in private

Amnesty International is calling on all deputies of the Cypriot House of Representative to comply with the ruling issued in 1993 by the European Court of Human Rights (ECHR) and to support the repeal of Article 171 of the Penal Code which prohibits sex between consenting male adults in private.

In 1993 the ECHR held that this article constituted a violation of Article 8 of the European Convention on Human Rights, to which Cyprus is a state party. Article 8 provides that everyone has the right to respect for his private and family life. Although there has been no recent prosecution of homosexuals under Article 171 of the Penal Code in Cyprus, the ECHR took the view that there was no guarantee that action would not be taken by a future Attorney- General to enforce the law. In April 1998, the Council of Europe gave Cyprus until 29 May to comply with the decision of the ECHR and reform its legislation.

Amnesty International would regard anyone imprisoned solely for sex between consenting adults in private as a prisoner of conscience. As it currently stands, the law carries a maximum sentence of five years' imprisonment.

CHANGES TO GAY SEX LAW ARE ABSURD

Cyprus Mail, Editorial, May 24, 1998

BEFORE we start congratulating the 36 House deputies on their courageous decision to pass the bill which decriminalized homosexual acts between consenting adults, the amendments to the new law must first be questioned.

The fact that politicians are being rather vague about the new provisions and participated in a closed

meeting before last Thursday's vote should arouse suspicions among human rights and gay activists.

The decriminalization bill was approved by a majority of House deputies, although it hardly received a ringing endorsement: over a third either voted against, abstained or avoided the issue by not turning up. And the hastily agreed amendments could see the government dragged before the European Court of Human Rights once again.

In view of bigoted objections from the Church and the reactionary right, politicians saw fit to attach to the bill ambiguous phrases designed to ensure homosexuality was not "encouraged" or "promoted".

Also outlawed is advertising for gay partners or making "indecent proposals".

All such offences carry with them harsh penalties, but as of yet nobody has revealed precisely how harsh they will be.

Human rights activists are understandably worried about these vague and general terms and are prepared to take legal action if gays are victimized.

It is clear that timid politicians introduced penalties for ill-defined actions to ensure that vociferous opponents of the bill could not charge them with supporting the 'sinful' gay community.

The last-minute provisions also seem to imply that sex offences of a homosexual nature are far worse than those of a heterosexual kind.

Apparently gay males are not allowed to seek partners through classified adverts or dating agencies, whereas transsexuals and lesbians are free to do so.

What will happen to gay rights activists who promote understanding of homosexuality or campaign for safe sex?

Are gay men to expect long prison terms for being proud of their sexuality or for holding hands in public?

The amendments to the bill could produce a hornets' nest of prosecutions because of their vagueness.

The public row over the gay sex bill evinced a staggering ignorance of the nature and roots of homosexuality.

Archbishop Chrysostomos illustrated public misconceptions about the issue in Cyprus when he said: "There will be provisions which allow measures

to be taken if, say, a minor is involved or it is done in a public place... it will remedy the situation to some extent."

It doesn't take a rocket scientist reading between lines to realize that homosexuals are perceived as depraved perverts who linger around public toilets preying on young children.

A quick glance at the crime figures indicates that child abuse and other sex offences are hardly exclusive to same-sex practitioners.

Sociologists emphasize that it is the very fact that society is unwilling to accept homosexuals as equal, even if different, which pushes some towards the seedier forms of sexual behaviour.

The amendments to the gay sex bill are ridiculous, petulant and spiteful. They show that Cyprus has yet to enter the 20th century so far as an enlightened attitude towards homosexuality is concerned.

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AMNESTY CONCERN AT NEW GAY LAW

By Jean Christou, Cyprus Mail May 26, 1998

GAY RIGHTS activist Alecos Modinos wants Europe to take a close look at the new law passed last week decriminalizing homosexuality between consenting adults.

Amnesty International has already declared the wording of the law unacceptable and a breach of human rights.

"I would be very happy for the European Commission to look at the law that has been passed," Modinos told the Cyprus Mail yesterday.

"They have abolished one law to make another one much worse."

It was Modinos who brought the successful action against the old law at the European Court of Human Rights, bringing international pressure to bear on the government to adopt new legislation.

The wording of the new law, designed to appease the opposition of the Church and the anti-gay lobby, refers to homosexuality as "unnatural licentiousness", while other vague terms, such as "indecent proposals" or "advertising" by homosexuals are all punishable by jail terms.

Amnesty said that while it welcomed the passing of the law, it had "serious misgivings" about some of the provisions, which the organization believes contravene human rights.

"We believe the provisions must either be deleted or amended," Amnesty said.

"We do, however, consider it likely that the Cypriot authorities will give the correct interpretation to the law to ensue it does not violate citizens' guaranteed rights under the constitution."

The organization warned that anyone sentenced under any of the "objectionable provisions" would be adopted as a prisoner of conscience by Amnesty.

"We believe that discrimination against homosexuals continues because the sentences provided for under the new law are not analogous with those stipulated for the same crimes committed by heterosexuals," Amnesty said.

"Unnatural licentiousness, which is referred to many times in the new law, implies condemnation of the homosexual act."

And Modinos said the new law was more discriminatory than the old one. "Before, the offences related to any person. Now it's referring only to males. And calling us 'licentious' in itself stigmatizes us," he said. "These extra provisions were added to satisfy the Church."

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UPCOMING LAW REFORM IN ROMANIA

By ACCEPT

Thursday, 7.05.1998, the Romanian Government issued a press release announcing that a draft law for the modification of the Penal Code has been agreed upon. The press release reads as follows:

"[...] According to the draft law, the provisions that regulate same sex relations shall be repealed; similarly to instances of sexual relations with a woman, deeds perpetrated under duress or if the victims are children under 14 or persons unable to defend themselves or to express their will shall continue to be incriminated. In order to ensure equal legal treatment for the deeds stipulated under Article 197 [heterosexual rape - our note] and Article 200, a unique regulation was instituted, all these deeds being punished the same, from one to seven years in prison, if perpetrated under duress[...]"

For the time being, the draft law has not been made public. (see below)

ACCEPT considers that, if the information contained in the press release is correct, it represents an important step in creating a proper environment for the observance of basic human rights and towards respecting the obligations Romania has committed itself to. However, it should be emphasized that this is a draft law that still needs to be submitted to and discussed in the Romanian Parliament. Until then, article 200 continues to read as follows:

Later in May the actual text was published (translated by ACCEPT):

"The Government of Romania

Resolution

On the submission for adoption of a draft bill for modification and completion of Penal Code and Penal Procedure Code.

Reasoning

[..] It is intended that minor persons under 14 years of age and persons unable to defend themselves shall be protected from becoming victims of sexual relations between people of same sex and adult persons shall be protected from such acts coerced upon them[..]

[..] In accordance with the draft bill, the provisions which regulate sexual intercourse between people of same sex shall be repealed, still being incriminated, as in the case of sexual intercourse with a person of feminine sex, deeds perpetrated by coercion, or if the victim is a minor person under 14 years of age, or a person unable to defend himself/herself or to express his/her will. In order to ensure an equal law treatment of offences incriminated by provisions under Article 198 and Article 200, it has been appointed a single disposition, all these offences being punished equally, if they were perpetrated by coercion upon the alleged victim[..]

Bill

For the modification and completion of the Penal Code.

Article I. The Penal Code shall be modified and completed as follows:

[..]

11. Article 197, paragraph 1, reads as follows: Sexual intercourse of any kind with another person, by coercion, or by taking advantage of his/her inability to defend or to express his/her will, shall be punished by three to ten years imprisonment.

12. Article 197, paragraph 5 shall be repealed.

13. Article 198, the title of the criminal offence stipulated under this text and paragraphs 1 and 2 shall read as follows: "Sexual intercourse with a minor"

Article 198. Sexual intercourse of any kind with a person under 14 years of age shall be punished by one to seven years' imprisonment. The same punishment applies to sexual intercourse of any kind with persons aged 14 to 18, if the act is perpetrated by the tutor or guardian, or by the person who takes care of or is in charge with the alleged victim, the personal doctor, professor or trainer, availing himself/herself of this position."

14. Article 198, paragraph 5 shall be repealed.

15. Article 200 shall be repealed.

16. Article 201 shall read as follows: "Acts of sexual perversity.

Article 201. Acts of sexual perversity perpetrated in public shall be punished by one to five years' imprisonment. Acts of sexual perversity under paragraph 1 shall be defined as any unnatural act of sexual nature, other than those of sexual inversion."[..]

Article III. [..] Conviction sentences of criminal offences under Article 200, paragraphs 1 and 5 of the previous law, which are to be carried out or are carried out, shall be examined ex officio by the pertinent convicting court, or upon request by the district prosecutor, or by the convicted person, in order to proceed to the accomplishment of the provisions under Article 200 of the Penal Code.

The conviction sentences which cover the criminal offences under Article 200, paragraphs 2-4 and under Article 201, paragraph 2, of the previous law, which are to be carried out or are carried out, are examined ex officio by the court under paragraph 1 or upon request by the district prosecutor or by the convicted person, where it is necessary, in order to proceed to the accomplishment of the provisions under Article 14 or 15 of the Penal Code. [..]"

Annexed by ACCEPT: The current version of art. 200 and art. 152

Article 200 of the Romanian Penal Code, in force since 14 November 1996, published in the "Official Gazette" (Monitorul Oficial al Romaniei), Part I, No 289

§1 Same sex relations taking place in public or resulting in a public scandal*), shall be punished by one to five years imprisonment.

§2 The act of an adult having sex with a minor of the same sex shall be punished by two to seven years imprisonment and the denial of certain rights.

§3 Same sex relations committed under duress or against a person unable to defend himself (or herself) or to express his (or her) will, shall be punished with three to ten years imprisonment and the denial of certain rights.

§4 If the acts provided for in paragraphs two or three result in serious injury to the victim's bodily integrity or health, the penalty is five to fifteen years imprisonment and the denial of certain rights. If they result in the victim's death or suicide, the penalty is fifteen to twenty-five years imprisonment and the denial of certain rights.

§5 Enticing or seducing a person to practise same sex relations, as well as propaganda, association or other forms of proselytizing with the same aim shall be punished by one to five years' imprisonment.

"In public" is defined in article 152 of the Penal Code:

"The deed is considered to be committed "in public" when committed:

1. in a place that by its nature or purpose is always accessible to the public, even if no one is present there;
2. in any other place accessible to the public, if two or more persons are present;
3. in a place inaccessible to the public, with the intention that the deed be seen or heard and if this consequence occurs before two or more persons;
4. in a meeting of two or more persons, except for meetings that can be considered family meetings due to the nature of the relationships between the participating persons;
5. through any means by which the actor has knowledge that the occurrence may reach the public."

*) The term "public scandal" is not defined anywhere in the Romanian penal legislation.

FIRST MORAL VICTORY IN LATVIA

By Juris Lavrikovs

Last summer the Homosexuality Information Centre in Riga, Latvia, announced its statement "On Homophobia in Police and Other State Institutions in

Latvia" (see our www page: <http://www.geocities.com/WestHollywood/7693> or Euroletter No. 55). This was a case of Gatis Bugoveckis, a police man who was forced to leave his job at the police station of the city of Bauska after he stated his homosexuality and a relationship with another man during an interview to the Bauska newspaper "Atspulgs". Gatis and the Homosexuality Information Centre submitted an official complaint of a violation of human rights on the basis of sexual orientation to the Latvian National Human Rights Office. The Office was established in 1995 as "an independent state institution, promoting the observance of the fundamental rights and freedoms of individuals in the Republic of Latvia in accordance with the Constitution, international human rights treaties which are binding for Latvia and the Constitutional Law 'On the Rights and Obligations of the Individual and the Citizen'." According to the law which established the Office, it has a right to investigate complaints, but its power is limited to "opinions and proposals in the form of recommendations".

On 17 April 1998 the Latvian National Human Rights Office announced its opinion following the complaint of Gatis Bugoveckis and the Homosexuality Information Centre:

"On 10 September 1997 the Office received a complaint from Gatis Bugoveckis. Mr Bugoveckis considers that he was forced to leave his job at the police station of the Bauska district because of his sexual orientation.

To clarify the circumstances of the case the Office required explanations from the chairman of the police station of the Bauska district and later from the Ministry of Interior and pointed to a possible discrimination.

From the received answers, which are not answering the Office's questions, it is clear that the police do not consider that it was a human rights violation in this case and do not consider that Gatis Bugoveckis suffered from intolerance or that his pride and respect were harmed.

During the investigation of the case, the Office was constantly receiving contradictory information from both parties of the case. Therefore the Office had difficulties in delivering its opinion.

Nevertheless, in examining the circumstances of the case, the Office takes a responsibility and recognizes that there is enough evidence (including audio recordings) to demonstrate that it was a case of

discrimination on the grounds of sexual orientation which is a violation of human rights.

The Office refers to the legislation of the Republic of Latvia and international law, which are relevant to this case.

The law "On Police" defines the following principles as a basis of police activities - lawfulness, humanism, human rights and social justice. Paragraph 28 of this law does not require heterosexual orientation as a requirement for serving the police, but instead requires education, physical preparedness, health, ability and willingness to carry out police duties, knowledge of the Latvian language, and absence of criminal records.

Paragraph 6 of the International Covenant of Economic, Social and Cultural Rights recognizes everyone's right to work and obliges the contracting parties to guarantee this right without discrimination on the grounds of race, sex, age, language, religion, political or other opinion, national or social origin, property, birth or other status. According to the indications of European lawyers one of these statuses is sexual orientation. Also, the European Parliament in its recommendations confirmed that everyone should be treated equally regardless of sexual orientation.

Recognizing that every individual has a right to private opinion regarding sexual orientation, it must be considered that violence or any discrimination against an individual because of their sexual orientation, in Latvia as a democratic country which is ruled by law, is a violation of the state's principles and laws. All people living in Latvia are equal in their duties, rights and the realization of those rights regardless of differences among them. Only the state, in specific cases which are defined by laws, or when an individual through his activities harms other individuals' rights and freedoms, can restrict that individual's rights. The Office considers that in this case the basis for such a restriction was not found.

The Office expresses its opinions and recommendations, at the same time it must be explained that they are not binding to other institutions.

Olafs Bruuveris
Director of the National Human Rights Office."

The Homosexuality Information Centre is very pleased with such an opinion of the Office and believes that despite the lack of legal effectiveness, the opinion has a significant moral importance for the lesbian and gay community in Latvia. This is the first

official statement in Latvia where discrimination on the grounds of sexual orientation is considered as a violation of human rights contrary to the Latvian and international law.

The Latvian National Human Rights Office supports our proposal to include sexual orientation into paragraph 69 of the Criminal Code, which criminalizes discrimination on the grounds of race or nationality. The Office submitted a separate proposal on such inclusion to the Parliamentary commission dealing with the creation of a new Criminal Code.

CZECH REPUBLIC: NO MARRIAGES FOR GAYS AND LESBIANS

By Michael Bluhm

Gays and lesbians will not be able to register as married couples, which would foremost help in solving property disputes.

Parliament was short two votes of passing the bill on registered partnership. The neo-fascist Republicans, most Civic Democratic Party (ODS) and Civic Democratic Alliance (ODA) and the Christian Democrats voted against the proposal. The Communists, Social Democrats and Freedom Union (US) voted for the proposal.

Registered partnership, legal in seven countries, would in the Czech Republic enable partners of the same sex to have the same advantages and security the law gives heterosexual married couples, with the exception of adopting children. Those who opposed the law said they were worried about the effect it would have on traditional family values. Republican Josef Krejsa said, "Even a healthy buck does not seek another buck, but a doe, so as to have a fawn," while Jiri Hromada, president of the Association for the Organization for Homosexual Citizens (SOHO) said the group would push the proposal after parliamentary elections in June.

Neither Social Democrat Petra Buzkova, who promised SOHO her vote, was present, nor was ODS Chairman Vaclav Klaus. Czech daily MF DNES quoted Klaus as saying, "As conservative as I am in these things, I think we have to go with the times. It is a mistake it didn't make it into the second reading." Anna Kadava/Andrea Snyder.

FRANCE: A NEW PARTNERSHIP BILL

By René Lalement

Catherine Tasca, president of the Law Commission of the French National Assembly disclosed the text of a law proposal introducing a new partnership status, the "pacte civil de solidarité" (civil covenant of solidarity), on Thursday, May 28th.

This text, written by MPs Jean-Pierre Michel and

Union Contract" proposal, which was broadly supported by the gay and lesbian organisations, and from three previous bills, never brought to discussion in Parliament.

Open to any pair of people living together, but not bound by another covenant, by marriage, sibling or lineage, this covenant will be concluded at the town hall (at the embassy or a consulate, if abroad). After one year, it can be dissolved by the death of one of the parties, by a common statement of the parties at the town hall (embassy or consulate), or by a court decision in case of dissent. The parties commit to mutual material and moral support. The covenant will grant several benefits, some after a delay: social security (after one year), common taxation (after 2 years), inheritance (after 5 years), immigration (after one year), employment, housing. It does not specify anything about lineage, adoption or custody.

This bill has been welcomed by most associations, although several points are criticised: obligation to cohabitate, delayed rights, and no parenthood right for the partner of a biological parent. On the other hand, the initiators of a petition "to safeguard republican marriage" signed by some 13,000 mayors, inspired by the catholic right, oppose this new bill.

It must be noted that two other proposals have been made recently to the government: one, by jurist Jean Hauser, on the regulation of the financial relationship between any two persons, and the other, by sociologist Irène Théry, on the extension of a cohabitation status (presently reserved to heterosexual couples) to same-sex couples, along with the addition of new rights to this status.

The next step will be for the parliamentary commissions to appoint rapporteurs and organise hearings; the resulting text will then be submitted to a public session and subjected to the amendment process. Although Mrs. Tasca recalled the government's commitment to pass a partnership law before the end of the year, it is still unclear whether the government, whose support is necessary, will be influenced by the other two proposals.

The full text in French of the bill can be found at this URL:

<http://www.france.qrd.org/texts/pacs-980528.html>

SUMMER UNIVERSITIES FOR GAYS AND LESBIANS

By Renato Sabbadini

UNIVERSITA' GAYLESBICA D'ESTATE is an initiative organized by three Italian gay/lesbian association: "Maurice" (Turin), "Finis Terrae" (Florence) and "GAO" (Pisa).

It is, as the Italian name says, a gay and lesbian summer university, an occasion for people within and outside the movement to meet for a week at the end of August in order to listen to lectures on themes related to the gay and lesbian reality and to discuss on them. The first Università Gaylesbica d'Estate took place last year in Livorno (Tuscany) and more than forty people attended; the lectures were about the history of the movement, the treatment that the press gives to issues related to homosexuality, the queer movement, the history of homosexuality.

This year the lectures will mainly focus on the relationship between male and female homosexuality and the "sciences of the mind" (psychology, psychiatry, etc.). A part from the lectures and the discussions following them, there will be also workshops on "The attitude towards our own body" and "Autobiography".

We would like to know if there are similar experiences elsewhere in Europe and, if so, to get in touch with the organizers in order to explore the possibilities of co-operation and to exchange information about what could be (presumably) common problems, such as how to get public funding of cultural initiatives like these and how to deal with organizational matters. For further information: Pietro Montefusco <pietro@tesla.it>, Renato Sabbadini <sabbadin@ibguniv.unibg.it>.

ARMENIA TO JOIN COUNCIL OF EUROPE

By Kurt Krickler

ILGA-EUROPE has just recently a letter to the secretary general of the Council of Europe about the possible admission of Armenia to the CoE:

"We have been informed that the negotiations between the Council of Europe and Armenia concerning Armenia's admission to the Council of Europe are in their final stages.

Since Armenia, according to information available to us, still has a total ban on (male) homosexual acts even among consenting adults in private, which is a clear violation of the European Human Rights Convention, we would like to know whether the Council of Europe has requested from Armenia, as it did from Romania and Macedonia when these countries applied for membership in the Council of Europe, to repeal this total ban as a pre-condition for being admitted to the Council of Europe.

In this context we would recommend to demand from Armenia law reform before admission to the Council of Europe, because we vividly remember the many troubles and difficulties with Romania which was first admitted and then the two chambers of the Romanian Parliament had torpedoed law reform for three years which has also caused a lot of embarrassment for the Council of Europe. And even this law reform is not in accordance with the European Human Rights Convention because the present law restricts both the right to assembly and to free speech in the context of homosexuality. Thus, we would recommend the Council of Europe to insist that Armenia first repeal the total ban and then be admitted. We assume that the Council of Europe has nominated special rapporteurs for Armenia.

We would like to ask you to forward our concerns regarding the admission of Armenia to these rapporteurs and to give us their names and addresses so that we can contact them directly."

AGE OF CONSENT IN EUROPEAN COUNTRIES

By Kurt Krickler

ILGA-EUROPE has recently sent a letter to the secretary general of the Council of Europe about the decision of the Human Rights Commission in the Sutherland case:

"Another important issue for us is the decision in Application # 25186/94 Euan Sutherland against the United Kingdom. In this decision adopted on 1 July 1997 and published last October, the European Human Rights Commission finds that no objective and reasonable justification exists for the maintenance of a higher minimum age of consent to male homosexual, than to heterosexual, acts and that the application discloses discriminatory treatment in the exercise of the applicant's right to respect for private life under Article 8 of the Convention.

In the past, we have always deplored that the 1981 decision of the European Court of Human Rights in

the Dudgeon case (classifying a total ban on homosexuality as a breach of the Convention) could not automatically be applied to other countries with similar or even the same law provisions. Thus, citizens of Ireland (Norris; decision in 1988) and Cyprus (Modinos; 1993) had to go again through the whole legal process up to the European Court in order to get the same decision delivered again. We do not think that such an approach is really reflecting the spirit of human rights in general and the European Convention in particular.

We are concerned that this may happen again with discriminatory age of consent provisions violating the Convention in other member states of the Council of Europe. We strongly feel that the Council of Europe should appeal to those member states that still have unequal ages of consent in their criminal law to repeal those laws without delay and without waiting for being taken to the European Court by one of their citizens. We are sure there are appropriate ways and channels within the Council of Europe, such as the Committee of Ministers, to convey this appeal to those countries. Repealing unequal ages of consent would, by the way, be in line with Recommendation 924/81 of the Parliamentary Assembly of the Council of Europe. We are amazed that some of the member states of the Council of Europe have ignored this Recommendation for more than fifteen years now. Here, we think, that the reputation of the Council of Europe is even at stake. If the Court finds a violation of the Convention in one country, the Council of Europe should do everything to implement such a decision throughout all member states and not just wait until citizens of those countries concerned embark in the very very long avenue of submitting a complaint to the human rights organs in Strasbourg.

The member states of the Council of Europe which still have similar age of consent laws to the one of the United Kingdom are: Austria, Bulgaria, Croatia, Estonia, Finland, Hungary, Latvia, Liechtenstein, Lithuania, Moldova, Portugal, Romania, and Ukraine.

We therefore ask you, Mr secretary-general, to request the governments of these countries to equalize age of consent laws for both heterosexual and homosexual acts, and to invite the Parliamentary Assembly to reiterate their recommendation and request of 1981 by adopting a new resolution reminding the countries mentioned above of their human rights obligations in this field."

FOLLOW-UP ON THE AMSTERDAM TREATY
By Steffen Jensen

Article 13 in the new (not yet ratified) treaty of the European Union (The Amsterdam Treaty) mandates the union to take measures in accordance with other provisions in the treaty to combat discrimination based on inter alia sexual orientation.

A high level meeting in the implementation on article 13 was held in Oxford i the beginning of April 1998.

In an attempt to insure that also sexual orientation was dealt with, ILGA-Europe sent this letter to the ministers of foreign affairs in the member states:

"We understand that a meeting is to take place in Oxford on the 8/9 April at which officials of the Member States will consider the options open to the European Union under Article 13 of the Treaty of Amsterdam to tackle discrimination in the areas of gender, race, disability, national origin, religious belief, age and sexual orientation.

We very much welcome this initiative because we consider that in the case of sexual orientation there is a clear need for early action under Article 13.

We appreciate that, given the brevity of the meeting, and the wide range of issues to be discussed, it will be possible to devote only a limited amount of time to each of the types of discrimination in question. So far as sexual orientation is concerned, there are many issues to deal with, but we would at this stage particularly wish to draw your attention to two issues:

1. Equal pay

As you will be aware, the European Court of Justice ruled recently (in the case of Lisa Grant and South-West Trains Ltd.) that the refusal by an employer to allow travel concessions in respect of an employee's same-sex partner, where such concessions were allowed to heterosexual employees in a stable relationship outside marriage, did not constitute discrimination prohibited by Article 119 of the EC Treaty or Council Directive 75/117/EEC.

The Court's judgement highlights the fact that there are no provisions in Community Law to protect lesbians and gays from discriminatory treatment in the area of remuneration related to domestic partnerships. In particular, the Court ruled that discrimination on the grounds of sexual orientation could not be considered as discrimination on the grounds of sex for the purposes of Community Law. It also ruled that "in the present state of the law within the Community, stable relationships between two

persons of the same sex are not regarded as equivalent to marriages or stable relationships outside marriage between persons of the opposite sex."

Indeed, in paragraph 47 of its judgement, the Court concluded broadly that "It follows from the considerations set out above that Community law as it stands at present does not cover discrimination based on sexual orientation". And, it pointed to the remedy for this situation by drawing attention to the powers of the Council to take appropriate action against discrimination based on sexual orientation in Article 6a (now 13).

2. The Free Movement of Labour, and same sex couples, where one of the partners is not an EU national

Same-sex couples, where one of the partners is not an EU national, are in practice denied the freedom to seek employment in other EU countries, since the EU does not recognise such relationships. This is both discriminatory, since unmarried heterosexual couples are accorded this right in certain countries or at least have the option to marry, and a restriction on the free movement of labour within the European Union. Again, Article 13 of the Treaty of Amsterdam provides the Member States with the basis for remedying this injustice.

In conclusion, we believe that the two issues we have raised point to the urgent need for the introduction of legislation by the European Union which would:

1. make illegal discrimination on the grounds of sexual orientation
2. grant to same-sex couples the same rights as are accorded under EU law to unmarried heterosexual couples and recognize same-sex partnerships.

We very much hope that you will be able to support a full discussion of these ideas at the March meeting."

We have not received any information about the outcome of the meeting, but we have received answers from UK, Ireland, Austria and Denmark.

Only the Danish foreign minister Niels Helveg Petersen expresses positive interest in the issue, as he is "looking forward to the possibilities given by the new article to combat discrimination based on sexual orientation."

His statement has been followed up in a Danish newspaper quoting the Polish minister of family affairs Kazimierz Kapera for saying to The

Economist that "homosexuality is a disease and people suffering from that are perverted".

Niels Helveg Petersen says that as Poland is applying for membership of the European Union this is something for the Commission to look upon. He is not sure whether an anti-discrimination directive is the way to do it, but suitable provisions must be taken.