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An update of the Survey on the Legal Situation for Gays and Lesbians in Europe can be found at

<http://www.steff.suite.dk/survey.htm>

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

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EUROPEAN PARLIAMENT ADOPTS URGENCY RESOLUTION ON EQUAL RIGHTS FOR GAYS AND LESBIANS IN THE EU

17 September 1998, the European Parliament adopted with a majority of 110 against 89 votes (6 abstentions) a resolution reaffirming the Parliament's defence of the human rights of gays and lesbians. The resolution was motivated by the refusal, during the past few months, of the Parliaments of Cyprus, Romania and Austria to bring their anti-homosexual legislation in line with European human rights standards as demanded both by the EP in various previous resolutions and by the human rights organs of the Council of Europe.

In this resolution, the EP firmly expressed its refusal to "give its consent to the accession of any country that, through its legislation or policies, violates the human rights of lesbians and gay men". The countries concerned are Cyprus, Romania, Bulgaria, Estonia, Hungary, and Lithuania.

The Commission has been called upon to take into consideration respect and observance of the human rights of gays and lesbians when negotiating the accession of applicant countries.

Additionally, the EP calls upon Austria to immediately repeal Article 209 of the penal code, which provides for a discriminatory age of consent for gay men, and to immediately provide for an amnesty for, and the release from prison of, all persons jailed under this law. This is especially embarrassing for Austria since this country is currently holding the presidency of the EU for the second half of 1998.

"The adoption of this resolution is a big success for the European lesbian and gay movement", comments Kurt Krickler, co-chair of ILGA-Europe, the European Region of the International Lesbian and Gay Association, who followed the debate and vote in Strasbourg on Thursday. "After a similar motion for a resolution had failed last July due to the lack of support from the Socialdemocratic group in the EP, ILGA-Europe and member groups in most of the 15 EU countries had carried out a joint and obviously effective lobbying campaign towards the Socialdemocratic members of the EP in the various countries so that the PSE group in the EP finally changed its mind. We are especially grateful to the liberal group (ELDR) and the Green group which was courageous enough to retable the motion after the

failure in July, and also to those groups which joined the motion, e.g. the the European United Left/Nordic Green Left, the radical group (ARE) and the PSE.

THE FULL TEXT OF THE RESOLUTION

JOINT MOTION FOR A RESOLUTION (Rule 47)

tabled by the following Members:

Swoboda and Berger, on behalf of the PSE Group
Frischenschlager, Watson, Thors and Plooij-van Gorsel, on behalf of the ELDR Group
Ojala, González Álvarez, Gutiérrez Díaz, Vinci, Pailler and Eriksson, on behalf of the GUE/NGL Group
Voggenhuber, Lindholm and Roth, on behalf of the V Group
Dupuis, on behalf of the ARE Group

replacing the motions by the following Members:

- Frischenschlager and others, on behalf of the ELDR Group (B4-0824/98)
- Roth, Lindholm and Voggenhuber, on behalf of the V Group (B4-0852/98)

on equal rights for gays and lesbians in the EC

- having regard to its resolution of 8 February 1994 on equal rights for homosexuals and lesbians in the EC, calling on the Member States to apply the same age of consent to homosexual and heterosexual activities alike (para 6),
- having regard to its resolution of 17 September 1996 on respect for human rights in the European Union (1994), demanding the elimination of discrimination and unequal treatment of homosexuals, especially in view of unequal age of consent provisions (paragraph 84),
- having regard to its resolution of 8 April 1997 on respect for human rights in the European Union (1995), repeating the demand for the repeal of unequal age of consent provisions (para. 136) and explicitly urging Austria to repeal her age of consent law (para. 140),
- having regard to its resolution of 17 February 1998 on respect for human rights in the European Union (1996), reiterating its demand to the Austrian Government to repeal the unequal age of consent provision in the Austrian penal code (para. 69),

OJ C 61, 28.2.1994, p. 40.

OJ C 320, 28.10.1996, p. 36.

OJ C 132, 28.4.1997, p. 31.

OJ C 80, 16.3.1998, p. 43.

- having regard to its previous resolution on sexual orientation, discrimination and the human rights of homosexuals in Romania,
 - recalling the Copenhagen accession criteria for candidate members, in particular the requirement to respect human rights,
- A. having regard to Recommendation 924/1981 on discrimination against homosexuals adopted by the Parliamentary Assembly of the Council of Europe, recommending the Committee of Ministers to urge all Member States to apply the same minimum age of consent for homosexual and heterosexual acts (para. 7 ii),
 - B. having regard to the decision of the European Commission of Human Rights, adopted on 1 July 1997, in Application No. 25186/94 (Euan Sutherland) against the United Kingdom, finding "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" (para. 66), and concluding that an unequal age of consent provision is "a violation of Article 8 of the [European Human Rights] Convention, taken in conjunction with Article 14 of the Convention" (para. 67),
 - C. considering that, for reasons of credibility towards the applicant countries when demanding from them the observance of human rights, EU member states such as Austria need to repeal their own legislation discriminating against lesbians and gay men, in particular existing discriminatory age of consent provisions,
 - D. noting that the following applicant countries, with which the EU has already started the accession negotiation process, still have legal provisions in their penal code that seriously discriminate against homosexuals: Bulgaria, Cyprus, Estonia, Hungary, Lithuania, and Romania,
 - E. deploring the insufficient law reform voted upon by the Parliament of Cyprus on 21 May 1998, replacing the total ban on male homosexual acts by a series of other discriminatory provisions, including a higher age of consent,
 - F. deploring the refusal of the Romanian Chamber of Deputies on 30 June 1998 to adopt a reform bill presented by the Government to repeal all anti-homosexual legislation provided by Article 200 of the penal code,
 - G. regretting the refusal of the Austrian Parliament to vote for the repeal of Article 209, the higher age of consent provision for gay men, on 17 July 1998, thus knowingly ignoring both the decision in the Sutherland case and the urgent demands towards Austria expressed by the European Parliament in its abovementioned resolutions of 8 April 1997 and 17 February 1998,
 - H. welcoming with great satisfaction the recent law reforms in this field in Finland and Latvia as well as the positive 22 June 1998 vote of the UK House of Commons on repealing the unequal age of consent provision for gay men though, regrettably, this was subsequently overruled by a vote in the House of Lords,
 - I. considering that Article 13 EC as amended by the Amsterdam Treaty, once ratified, will empower the Council to take appropriate measures to combat discrimination based on sexual orientation,
 - J. confirming that it will not give its consent to the accession of any country that, through its legislation or policies, violates the human rights of lesbians and gay men,
 - K. whereas, according to official statistics, there are still every year approximately 50 reports to the police, 30 criminal proceedings and judicial inquiries and 20 convictions under Article 209 of the Austrian penal code which provides a minimum penalty of six months' imprisonment and a maximum sentence of five years' imprisonment,
1. Calls on the Austrian Government and Parliament to immediately repeal Article 209 of the Penal Code and to immediately provide for an amnesty for, and the release from prison of, all persons jailed under this law;
 2. Calls on all applicant countries to repeal all legislation violating the human rights of lesbians and gay men, in particular discriminatory age of consent laws;
 3. Calls on the Commission to take into consideration respect and observance of the human rights of gays and lesbians when negotiating the accession of applicant countries;

4. Asks the Commission in particular to examine, in its review of the CEEC due before the end of this year, the human rights situation of gays and lesbians in these countries;
5. Instructs its President to forward this resolution to the Council, the Commission, the parliaments and governments of Austria, Cyprus, and Romania, and the Secretary-General of the Council of Europe.

ILGA-EUROPE'S REPORT "EQUALITY FOR LESBIANS AND GAY MEN" NOW AVAIABLE IN SPANISH

A Spanish translation of the report, cf. EuroLetter 61, is now available at ILGA-Europe's web site:
<http://www.steff.suite.dk/ilgaeur.htm>