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Editors: Steffen Jensen, Ken Thomassen, Peter Bryld, Lisbeth Andersen and Soeren Baatrup.

Contact to Euro-Letter:

E-mail: steff@inet.uni2.dk

URL: <http://www.steff.suite.dk>

Fax: +45 4049 5297

Tel: +45 3324 6435

Mobile: +45 2033 0840

Mail: c/o Steffen Jensen, Gl. Kongevej 31, 4.th, DK-1610 Copenhagen V, Denmark

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Documents relating to ILGA-Europe can be found at ILGA-Europe's homepage

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

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

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

Consolidated versions of the basic treaties of the European Union including amendments from the Amsterdam Treaty can be found at this web-site: <http://ue.eu.int/Amsterdam/en/traiteco/en1.htm>

CHANGE OF LAW ON REGISTERED PARTNERSHIP IN DENMARK

By Ken Thomassen

According to the Danish law on registered partnership one of the partners must be a Danish citizen and live in Denmark. Norway, Sweden, Iceland and the Netherlands have similar conditions in their laws on registered partnership, although the Swedish law includes a clause that means that similar partnerships in other countries are automatically recognised in Sweden.

But now the Danish government intends to propose in October to the Danish parliament to change the law on registered partnership in order to give citizens from Norway, Sweden and, Iceland the same rights as Danish citizens in relation to registered partnership. Furthermore it is proposed to give the minister of justice an authorisation to give citizens in other countries, which have or are going to have a law on registered partnership the same rights.

Finally it is proposed to make it possible to enter into registered partnership, even though none of the partners got Danish citizenship, if both partners have stayed in Denmark for at least two years before the registration.

REGISTERED PARTNERSHIP FAIRLY POPULAR IN THE NETHERLANDS

by Kees Waaldijk (waaldijk@euronet.nl)

Since January 1998 Dutch law provides for partnership registration. Both same-sex and different-sex couples can register their partnership. That status has almost all of the legal consequences of marriage (for exceptions and further detail see <http://www.xs4all.nl/~nvihcooc/marriage.html>). Registrations have normally been possible since mid January, although in some cases of terminal illness registration has been allowed to take place in the first week of the year. Below are the numbers of partnership registrations that took place in the first six months (the source is the Dutch Central Bureau for Statistics, <http://www.cbs.nl/nl/cijfers/kerncijfers/sbv0603a.htm>)

The figures are per couple (not per person). In that half year a total 2655 partnership registrations took place in the Netherlands. In Denmark it took more than four years (after the introduction in 1989) before a similar number of partners were registered (<http://www.lbl.dk/partstat.htm>). However, if you take into account the fact that Dutch law unlike Danish law also allows different-sex couples to register, and that the Netherlands have three times as many inhabi-

tants as Denmark, registered partnership seems equally popular in these two countries.

The Dutch figures:

Month	F/F	M/M	F/M	Total
January	65	119	59	243
February	119	212	159	490
March	120	191	191	502
April	173	175	149	497
May	146	194	145	485
June	146	154	138	438
Total	769	1045	841	2655

AN END TO SOUND BITE IDEAS OF WHAT MAKES A FAMILY

by Martin Bowley Q.C.

What is the future for the family? In a major speech at the end of June, the Home Secretary joined a growing chorus of politicians, priests and pundits expressing increasing concern for the future of the family and the institution of marriage as the cement that holds society together.

Few would challenge the validity of that concern for an institution which is seen by many to be deeply flawed, with an alarming rate of divorce, domestic violence and child abuse. A few bald statistics make the case: marriages, at 279000 a year, have reached an all-time low; divorces are now running at 154000 a year.

More than one in three births now take place outside marriage. Religious weddings - only 42 % of all marriages - fell by 10 % in 1996. Church of England baptisms have fallen by almost 60 % in less than 50 years.

But marriage, is a legal as well as a social and religious institution. Reform of that institution will involve legal reforms in a whole range of areas of law - taxation, social security, pensions and immigration as well as family and criminal law. Surely, then, we are entitled to a higher quality of debate than that to which we are currently subject? Common to many of those who speak on behalf of "the party of the family" in support of "traditional family values" is the implicit assumption that the only valid family unit is the nuclear one of father and mother and 2.4 [school-age] children.

Not many would deny that providing a stable background for bringing up children is an important

aspect of family life. Certainly it must never be underestimated. But to imply - as many do - that procreation is an essential prerequisite for a family and family life are must be wrong.

There are many social units where procreation does not, or cannot, take place, but would all be widely recognised as families: the single parent and children, the elderly parent dependent on a single adult child, a married couple who cannot or do not wish to have children, even perhaps a same-sex couple in a committed relationship. From the outset it is important to recognise that marriage, as an institution, is constantly evolving and changing.

Compare the late Victorian family, which was extended in terms of members but was very narrow geographically, with the contemporary family which is extended geographically but narrow in numbers.

It was refreshing to hear one of the Home Secretary's junior Ministers, Lord Williams of Mostyn, speaking in the House of Lords last December, articulating in the case for diversity. He said: "We are not in the business of preaching or prescribing. Families in our society vary infinitely. We live in a diverse society. People are entitled to diverse views about the way in which they wish to run their lives. It is not for me or the government to define precisely what is a family unit. The mark of a civilised society is to accommodate diversity in others."

I would commend to political and religious leaders and social commentators the highly erudite minority judgement of Lord Justice Ward in *Fitzpatrick v Sterling Housing Association* 1997 where he said "I would not define a familiar nexus in terms of its structure or components. I would rather focus on familial functions.

The question is more what a family does than what a family is. A family unit is a social unit which functions through linking its members closely together. The functions may be procreational, sexual, sociable, economic, emotional. The list is not exhaustive. Not all families function in the same way."

If that is a correct analysis then the definition of the family in the late 20th century is much wider than just the traditional or nuclear family. If the Lord Justice is right, we need ask our political and religious leaders why the family should continue to be defined in exclusive, rather than inclusive, terms.

It is only against an intellectual analysis of this rigour that the debate on the future of the family and of the marriage contract - and the legislative implications - can properly be conducted. Otherwise, that debate

will involve much prejudice, even more hot air, and very little light.

Neither Secretaries of State nor archbishops should be allowed to get away with tabloid-aimed sound bites. We are entitled to better than that. As in all good debates, let's start by defining our terms, carefully and precisely, and then see where we get to from there.

WRITTEN PRESENTATION TO THE 1998 OSCE IMPLEMENTATION MEETING

By Kurt Krickler

The International Lesbian and Gay Association, ILGA, was founded in 1978. It is a worldwide federation of national, regional and local organisations and groups dedicated to work for equal rights for lesbians, gay men, bisexuals and/or transgendered people.

ILGA-World has today more than 300 member organisations in around 70 countries on all continents. Its structure is still very grass-roots oriented, ILGA is basically a network. Recently, ILGA has taken steps to become a more streamlined organisation. For that purpose, ILGA started a regionalisation process, at the end of which ILGA will have six regions corresponding grosso modo to the defined continents. All ILGA regions will have independent organisational structures. In December 1996, ILGA-Europe was the first of these regional associations to be founded.

During the 20 years of its existence, ILGA has called for and carried out innumerable campaigns for law reform in many countries, campaigns against discrimination and against cases of violation of the human rights of gays and lesbians. ILGA has arranged countless protest actions and amnesty international-style letter writing campaigns. ILGA has also given impetus and support to gay and lesbian groups in Latin America and in South Africa and played a crucial role in the emergence and development of the first gay and lesbian organisations in the former East-Bloc.

Major successes of ILGA's lobbying on the international level include the deletion of "homosexuality" from the World Health Organization's International Classification of Diseases, and the inclusion, into the mandate of amnesty international, of persons imprisoned solely on the grounds of their sexual orientation.

ILGA has been lobbying many international organisations, such as the Council of Europe, the United

Nations, the Organization for Security and Cooperation in Europe (OSCE), and the European Union. ILGA has participated as an NGO in many international conferences, such as the 2nd UN World Conference on Human Rights in Vienna in 1993 or the 4th UN World Conference on Women in Beijing in 1995, as well as in regional preparatory conferences to these world conferences. ILGA has been participating in the CSCE/OSCE since the Human Dimension Meeting in Moscow in 1991.

ILGA-Europe is attending the regular meetings of the European Parliament Equal Rights for Gays and Lesbian Intergroup and is a member of the Brussels-based Platform of European Social NGOs. In 1998, ILGA-Europe published a European Commission-funded report on "Equality for Lesbians and Gay Men - A Relevant Issue in the Civil and Social Dialogue", mapping the legal and social situation of lesbians and gay men in the EU member states.

PARLIAMENTARY ELECTIONS IN LATVIA

By Juris Ludvigs Lavrikovs

On 3 October 1998 Latvian citizens will elect their new Parliament. In order to find out how political parties view lesbian and gay rights issues the Homosexuality Information Centre circulated a questionnaire to the 21 political parties which are participating in the parliamentary elections. Only five parties considered it necessary to reply and express their views on the matter.

They are: the Democratic Party (DP), the Social-Democrat Women's Organization (SDWO), the "Harmony to Latvia" Party ("Harmony"), the Latvian National Democratic Party (LNDP), and the Latvian Renaissance Party (LRP).

All the parties mentioned, with the exception of the LNDP, supported the idea that homosexuals should enjoy the same right (excluding adoption rights) as their heterosexual fellow-citizens. Two parties, the DP and the SDWO, also supported granting homosexuals the right to adopt. Regarding restrictions on homosexuals in such public areas as education, the civil service and defence, only the DP and the SDWO expressed the view that homosexuals should not be discriminated against. The other parties which responded stated that they support the exclusion of homosexuals from these areas. The DP, the SDWO and "Harmony" supported the inclusion of sexual orientation in the antidiscrimination clause of the Criminal Law. All parties except the LNDP supported the idea of the adoption of a partnership law which would grant same-sex couples rights similar to

those of married partners with the exception of adoption rights. Only two parties the SDWO and "Harmony" declared that they would take a legislative initiative to propose such legislation. However, the DP stated that it would not obstruct discussion of adoption of such legislation.

The LRP stated that its party and the Latvian State had more important tasks. Answering the question whether the parties would be willing to meet lesbian and gay activists to discuss the issue of homosexual rights, all parties except the LNDP replied in reaffirmative and the SDWO underlined that they especially interested in lesbian issues. Finally, the parties were asked how they view homosexuality. Only the SDWO, the DP and "Harmony" view homosexuality as one of a range of forms of sexual orientation. The LNDP categorized homosexuality as sickness, perversion and profligacy. The LRP views homosexuality as a deviation from the norm.

As the poll shows, the most homophobic party among those which responded is the LNDP. This is the only party which addresses the lesbian and gay issue in its election manifesto. However, their concern is not for lesbian and gay rights. The party maintains that the homosexual movement threatens the development of the nation. In order to protect the nation from 'the criminal and immoral activities of a perverted group', the party proposes to restrict the public advertisement and activities of homosexual organizations. In their manifesto, the LNDP also accuses 'Russian and Yid plutocrats' of taking power in the country and destroying the values of the nation.

The most positive and promising result of the poll is the fact that the "Harmony to Latvia" Party, which has a real chance of gaining seats in the new Parliament, is prepared to meet with lesbian and gay activists and to take a legislative initiative to propose partnership and antidiscrimination laws.