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**COUNCIL OF EUROPE - LOBBYING CAMPAIGN
FOR THE END JUNE DEBATES IN THE
PARLIAMENTARY ASSEMBLY ON LESBIAN
AND GAY ISSUES**

By ILGA-Europe

On Friday 30th June the Parliamentary Assembly of the Council of Europe will debate two historic recommendations:

The first, entitled "SITUATION OF LESBIANS AND GAYS IN COUNCIL OF EUROPE MEMBER STATES" calls on member states to take a number of positive actions, including:

- i. making sexual orientation a prohibited ground for discrimination,
- ii. revoking all laws making homosexual acts between consenting adults liable to criminal prosecution,
- iii. equalising age of consent laws,
- iv. ensuring equal treatment in employment,
- v. adopting legislation which "foresees registered partnership".

It also calls for sexual orientation to be added to the grounds for discrimination prohibited by the European Convention on Human Rights.

These recommendations are preceded by a hard-hitting preamble which includes an attack on certain "politicians and religious leaders" who use homophobia "to justify the continued existence of discriminatory laws and, above all, aggressive or contemptuous attitudes."

The report that is the background for the recommendation can be found at this web site:

<http://stars.coe.fr/doc/doc00/edoc8755.htm>

The second recommendation, entitled "SITUATION OF GAYS AND LESBIANS AND THEIR PARTNERS IN RESPECT OF ASYLUM AND IMMIGRATION IN THE MEMBER STATES OF THE COUNCIL OF EUROPE" calls on member states to take a number of positive actions, including:

- i. Re-examining their asylum policies with a view to recognising as refugees homosexuals persecuted on the basis of their sexual orientation,
- ii. Ensuring that bi-national lesbian and gay couples are accorded the same residence rights as bi-national heterosexual couples.

The report that is the background for the recommendation can be found at this web site:

<http://stars.coe.fr/doc/doc00/edoc8654.htm>

The full text of the Recommendations, and of the accompanying Explanatory Memoranda, can be found at the Council of Europe's website, from 27 June 2000

THESE RECOMMENDATIONS, IF SUCCESSFUL, WILL BE THE MOST IMPORTANT STATEMENT ON LGB RIGHTS BY THE PARLIAMENTARY ASSEMBLY FOR NEARLY 20 YEARS. It may well be a similar period of time before the Assembly returns to this subject in this detail. IT IS THEREFORE ESSENTIAL THAT EVERY EFFORT IS MADE TO ENSURE THAT THESE RECOMMENDATIONS ARE APPROVED AND NOT DILUTED BY HOSTILE AMENDMENTS.

If successful, these Recommendations will represent a very important declaration by delegations from the parliaments of the 41 member states of the Council of Europe, and are likely to influence the governments of member states.

A Recommendation of the Parliamentary Assembly requires a majority of 66% to be successful. We know this will be difficult to achieve. The opponents of lesbian, gay and bisexual rights at the Assembly are determined and well-organised. It is therefore essential that we persuade parliamentarians who support us to be present for the debate. This is all the more important, since the debate is scheduled to take place on the Friday, when many parliamentarians will already be returning from Strasbourg to their homes.

SO PLEASE WRITE A SHORT LETTER TO SUPPORTIVE MEMBERS OF YOUR NATIONAL DELEGATION IMMEDIATELY. The names and addresses of the members of your national delegation can be found at the following reference at the ILGA World website:

http://www.ilga.org/Current%20activities/europe/Council%20of%20Europe/council_of_europe_.htm

If you do not have information on which parliamentarians are supportive, we recommend that you contact only parliamentarians from left of centre and centre parties (these are shown separately in the list at the ILGA World website). We recommend that you do not contact right of centre politicians, unless you know them to be supportive - contacting those who are hostile could well be counter-productive.

When you write to the supportive members of your national delegation, we suggest you make some of the following points:

- a. Discrimination, and sometimes even violence, remain serious problems for lesbians and gays, as is made clear in the Explanatory Memoranda which accompany the two draft Recommendations.
- b. The failure by so many countries to give legal recognition to same-sex partnerships is a serious form of discrimination which can cause considerable hardship for many couples.
- c. The European Court of Human Rights has ruled that discrimination based on sexual orientation is a violation of the European Convention on Human Rights.

Stress that the Recommendations, if passed, will be of historic importance for Europe's lesbian, gay and bisexual communities, and present a rare opportunity for parliamentarians to demonstrate their support for the fundamental rights of our community.

Ask them to support the draft Recommendations, and to oppose any attempt to weaken them.

Point out that the debates will take place on Friday 30th June, and ask that they specifically arrange to remain in Strasbourg that day.

PLEASE ACT NOW! THE SOONER YOU WRITE, THE BETTER THE CHANCE THAT MEMBERS OF YOUR COUNTRY'S DELEGATION WOULD ARRANGE TO REMAIN IN STRASBOURG ON THE DAY OF THE DEBATE.

Note on the background and history of the Council of Europe

The Council of Europe is Europe's main intergovernmental human rights organisation. With some 41 member states, covering nearly 800 million people, it has a most important role in promoting human rights.

The Council of Europe was founded in the aftermath of the second world war, with the purpose of promoting respect for human rights in Europe, in the hope of preventing any repetition of the atrocities of that time.

The Council of Europe has three main elements:

The Committee of Ministers: this consists of the Foreign Ministers of the 41 member states, and is the executive of the Council of Europe. It can make Recommendations to the member states, although these recommendations are not binding.

The Parliamentary Assembly: this consists of delegates from the national parliaments of the member states. There are approximately 300 Representatives, each of whom has a deputy. The delegations of individual countries depends on the population of those countries: the largest countries have eighteen representatives. The Parliamentary Assembly can make Recommendations to the Committee of Ministers. If the Committee of Ministers does not support such a Recommendation, then it is merely passed to the governments of member states for information. Nonetheless, such Recommendations are of considerable symbolic importance.

The European Court of Human Rights: this consists of one judge from each of the 41 member states. It rules on whether individual member states have violated the European Convention on Human Rights. Its judgements are binding on the member states.

ADOPTION OF STEPCHILDREN IN GAY AND LESBIAN FAMILIES IN ICELAND

By SAMTÖKIN '78

On 8 May 2000 the Althingi, Iceland's long-established parliament, passed an amendment to the 1996 legislation permitting registered partnerships which have greatly improved the legal rights of lesbian and gay families. The new laws are similar to those passed by the Danish parliament in the spring of 1999 and allow Norwegian, Swedish and Danish citizens resident in Iceland to enter into registered partnerships or to enjoy the same legal status in Iceland as would be granted them under registered partnership in their own country. Other foreigners can enter a registered partnership if they have been resident in Iceland for two years, even if they are not Icelandic citizens.

What attracted most attention, however, was an amendment put forth by the General Committee of parliament that allows a person in registered partnership to adopt the child of his or her partner, insofar as the child's other parent does not have custody claims. Iceland thus becomes the second country in the world, after Denmark, to make such an improvement in legislation to ensure the rights of children growing up in gay and lesbian families. In the last four years Iceland has become one of the world's leading countries in recognising the rights of lesbians and gays: In 1996 parliament passed a law on registered partnerships and the year after amendments were made to the criminal code to ensure the rights of homosexuals.

Out of 63 parliamentarians, 49 supported the adoption amendment, three abstained and only one opposed the amendment. Ten members were absent.

Objections were heard from outside parliament, mainly from Christian fundamentalists who conducted a vocal media campaign in an attempt to stop the passing of the amendment. The so-called "Campaign for the Protection of Children", composed mostly of people from fundamentalist churches, sent in a petition signed by 1050 people, about 0.4% of the population which numbers only 280.000.

"The determination and acuity of the small movement of lesbians and gays in Iceland has led to a miracle in the last two decades," said Mr. Thorvaldur Kristinnsson, spokesman of the Lesbian and Gay Association of Iceland. "It is rewarding to not that a recent Gallup poll shows that two thirds of Icelanders find nothing wrong in lesbians and gays taking responsibility for adopting children. This is a nation that only twenty years ago was so prejudiced that homosexuals were forced to immigrate abroad. But our society is small and messages travel fast. Through cogent arguments we have reached the people of this country."

EU CHARTER ON HUMAN RIGHTS

By Nigel Warner

On 4th June the Praesidium issued their proposal for a revised draft of the human rights articles (1 - 30), which take account of proposed amendments.

The anti-discrimination clause still includes sexual orientation:

"Article 22

1. Any discrimination based on aspects such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, association with a national minority, property, birth, disability, age or sexual orientation shall be prohibited."

The clause on marriage and founding a family has been made totally ineffectual, in that it simply says that this is a matter for national law. It now reads:

"Article 13

Right to marry and to found a family
The right to marry and the right to found a family shall be guaranteed in accordance with the national laws governing the exercise of this right."

I suppose this was inevitable, as the national governments will not want to pass control of issues such as the definition of marriage, and parenting, to the EU.

EQUAL PROGRAMME

By ILGA-Europe

The Commission's communication to Member States establishing the guidelines for the Community initiative EQUAL (transnational cooperation for the promotion of new practices to fight against discrimination and inequality of any kind in relation to the labour market) was published in the Official Journal of the European Union, C 127 of 5 May 2000.

http://europa.eu.int/eur-lex/en/dat/2000/c_127/c_12720000505en00020010.pdf

It explains in detail the political and thematic context as well as the development partnerships of the Community initiative and indicates arrangements for its financing.

The Commission invites the Member States to present their proposal of Community Initiative Programmes (CIPs) concerning EQUAL within a delay of four months counting from the date of publication of the communication in the Official Journal.

The total FINANCIAL CONTRIBUTION to the EQUAL Programme from the Community budget for the period 2000-2006 is almost 3 BILLION Euro.

IT IS VERY IMPORTANT that gay and lesbian organisations in the member states lobby their governments (normally ministries for equal opportunities or labor) in order to have sexual orientation discrimination appropriately addressed in the national plans (CIPs) for EQUAL.

ILGA -Europe Board would also ask you to communicate to the Board and the e-mail list positive results and difficulties you may encounter in the lobbying process.

SPAIN - THREE DOMESTIC PARTNERSHIP BILLS IN PARLIAMENT

By Cesar Leston

Three bills have been submitted in the Spanish Parliament who would recognize rights to Domestic Partnerships. They have been produced by the Socialist Party - PSOE, Izquierda Unida - IU (a coalition of small left and green parties axed on the remains of the communist party much like the Italian Olivo coalition) and Convergencia-CiU, in office in Catalonia. Unlike the bills already in

force in Catalonia or Aragon or the bill still being drafted in Andalusia (granting relevant but minor rights), the Federal Parliament may produce legislation on domestic partnerships of specific importance, such as on taxation, inheritance rights, pensions, etc.

They do not present remarkable differences with texts submitted in other legislatures. Their basic features is they would provide most rights to unmarried couples but those on adoption issues (the IU draft does). Maybe the only relevant difference is that the law submitted by CiU provides different forms of recognition for same-sex or different-sex partnerships. This is only logic for such is the way couples are dealt with on the law already in force in Catalonia (where they are in office), which they created.

All three laws will have to be voted in Parliament before they start all other parliamentary procedure (amendments). If defeated, they will just be dismissed.

And, the question is: How successful these proposals will be. That question remains open. The Popular Party - PP, in office at federal level, has never welcomed domestic partnership initiatives and blocked others in the preceding legislatures. And they have an absolute majority on both chambers of parliament. But, on the other hand, they seem very keen on developing some form of consensus for all legislative initiatives. Given the fact (which they know) that, according to surveys, the Spaniards think by overwhelming majority (some 68 %, of all political factions, including thus their own voters) that some law ought to be passed, they are not likely to just impose their absolute majority in seats in Parliament because it would be too controversial. Also recently the major of Madrid (more conservative wing within the PP) made a statement against partnerships... which was promptly responded not only by the opposition of all parties but also by leaders of his own... while no one defended him. In other words, the swords may be raised and an internal battle in the PP. The outcome is uncertain but some chance exists.

SPAIN - A BILL ON FAMILY REGROUPING FOR SAME-SEX COUPLES IN CATALAN PARLIAMENT

By Cesar Leston

A draft of bill has been submitted on May 22nd on FAMILY REUNION FOR DOMESTIC PARTNERSHIPS. Under this bill all the couples living in Catalonia and qualifying as domestic partnerships under the terms of the Catalan Law of Domestic Partnership (1998) would also qualify for family regrouping if

one of the members of the couple is a national of a non-EU member state living legally in Catalonia and a national on another non-EU member state living illegally in Catalonia. The Catalan branch of the Socialist Party - PSOE, has submitted the draft of bill.

The actual effect of this bill would be, for instance, allowing non-EU nationals living illegally in Catalonia to obtain a residence permit on the basis of being a member of a domestic partnership. A judge already granted such right last winter to a same-sex couple integrated by a Spaniard and a Peruvian citizen (who had no residence permit) but this was only a first instance court ruling and does mean by itself a change in the law.

This sensitive issue has been closely monitored by the Fundación Triángulo from December last year, when the European Commission submitted a proposal of DIRECTIVE ON THE RIGHT TO FAMILY REUNION who acknowledges as a member of the family his couple of either sex when domestic partnerships are granted some legal status in the country of origin. From the first moment, some European governments (including the Spanish) dismissed this point of the Commission proposal for, they said, domestic partnerships lacked recognition in national laws. This is not only false (since domestic partnerships have been granted recognition at national level in several issues [habeas corpus, witnesses protection, property letting, victims of violent crimes, asylum or refugee status seekers]) but also incongruous since such issue on the Directive proposal would only be implemented in member states where domestic partnerships would enjoy explicit recognition.

Triangle Foundation included this claim when it issued proposals to political parties before last legislative election (march 2000), which it has also sent to all MP's in the Lower Chamber. We also think this would have quite a relevant impact in Catalonia for there is indeed there a legal recognition of domestic partnerships which might benefit from this right if the Spanish government allows it. But this will need lots of lobbying and support. Otherwise, we might be facing a ridiculous and discriminatory situation such as Dutch or Swedish citizens being able to regroup their family while Catalans would not.

SOUTHERN SPAIN - ANDALUSIAN PARLIAMENT TO CONSIDER LEGAL STATUS FOR DOMESTIC PARTNERSHIPS

By Cesar Leston

The Welfare Dpt. Chief of the Andalusian Government declared that his office would produce a draft of bill on

Domestic Partnerships of either sex. The draft, he said, would be presented to the Andalusian parliament during this legislature (which has just started). His commitment, he stressed, made sense as such a law was a part of the manifesto for last regional elections, which confirmed the majority of the Socialist Party - PSOE. Nevertheless, there have been some rumours that the work of producing the law had been delayed for the lawyers in the Welfare Department had been giving priority to some other drafts.

Meanwhile, the president of the Andalusian Federation of Lesbians and Gays, Mr Rafael Salazar, said he would be asking the Andalusian Government to include in the law the fostering issue.

The adoption legislation is a federal government issue, but, as he said, the Andalusian gov. may legislate on fostering of minors. Thus, Mr Salazar said, once the talks between the Andalusian government and the concerned NGO's, his group would be asking the law to allow same-sex couples to be allowed to foster children, a right already granted to straight-couples in Andalusia. "What we don't want is just a nice paper", he said.

CZECH REPUBLIC PLANS PARTNER LAW

By Rex Wochner

The Czech Republic's human rights commissioner, Petr Uhl, announced plans May 4 for a new registered-partnership measure.

Deputy Prime Minister Pavel Rychetsky said the ruling Social Democrats support the idea and will draft a bill. The Communists also favor it; the Christian Democrats oppose it.

The announcement came on the heels of a hundreds-strong lesbian conference in Prague called Aprilfest, which was held April 28-30. News reports said the conference injected new life into the partnership-law campaign.

Partnership legislation was rejected by Parliament last December in a 91-69 vote. It would have granted gay couples all rights of marriage except for access to adoption.

Gay couples have nearly all the rights of marriage in Denmark, France, Greenland, Iceland, the Netherlands, Norway, Sweden, and the U.S. state of Vermont.

BELGIAN PARTNER LAW UNPOPULAR

By Rex Wochner

Belgium's toothless "statutory cohabitation contract" has been unpopular since it came into force Jan. 1.

Only eight couples have registered in Brussels, *Le Soir* reported May 5. Numbers are similarly low elsewhere in the country.

The registration is basically symbolic, failing to confer any of the rights of marriage.

"This law is completely pointless, it offers nothing for anybody, whether heterosexual or homosexual," said Jean-Paul Leroy, president of Infor-Homo. "It solves none of their problems, neither with the social security system nor with the tax payable on their legacies."

Gay-friendly members of parliament hope to amend the law to grant statutory cohabitants the benefits of marriage.

FRENCH PARTNER LAW POPULAR

By Rex Wochner

About 14,000 couples -- more than half of them gay -- have gotten hitched since France's domestic-partnership law took effect last October.

Couples form Civil Solidarity Pacts at local court houses and acquire marriage rights and obligations in areas such as income tax, inheritance, housing, immigration, health benefits, job transfers, synchronized vacation time, responsibility for debts, and social welfare.

The law does not grant marriage rights in the areas of parental rights, adoption or medically assisted procreation.

Several other European nations -- including Denmark (and Greenland), Iceland, the Netherlands, Norway and Sweden -- have gay-only registered-partnership laws that grant more than 99 percent of the rights and obligations of matrimony.