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EU ENLARGEMENT

By ILGA-Europe

European Union Enlargement Commissioner, Guenter Verheugen, has confirmed that "full attention" will be given to sexual orientation discrimination in the accession review process.

His assurance comes in a letter responding to a report by ILGA-Europe documenting sexual orientation discrimination in the accession countries. This concluded that:

* discriminatory attitudes and practices are widespread in many of the accession countries

* there is neither an acceptable level of respect for the human rights of the lesbian, gay and bisexual minority, nor anything approaching adequate protection from discrimination in many of these countries.

ILGA-Europe's report called upon accession country governments to repeal discriminatory laws, and to take action to fight discrimination. It urged the European Union to reject the accession of countries with serious discrimination until such time as it had been addressed by government.

Commissioner Verheugen confirmed in his letter that the elimination of discrimination due to sexual orientation reflects the basic principles of the European Union. These were "principles which the new Member States will be expected to accept upon accession".

His response endorses statements made by a member of his cabinet, Ms Petra Erler, at an end-June hearing in the European Parliament. She commented that there was no flexibility in the negotiations with regard to equal opportunities or the protection of minorities. "What we want", she said: "is a society that does not discriminate, regardless of sexual orientation". And she referred to certain of the accession countries which still have discriminatory laws. Romania had been called upon "time and again" to repeal such laws, while Cyprus "still had work to do". Bulgaria, Hungary, Estonia and Lithuania were also all subject to continuing scrutiny by the Commission.

ILGA-Europe Board Member, Tatjana Greif from Slovenia commented: "our research shows the situation to be serious. It is not just a matter of discriminatory laws. In the great majority of accession countries any lesbian, gay or bisexual person who is open about their sexual orientation faces a very high risk, sooner or later, of experiencing discrimination."

Fellow Board Member Adrian Coman, Romania, added: "Mr Verheugen's statements are a welcome confirmation that the European Commission sees

sexual orientation discrimination as something which accession country governments must tackle. This comes on top of the position already adopted by the European Parliament, which has warned that it will not give its consent to the accession of any country that violates the human rights of lesbians and gay men".

HUMAN RIGHTS COMMISSION ISSUES REPORT ON THE RIGHTS OF LESBIAN, GAY AND BISEXUAL PEOPLE IN NORTHERN IRELAND

By Cathal Kelly

The Northern Ireland Human Rights Commission is today publishing a report on the rights of lesbian, gay and bisexual people in Northern Ireland. The report finds that discrimination against lesbian, gay and bisexual people is widespread. The research team, therefore, wishes to acknowledge the organisations and individuals who assisted the research project.

'Enhancing the Rights of Lesbian, Gay and Bisexual People in Northern Ireland' evaluates laws, policies and practices in Northern Ireland against the standards established under international human rights law, European equality law and relevant national law such as section 75 of the Northern Ireland Act 1998. It identifies the gaps in rights protection and equality in the key areas of: education and young people, criminal law, employment, partnership, family life, and health care.

The report was commissioned by the Human Rights Commission, in line with its Strategic Plan for 2000 to 2002. It was co-authored by Dermot Feenan, Professor Barry Fitzpatrick, Patricia Maxwell, Ursula O'Hare who are members of the Human Rights and Equality Centre at the University of Ulster, and Timothy Ritchie and Caroline Steele, both barristers-at-law.

Brice Dickson, Chief Commissioner of the Human Rights Commission, said:

"The importance of researching the extent to which rights are currently afforded to lesbian, gay and bisexual people is highlighted in the Commission's Strategic Plan which was itself subject to consultation. The Commission is pleased to be able to publish this report and is currently considering the recommendations. We hope that close attention will be paid to the report's contents and that early changes in law and policy will result so that lesbian, gay and bisexual people can genuinely feel more included in our society."

Co-author of the report, Dermot Feenan, said:

"The widespread discrimination against lesbian, gay and bisexual people can undermine substantially the rights of many individuals and groups in our soci-

ety. The extent of this discrimination tends to be hidden because of a lack of such research and a concern that coming forward with information may result in further discrimination. The research team acknowledges the organisations and individuals who assisted the research project.

The report illustrates that while public bodies are statutorily required to promote equality of opportunity in their policies and services with regard to sexual orientation, many show little evidence of policies or practices that even relate to lesbian, gay and bisexual people. One of our recommendations is that the Northern Ireland Assembly should set up a Task Force to address the range of concerns faced by lesbian, gay and bisexual people and to consider inter-agency responses".

'Enhancing the Rights of Lesbian, Gay and Bisexual People in Northern Ireland'

Executive Summary

Introduction

This report provides an audit of the laws, policies and practice affecting lesbian, gay and bisexual people in Northern Ireland, with reference to European Union equality law, international human rights law, best practice and international developments. The report addresses the merits/demerits of law, policy and practice across the following areas: education and young people; family law; partnership; employment; immigration; access to, and standards of, health care; welfare law; and criminal law.

Main Findings

Laws, policies and practice in Northern Ireland discriminate extensively against lesbian, gay and bisexual people.

This discrimination has significant adverse impact on the emotional, physical, social and economic rights, entitlements, needs and interests of lesbian, gay and bisexual people.

This discrimination pervades most areas of law, policy and practice, including: criminal law, employment, education, health care, housing, immigration, and the taxation and social security systems. Such discrimination is embedded in the nature and effect of laws regarding the family and partnerships, which deny carers and dependents rights in, for example, succession and inheritance.

The extent of discrimination tends to be hidden because of an absence of research and a fear of "outing" and further discrimination among many lesbian, gay or bisexual people. This is associated with a lower rate of accessing legal services and other remedies among lesbian, gay or bisexual people.

Lesbian, gay and bisexual people face more bur-

densome requirements than others in accessing those rights and entitlements that are nominally theirs across a range of laws, for instance in having to make a will instead of relying on intestacy.

While public authorities are statutorily required to promote equality of opportunity in their policies and services for lesbian, gay and bisexual people, many public authorities show little evidence of policies or practices that affect lesbian, gay and bisexual people.

Organisations representing lesbian, gay and bisexual people seek an end to discrimination and desire equality under the law.

International human rights instruments provide protection of the rights of lesbian, gay and bisexual persons.

Recommendations

We recommend that the United Kingdom government and the Assembly repeal and/or amend any law that discriminates against gay, bisexual and lesbian people.

We recommend that the UK government and the Assembly enact law that recognises same-sex partnerships through registration.

We recommend that the UK government and the Assembly repeal the law on sexual offences regarding consensual sexual activity between gay, lesbian and bisexual persons and that all persons irrespective of sexual orientation be placed on the same basis throughout the UK as regards criminal activity.

We recommend that the UK government and the Assembly make discrimination on the grounds of sexual orientation an automatically "unfair" reason for the purpose of unfair dismissal law.

We recommend that the Assembly sets-up a Task Force on gay, lesbian and bisexual issues to address the wide range of social and economic issues faced by lesbian, gay and bisexual people and to consider inter-agency responses.

We recommend that the Assembly supports the establishment of a dedicated gay, lesbian and bisexual legal advice service in Northern Ireland.

We recommend that the UK government signs the European Convention on Human Rights and Biomedicine to strengthen the rights of lesbian, gay and bisexual patients in the UK.

We recommend that the UK government ratifies as a matter of urgency the Revised European Social Charter.

We recommend that further research is needed in

specific areas such as social work, housing, adoption, child care, higher and further education, access to legal services and vindication of rights and entitlements.

We recommend that such research should be carried out in conjunction with appropriate lesbian, gay and bisexual organisations.

We recommend further research into the scope for developing a system of registered partnerships in Northern Ireland both to extend the rights of common law partners to same-sex partners but also to extend the rights of married partners to all potentially registered partners whether straight or lesbian, gay and bisexual people.

For further information, contact:

Dermot Feenan, Research Co-ordinator, School of Law, University of Ulster tel: 028 9036 6374 (wk); or David Young, University of Ulster Press Office, 028 9036 6074 (wk); 07808 911343 (mbl) Nadia Downing, NI Human Rights Commission tel: 028 9024 3987 (wk); 07818 008442 (mbl)

COMMISSION WEBSITE ON THE ACTION PROGRAMME

By Cathal Kelly

The minutes of the last meeting of the Programme Committee are now on the site. They show what ten of the member states are saying to the Commission about how they are promoting the programme. (UK, Sweden, Finland, Portugal, Austria, Ireland, France, Italy, Netherlands, Luxembourg). I was interested to see how many mention only work on racism.

There appears to have been a lengthy discussion on the collection of data. They discussed the difficulties in getting the information and gathering statistics (including confidentiality issues). The Commission was to come with specific proposals to the following meeting of the Programme Committee (due to have been held on 10 July).

The discussion on the selection of NGOs networks would seem to suggest that only organisations for the disabled had been selected for funding. The Commission is to work "with other organisations, especially those representing the people who are most discriminated against" to help submit more suitable applications. The discussion also covered gender balance.

The minutes are at http://europa.eu.int/comm/employment_social/fundamri/docs/minutes3_en.pdf

My reading of the minutes suggests to me that action to combat discrimination on the grounds of sexual orientation or age appears to be getting less

support than work on race or disability (with discrimination on the ground of religion seeming to be subsumed into race in some areas of work). I wonder what action we may need to take to respond to this (assuming my interpretation is accepted by others!)

LATVIA: CRIMINAL LAW AMENDED TO CLARIFY THAT AGE OF CONSENT IS EQUAL FOR ALL

By Juris Ludvigs Lavrikovs

As reported before, the Latvian Criminal Law of 1998 previously allowed two interpretations regarding the age of consent firstly, that the age of consent was 16 for all, and secondly, that the age of consent for vaginal heterosexual acts was 16, but for non-vaginal heterosexual acts, as well as lesbian and gay acts, 14.

This situation existed because the term 'sexual act' used in Article 161, which laid down the age of consent, was regarded in commentaries and academic literature as referring only to vaginal intercourse between a man and a woman. The 1998 Criminal Law did not contain any article defining the age of consent for other sexual activities, including lesbian and gay sex.

At the same time, the Criminal Law had another Article 160 that dealt with violent sexual gratification, including violent pederasty and lesbianism. Analysing this article and excluding all acts that are punishable, the conclusion was that consensual non-vaginal heterosexual acts, along with lesbian and gay sexual acts, were legal with a person who had reached the age of 14.

On 18 May 2000 the Criminal Law was amended (Law of the Republic of Latvia of 18 May 2000 'On Amendments to the Criminal Law', 'Latvian Herald', 2000, No 197/200) and Article 161 now reads as follows:

Article 161 Sexual acts, pederasty and lesbianism with a person who has not reached the age of 16

Sexual acts, pederasty, lesbianism or other forms of unnatural sexual gratification with a person who has not reached the age of 16 and who is in a situation of material or other dependence on the offender, or such acts committed by a person of full age (i.e. age of majority, in Latvia 18 J.L.L), shall be punishable with imprisonment for up to four years.

Consequently it is an offence for a person who has reached the age of majority (18) to engage in any sexual activity with a person who has not reached the age of 16.

Sexual activity between a person between 14 (the age from which a person can be held criminally responsible) and 18 on the one hand and a person who has reached the age of 14 (any sexual acts with a person who has not reached the age of 14 is punishable) but not reached the age of 16 on the other constitutes a criminal offence only when there is material or other dependency between these persons.

Therefore the age of consent is now equal for all in Latvia and the recent amendment to the Criminal Law proves that the interpretation of the Criminal Law suggesting that the age of consent was previously unequal (16 for vaginal acts between a man and a woman, 14 for non-vaginal acts between a man and a woman as well as sexual acts between persons of the same sex) was correct.

EU STEPS UP PRESSURE ON BULGARIA, CYPRUS, HUNGARY AND ROMANIA TO REPEAL LAWS WHICH DISCRIMINATE AGAINST LESBIANS, GAYS AND BISEXUALS

By ILGA-Europe

Brussels, 5th September 2001

The European Parliament and the European Commission have united to put pressure on Bulgaria, Cyprus, Hungary and Romania to repeal laws which discriminate against lesbians, gays and bisexuals. The occasion was the European Parliament's annual review of progress towards membership by 12 countries from Central, Eastern, and Southern Europe.

The Parliament, in resolutions on the membership applications of each of the 4 countries concerned, called today upon the governments of those countries "to eliminate provisions in the penal code that discriminate against homosexual men and lesbian women".

EU Enlargement Commissioner, Guenther Verheugen, in addressing the Parliament yesterday, stated: "I want to make it crystal clear that the Commission will continue to press in the enlargement negotiations for full observance of human rights and the rights of minorities. This includes a ban on any discrimination based on age, gender, sexual orientation or religious conviction."

All four countries have discriminatory age of consent laws - a form of discrimination which has been ruled a violation of the European Convention on Human Rights by the European Commission on Human Rights. Each country also has discrimination in other areas of the criminal law.

The moves by the European Parliament and the Commission come at a crucial moment for Roma-

nia: The Romanian government has promulgated an ordinance which repeals the discriminatory law in that country (Article 200 of the penal code). However, the Romanian Senate will be voting tomorrow, September 6, on whether to support this ordinance. If it does, it will bring to a successful conclusion nearly a decade of campaigning for the repeal of one of the most notorious anti-homosexual laws in Europe.

Two other countries, Estonia and Latvia, have recently repealed discriminatory laws, although in each case the new laws have yet to come into effect.

ILGA-Europe Board Member Tatjana Greif (Slovenia) commented: "The united front shown by the European Parliament and the Commission should leave the governments and parliaments of Bulgaria, Cyprus, Hungary and Romania in no doubt that this issue will not just be swept under the carpet in the accession negotiations. We particularly call upon the Romanian Senate to take note of this in its vote on the repeal of Article 200 tomorrow"

Fellow board member Nigel Warner(UK) added: "Estonia and Latvia have shown the way. Their example, and the strong position taken by the European Parliament and the European Commission, leave the other governments and parliaments with no option but to take action".

ROMANIAN SENATE REPEALS ARTICLE 200 FROM THE PENAL CODE

By ACCEPT

On June 21, 2001, the Romanian Government passed an Emergency Ordinance (no. 89/2001) repealing Article 200 from the Romanian Penal Code, and modifying the texts of other articles on sex related offences in order to eliminate any discrimination based on sexual orientation.

The Senate's Legal Affairs Committee approved the Government Ordinance on August 30, 2001 with 7 votes "in favor" and 1 "against".

On September 6, 2001, the Senate's plenary adopted the Government Ordinance by 83 votes "in favor", 32 "against" (mainly Senators from the Great Romania Party) and 6 abstentions.

To complete the legislative process for the repeal of article 200, 3 more steps are to be taken:

1. the Chamber of Deputies' Legal Affairs Committee must approve the Government Ordinance (no. 89/2001);
2. The plenary of the Chamber of Deputies must vote in favor of the Ordinance (the Chamber of Deputies' vote to repeal Art.

200, from June 28, 2000, cannot be taken into consideration, because the text they adopted is not the same as the text of the Ordinance);

3. 3. The President of Romania must promulgate the law, following the vote in the two Chambers of Parliament, law which will become effective after being published in the Romanian Official Gazette.

Until then, the Government's Emergency Ordinance is effective, which means in practice that Romanian courts can no longer enforce art. 200 of the penal Code.

EU-Plan:

EUROPEANWIDE CRIMINALIZATION OF JUVENILE SEXUALITY UP TO 18

By Alexander Weber, HOSI-LINZ

The EU-Commission proposed a "Framework Decision on combating the sexual exploitation of children and child pornography". This framework decision - as opposed to its title and the strong words of Justice-Commissioner Vitorino - would less serve the aim of combatting sexual exploitation (which measures appear remarkably cautious) instead it would lead to europewide massive criminalization of juvenile sexuality up to the age of 18 (!).

The Austrian Society for Sexology (ÖGS) therefore sent a letter to the President of the European Commission Romano Prodi (see below). Similar letters have been addressed to Justice-Commissioner Vitorino, to EP-President Fontaine and to the Swedish and to the Belgian government (holding EU-presidency in 2001).

Take also action against this massive criminalization of juvenile sexuality by far not known in any of the European states. Write to the following persons:

Romano Prodi, President of the European Commission:

Romano.Prodi@cec.eu.int

Antonio Vitorino, Justice-Commissioner:

Antonio.Vitorino@cec.eu.int

Nicole Fontaine, President of the European Parliament: nfontaine@europarl.eu.int

Belgian Government (EU-Presidency 2nd half of 2001): pierre.baudewyn@just.fgov.be

Javier SOLANA MADARIAGA, Secretary General of the Council of the EU:

http://ue.eu.int/help/EN/e_mail_EN.htm

The text of the proposal:

Framework Decision:

[http://europa.eu.int/smartapi/cgi/sga_doc?smartapi!ce-exapi!prod!CELEXnumdoc&lg=EN&numdoc=52000PC0854\(02\)&model=guichett](http://europa.eu.int/smartapi/cgi/sga_doc?smartapi!ce-exapi!prod!CELEXnumdoc&lg=EN&numdoc=52000PC0854(02)&model=guichett)

Explanations:

http://europa.eu.int/eur-lex/en/com/pdf/2000/en_500PC0854_01.pdf

Press Release of the Commission:

http://europa.eu.int/rapid/start/cgi/guesten.ksh?p_action.gettxt=gt&doc=IP/00/1530|0|RAPID&lg=EN

Legislative Procedure (current state of affairs):

http://europa.eu.int/prelex/detail_dossier_real.cfm?CL=en&DosId=161008

The Letter of ÖGS

President Romano Prodi

European Commission

Brussels, Belgium

In Re: Proposal for a Council framework decision on combating the sexual exploitation of children and child pornography (2001/C 62 E/25, ABl. C 62 E/327-330)

Dear Mr. President,

Although we are delighted to see the battle against the sexual exploitation of children become a union-wide endeavour especially since measures taken would transcend what can be done on a national level - it is with great concern that we greet the commission's above-mentioned proposal.

We would go so far as to deem the initiative taken by the commission in this matter not only as being unsuitable, but also as carrying the potential of placing at risk the very ones it is trying to protect, namely the minors of the European Union. The proposed framework decision does not fully protect the rights of children and adolescents in regards to sexual autonomy, integrity and self-determinism. On the one hand, measures laid out to fight the sexual abuse and exploitation of children are both insufficient and deficient. On the other hand, a sense of reality is missing in dealing with the lifestyle of today's youth, resulting in an absurd curtailment of their rights to sexual self-determinism.

It appears to us, that the basic problem with the commission's draft, whether referring to children or adolescents, is the undiscerning use of the word 'child'. Especially as regards sexuality, a five-year-old child and a 17-year-old teenager cannot and should not be categorized alike. No language on earth uses the word "child" to designate persons who have grown past early teenage. Were one to do this - as is done in the present case - and implement the same criteria for sexual protection and abuse to a five-year-old child and a 17-year-old adolescent, the results would be absurd or dangerous or both.

No minimum age

As it stands now, the outline sees no need to set a compulsory minimum age for consensual sexual activity, so as to insure the plan's effectiveness; despite the fact that all the EU member states as well as other European and non-European countries have determined such age limits, which are nowhere under 12 years of age and, generally, around 14 or 15. (cf. Helmut Graupner: *Sexual Consent – The Criminal Law in Europe and Overseas*, Archives of Sexual Behavior, Vol. 29 (5) 415-461, NY: Plenum (2000), copy enclosed.) According to the proposed framework decision, sexual activity with children would only be considered as pornography, prostitution, violence or inducement – and, likewise, only then punishable – if the child were induced or coerced in some way (Art. 2). If there was no inducement, no crime can have been committed. We find this deficiency in protection unconscionable, in that it would leave it open to the EU member states to decriminalize paedophilia, to the extent that no inducement of the child has taken place.

The Member States are merely required 'to consider prohibiting natural persons from exercising activities involving supervision of children when they have been convicted for one of the criminal offences provided for' (Art. 5 par. 5). That this is not an absolute requirement is perplexing, indeed. We see, as well, a deficiency for victims in the ambiguity of the phrase 'adequate legal protection and standing in judicial proceedings' (Art. 9), and the fact that only private 'and not public' bodies can be held responsible for their offences (Art. 1 lit. d, Art. 6 & 7).

These insufficient and half-hearted measures proposed for the protection of children stand in direct opposition to the near draconian limitations prescribed for the sex lives of adolescents.

Seduction/Enticement as a Criminal Offence

Just as the parameters for describing a criminal offence for 'inducing' sexual activities involving children are insufficient, the use of these same parameters in regards to teenagers shoots dangerously past the mark. "Inducement" and "seduction" are essential components of human sexuality. "Seduction" is what makes intimate contact interesting. Without it, human sexuality would become a dreary business devoid of any and all eroticism. Whoever would not be able to "seduce" or "induce" in this sense of the word is ripe for some sexual therapy. To make "seduction" of sexually-capable persons beyond their early teens a criminal offence, or to limit their intimacy by making punishable the person who initiated the contact is not only absurd; it is inhumane, when one considers the ramifications of over-meticulous investigations and required – and, therefore, public – statements during court proceedings.

Such absurdity reaches a peak when the proposed

framework decision makes it compulsory to apply this criminal offence definition to contact between two teenagers (for example, for a 14-year old, who "seduces" his 17-year old girlfriend) and even to married couples; despite the fact that, in some EU Member States, the age of consent for marriage lies (far) below the age of 18. When one considers that the act of "seduction" or "inducement" through negligence is likewise to be penalized (In contrast to the elements of an offence regarding child pornography (Art. 3), there is no restriction as to intent in Art. 2.), one then suspects, that the authors of this outline could not possibly have wished for the consequences to which such regulations give rise; rather they rashly formulated the (grotesque) elements of crimes, counterparts of which are found in none of the Member States (c.f. Graupner, l.c.). In the commission's commentary to the proposed measures, there is not the slightest justification given for determining these extensive offences as such.

Non-economic remuneration

Also unspecified are 'other' offences (beyond coercing, inducing, profiting from), which would facilitate the prostitution of a child (Art. 2 lit. a). It remains fully unclear as to what behaviour is meant by this formulation, especially since the main causes of adolescent prostitution – beyond economic need – are deficiencies (esp. emotional impoverishment, abuse, lack of love, alcoholism) in the birth family and, in the case of same-sex prostitution, discrimination and (one's own) denial of homosexuality. What, then, is meant by "other" (non-economic) "forms of remuneration" (Art. 2 lit. b) ii) or by "influence over the child's vulnerability" (Art. 2 lit. b) iii). One could mean anything and everything. One of the consequences of such a boundless list of offences is that practically every intimate, adolescent relationship would be held up to criminal scrutiny; a situation wholly unworthy of a 21st-century, constitutional state, which prides itself on plurality, openness and tolerance under the law. Moreover sexology demonstrates that repression worsens the problems in connection with adolescent prostitution which can be solved by easily accessible and accepting social work only.

Visual portrayals as a criminal offence

We find it imperative to oppose the proffered definitions of child pornography, in that they proscribe any 'commercial or non-commercial' lascivious exhibition of the pubic area (not to mention "the genitals") of "children" less than 18 years of age, even when these depictions originate from adolescents, themselves. Following this logic, a 17-year old boy, who snaps photos of his 17-year old girlfriend in a skimpy bikini, is liable to be prosecuted as a producer of pornography. While, we certainly don't suspect the authors of this proposition as having had such a scenario in mind – especially as the

proposition, itself, carries no grounds for such – it becomes painfully obvious that they adopted – uncritically and word-for-word - the corresponding, American regulation (§ 2256 (2) U.S. Federal Criminal Code), without first considering the absurd and grotesque effects brought about by that ill-formulated code.

Further, we find pan-European legislation, which criminalizes mere drawings and even simulated depictions, too far-reaching to be acceptable. One should neither discourage nor deem pathological the sexual interests in teenagers. For today's youth, sexual relations and sexual reality are a central and, for the most part, positive component of their way of life. The depiction of such relationships (for example, by sketching or drawing), whereby a teenager does not actually work on the production of actual pornography, cannot be punishable under the law. And, as far as children are concerned, it seems to us unwise to prohibit paedophiles from employing even those non-damaging outlets for their tendencies. By demanding the paedophile eschew every means of expressing his inclination (even drawings done privately and which won't be shared with others), one runs the risk of fostering the very (criminal) behaviour one is trying to eliminate.

We must also take exception to the reversal of the burden of proof in regards to the age of performers in pornographic productions. Rarely can one proclaim with certainty that someone who is less than 25 is not, as well, less than 18 years of age – which places a permanent suspicion of criminality on these productions. Since the consumer is hardly in a position to know – much less prove – for certainty the age of pornographic performers, the result is a de facto prohibition of pornography with performers who are less than 25 years of age; and this we strongly reject.

The right to complete sexual autonomy

To summarize, we reject the proposed framework decision as a double-edged sword, which on the one hand provides insufficient protection against all forms of unwanted sexuality and, on the other hand, inhibits the rights and freedoms for desired sexuality. Whereas the proposition allows for the decriminalization of the (non-seducing) paedophile, it ignores the fact that, in regards to adolescents (as stated by the British Royal College of Psychiatrists), what matters is the quality of the relationship and not the age of the partner. Equating a 5-year-old child with a 17-year-old adolescent not only undercuts the authority of urgently necessary rules of protection, it exposes them to derision.

We find the proposed measures especially dangerous, not only because the list of offences becomes a list of high crimes compelling an international code

of justice (which, for actual rules of protection appears to be necessary); but, because once approved by the Council's unanimous decision, it may be impossible to ever again repeal them.

In conclusion, it is of the utmost importance to caution against the acceptance of these regulations in their present form. Not only would they negate more than a decade of intense and widely-supported engagement in our fight to decriminalize consensual sexual contact and relationships between males, aged 14 to 18, and male partners more than 19 years of age (the notorious, anti-homosexual special penal code law §209 whose repeal the European Parliament vehemently requests); any consensual sexual activity of 14 to 18-year-olds, regardless of the gender of those involved, would be subject to criminal suspicion.

As we cannot sanction such a state of affairs, we, hereby, register our concern and objection and kindly ask you to revise the proposal.