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

<http://www.ilga-europe.org/>

IN THIS ISSUE

- **SWEDISH PARLIAMENT SAYS YES TO SAME-SEX COUPLES POSSIBILITY TO APPLY FOR ADOPTIONS**
- **SUPPORTING THE CASE FOR EQUAL TREATMENT AND NON-DISCRIMINATION**
- **LANDMARK IRISH REPORT ON THE STATUS OF LGB PEOPLE**
- **SWEDEN PASSES PROPOSAL TO OUTLAW HATE SPEECH AGAINST GAYS AND LESBIANS**
- **AGREEMENT BETWEEN EU PARLIAMENT AND COUNCIL ON DIRECTIVE ON EQUAL TREATMENT BETWEEN MEN AND WOMEN**

SWEDISH PARLIAMENT SAYS YES TO SAME-SEX COUPLES POSSIBILITY TO APPLY FOR ADOPTIONS

Press release from the Swedish Federation for Lesbian, Gay, Bisexual and Transgender Rights 5 June 2002

The Swedish parliament has late this evening adopted a proposal from the government to a new legislation regarding same-sex-couples that have registered partnership to be able to adopt children. The decision concerns both new same-sex parents' possibility to adopt the child of the new partner, and international adoption. The parliament also decided to grant the possibility to registered partners to be appointed as guardians of a child.

‘The decision of the parliament is a mile-stone in the view of the same-sex-family. It shows that the members of parliament have let the actual situation in Sweden guide their decision when they adopted the proposal’, says Mr. Sören Andersson, president of the Swedish Federation for Lesbian, Gay, Bisexual and Transgender Rights. ‘No one has the right to adopt a child, but the society has an obligation to offer as many safe and good homes as possible for those children who need it.’

MPs of all parties in the parliament, except the Christian Democrats, have in today's debate spoken in support of the proposal.

The issue of lesbian couples' access to insemination has been postponed. The explanation from the government is that the rules have to be investigated more thoroughly. The parliament has given the government the task to investigate the issue swiftly and make a proposal to the parliament.

‘The government must take the issue of lesbian couples' possibility to inseminate seriously. Children that are conceived through insemination in lesbian couples must be granted the same judicial rights, and the same right to know their origin, as other children. We expect the issue to be solved before the end of 2002’, Mr. Sören Andersson concludes.

See homepage: <http://www.rfsl.se>

SUPPORTING THE CASE FOR EQUAL TREATMENT AND NON-DISCRIMINATION

EUMC Study on Anti-Discrimination Legislation

Equality, justice and social inclusion are words frequently used in discussions on the development of the European Union (EU). They have become so commonplace that sometimes we lose sight of what they actually mean for people living within the Member States of the EU. Equality, justice and social inclusion are fundamental to building a strong and successful European Union, one in which all the people are given the best possible opportunity to make a success of their lives. The adoption of the Council Directives and the Community action programme are part of the broader EU strategy to realise this goal. EU Member states have already shown their commitment to this goal by adopting Community legislative measures which by the end of 2003 will be transposed into national legislation, institutional mechanisms will exist and an engagement with social partners and civil society on these issues will be better structured. Part of the EUMC's contribution to this process is its studies on legislation and institutional mechanisms, and its work to raise awareness of these issues in a constructive, comprehensive and informed way.

EUMC Project 2001-2002 "Study on the comparison of the adopted Article 13 Council Directives with existing national legislation in the EU Member States"

By the end of 2000, with the adoption of Council Directives 2000/43/EC (Implementing the principle of equal treatment irrespective of racial or ethnic origin) and 2000/78/EC (Establishing a general framework for equal treatment in employment and occupation), there existed at the European Community level an actual framework for Member States on which to base, adapt or amend national legislation. Council Directives can be downloaded 

The EUMC continued its work on legislation by commissioning a study to compare the adopted Article 13 EC Treaty Council Directives with existing national legislation in EU Member States. The study would cover all the EU Member States and be limited to discrimination on the grounds of racial or ethnic origin and religion or belief.

The information provided in the Study indicates provisions in the Constitutions, the Criminal law, Civil law and Administrative

Law of the relevant EU Member State.

The reports cover legal aspects as well as institutional mechanisms to promote equal treatment and combat discrimination as outlined by the Council Directives. In all reports there is a description of the legal and institutional situation and an indication of whether their compatibility with the Council Directives should be reviewed, some reports may indicate case law where it exists to complement the information on the legal provision, there is an element of evaluation in the reports, but the main emphasis has been to indicate what provisions exist without necessarily trying to evaluate them.

The reports aim:

- to provide an overview of existing anti-discrimination legislation on the grounds of race or ethnic origin, religion or belief in the Member States and draw a comparison with the anti-discrimination Directives;
- to support the implementation of the directives by the Member States by indicating to each Member State the developments in other Member States (with the view that by providing information on the variety of approaches adopted by Member States to deal with the same issues Member States could benefit from the experience of each other);
- to identify areas which may require further development;
- to support the European Commission in the framework of the Community Action Programme in particular under Strand 1 - Analysis and evaluation, and
- to support wider debate as the issue is of interest to a variety of sectors in society.

In support of wider consultation among interested groups in the EU, the EUMC held a Round Table workshop 🗣️ on 27-28 May on developments related to article 13 implementation in the Member States. An outcome of the workshop was a **list of questions 🗣️ for use in the consultation process by interested groups**.

Please note that the final decision whether national legislation is compatible with the Council Directives rests with the European Court of Justice.

The reports can be found at this URL:
<http://eumc.eu.int/publications/Article13/index.htm>

LANDMARK IRISH REPORT ON THE STATUS OF LGB PEOPLE

The full text of the report is available at <http://www.equality.ie> Follow the links to publications and leave the search field blank.

The Equality Authority today (22 May 2002) launched a new report entitled "Implementing Equality for Lesbians, Gays and Bisexuals".

The Equality Authority was assisted in the preparation of this report by an advisory committee involving gay and lesbian organisations, the social partners and representatives of Government Departments.

The recommendations made by the Equality Authority provide an agenda for action in addressing gay, lesbian and bisexual disadvantage in such areas as education, training, employment, services, health, support networks and community development. Key strategies recommended in the Report to address this disadvantage include:

- placing the needs of lesbian, gay and bisexual people at the heart of policy making and public provision.
- building a participation by lesbian, gay and bisexual organisations in decisions that affect these communities
- providing training for policy makers and service providers on issues affecting gay, lesbian, gay and bisexual people

"This report affords a new visibility to the experience, situation and identity of gays, lesbians and bisexuals in our community. It establishes an agenda for change that requires implementation if our ambition for greater equality is to be realised. In this way we can seek an end to violence, hostility and harassment experienced by lesbians, gays and bisexuals on the streets, at work or even in school. In this way we can move away from false assumptions of heterosexuality and celebrate a diversity of sexual orientations. This requires a new recognition under the law for gay and lesbian couples, new investment in gay, lesbian and bisexual organisations and new policies and programmes in the provision of education, training and health", states Niall Crowley, CEO, Equality Authority.

Dr. Maureen Gaffney, Chairperson National Economic and Social Forum warmly welcomed this important and substantive report. "In terms of new legislation, new strategies and new policy mechanisms, Ireland is now

leading the equality agenda in Europe. The goal is simple: to help shape a society where difference can be acknowledged without fear, be valued and accommodated. Yet, despite the many advances, there is still a community of Irish men and women, from all walks of life, who continue to suffer significant discrimination and exclusion from full citizenship - those whose sexual orientation happens to be gay, lesbian or bisexual. There are still Irish people who are afraid to openly acknowledge this core part of their personal identity, who don't feel valued or accommodated by the larger society. This report sets out a comprehensive and challenging agenda for the full inclusion of that community to Irish society. It's surely time we began the work".

At the launch of the Report, Ailbhe Smyth of the Women's Education, Research and Resource Centre, UCD stated that it is "a landmark in the history and status of lesbian, gay and bisexual people in Ireland, and a crucial step forward on the path to creating a truly equal and more open society".

The National Economic and Social Forum has agreed to progress the recommendations of this report by developing an implementation initiative with Government Departments. Niall Crowley highlights that "the potential impact of this report is considerably enhanced by this decision of the NESF - it usefully reflects the commitment made by the social partners in the Programme for Prosperity and Fairness".

Implementing Equality for Lesbians, Gays and Bisexuals

The Report of the Equality Authority on Implementing Equality for Lesbians, Gays and Bisexuals seeks a visibility for gay, lesbian and bisexual issues in the wider equality strategies and initiatives being pursued across Irish Society in the work of the Equality Authority (EA). The Employment Equality Act 1998 and the Equal Status Act 2000 enables the EA to promote equality for the gay, lesbian and bisexual community in terms of their experience, situation and identity.

The extent of discrimination and exclusion experienced by the gay, lesbian and bisexual community is clearly established in this report. This hostility, prejudice and anti-gay sentiment takes numerous forms.

- Workplace - exclusion and harassment at work of gays, lesbians and bisexuals, discrimination in relation to promotions and

working conditions, and dismissal solely because of their sexual orientation.

- Education - bullying and harassment, isolation, depression and poor self-esteem leading to poor educational attainment and early school leaving.
- Violence - the experience of Irish gay, lesbian and bisexual people reflect that of their counterparts throughout the world. European surveys have demonstrated that levels of violence directed against gay, lesbian and bisexuals are up to three times higher than those experienced by the population as a whole.
- Health - some doctors and nurses can be insensitive to gay, lesbian and bisexual patients and exclude same sex partners from diagnosis and treatment discussions.
- Partnership rights - the lack of recognition for gay and lesbian couples under the law, because legally their relationships do not exist leads to exclusion and inequality.

The invisibility of gay, lesbian and bisexuals and assumptions of heterosexuality in service design and provision has debilitating consequences in a broad range of areas such as housing, education, health, employment and training.

In this report the Equality Authority has identified the way forward via three key elements for change to eliminate discrimination and promote equality for gay, lesbian and bisexuals

- Mainstreaming - This is an approach where organisations commit to seeking equality for lesbian, gays and bisexuals and to ensuring that decisions made reflect this commitment. Mainstreaming gay, lesbian and bisexual needs involves ensuring that their particular needs are met in legislation, public policies, programmes and projects.
- Participation - This means ensuring that the gay, lesbian and bisexual community participate in decisions that impact on them. This involves the provision of resources and ongoing development to empower these communities and their organisations at local and national levels. This will ensure the active and visible participation of gay, lesbian and bisexual people in planning, policy making and the negotiation of change.
- Training - Training of staff by employers and service providers to promote an awareness of gay, lesbian and bisexual issues will build inclusivity both within the workplace and in service provision. Training supports are also required to ensure the full and effective participation of gay, lesbian and bi-

sexual communities in decision making fora.

The report proposes actions and approaches for all sectors of society to bring about the positive inclusion of lesbian, gays and bisexuals. Practical proposals include:

- (1) Empowerment - gay, lesbian and bisexual people should be a named and resourced target group in development programmes at national and local levels. This would entail the provision of funding to enable gay, lesbian and bisexual groups to organise, to articulate their interests and to develop services within their own communities.
- (2) Partnership rights - The right to nominate a partner (with equal rights to those available to married heterosexuals) should be extended to same sex couples. This will have implications in areas such as inheritance, taxation, pension and health entitlements. Legal and policy codes should be altered to ensure that references to the family recognise the diversity of family forms, households and couple relationships.
- (3) Health - the Department of Health and Children and the Health Boards should ensure that gay, lesbian and bisexual peoples needs are mainstreamed into the design and delivery of services. Gay, lesbian and bisexual people should be the subject of specifically targeted initiatives within all health strategies.
- (4) Education - Bullying and harassment policies and procedures should be reviewed by educational institutions with a view to eradicating homophobic bullying. Training should be provided for staff and information for students on gay lesbian and bisexual issues and addressing harassment of gay, lesbian and bisexual students. Visibility of gay, lesbian and bisexual issues should be incorporated into RSE, CPSE and SPHE programmes.
- (5) Youth Services - the VECs and the Department of Education and Science should ensure that adequate provision for young gay, lesbian and bisexual people is included in the county - wide three year youth service provision plans. Gay, lesbian and bisexual organisations should be resourced by youth work organisations to provide alternative social venues for young gay, lesbian and bisexual people.
- (6) Employment - employers should develop and implement comprehensive employment equality policies that specifically address the needs of gay, lesbian and bisexual workers. Equality Review of enterprises

and Action Plans should be developed by employers to examine workplace policies, practices and procedures to ensure they assist the process of inclusion of gays, lesbians and bisexuals.

- (7) Services - homelessness services should be sensitive to the particular circumstances of young gay, lesbian and bisexual people.
- (8) Violence - resources should be targeted to lesbian and gay support groups to develop victim support services within the gay, lesbian and bisexual community.
- (9) Media - The media should play roles in addressing prejudice against gay, lesbian and bisexual people and in affirming difference so as to contribute to an increased and positive visibility for gay, lesbian and bisexual life, interests and perspectives.

SWEDEN PASSES PROPOSAL TO OUTLAW HATE SPEECH AGAINST GAYS AND LESBIANS

16 May 2002

<http://uk.gay.com/news/5758>

The Swedish parliament on Wednesday passed a government proposal to change the constitution to outlaw hate speech against gays. Lawmakers approved the measure 196 to 74, with 36 abstaining and 43 absent.

The legislation will involve a change in the constitution so will have to pass through parliament after national elections in September. The legislation is expected to become law next year.

The Scandinavian nation already outlaws hate speech that condemns people because of their race, skin colour, national or ethnic origin or religious faith. The Social Democratic government felt that sexual orientation should be added to the list.

Violations are punishable by up to two years in prison.

AGREEMENT BETWEEN EU PARLIAMENT AND COUNCIL ON DIRECTIVE ON EQUAL TREATMENT BETWEEN MEN AND WOMEN

Parliament and Council have reached agreement on a revised version of Directive 76/207/EEC on the implementation of equal treatment between men and women as regards access to employment, vocational training and

promotion and working conditions.

The agreement, adopted unanimously by the 13 members of Parliament's delegation, lays down for the first time a clear definition of sexual harassment at the workplace. In the words of Commissioner Anna DIAMANTOPOULOU, this will finally enable sexual harassment "to be given a name in European legislation". Parliament also insisted on the adoption of preventive measures against sexual discrimination in employment, which of course includes harassment and sexual harassment.

Other important points for Parliament were firstly that employers and employees should jointly draw up action plans to promote equality and secondly the adoption of positive measures in favour of the "under-represented sex" so as to boost equal opportunities in employment, promotion and vocational training. Parliament also wanted to ensure stronger protection, not only of maternity rights but also paternity rights. In line with its proposals, men and women who make use of their right to maternity or paternity leave or who adopt a child will get their jobs back or an equivalent job without any loss of rights.

The directive provides for compensation to people who are victims of discrimination. These measures must have a deterrent effect and be proportionate to the harm suffered and may not be subject to a ceiling. In addition, Member States must designate organisations and bodies responsible for assisting victims of sexual discrimination. This was a key issue for Parliament, which insisted on the need to provide these bodies with sufficient financial resources to carry out their tasks. A compromise proposed by the Commission on this point was adopted. Anna KARAMANOU (PES, GR), chair of the Committee on Women's Rights, regretted the fact that the directive still left a "window open to exclusion" as the Council had not accepted an amendment banning restrictions on access by people of one sex to a given profession.

Rapporteur Heidi HAUTALA (Greens/EFA, FIN) said that this directive, which had played an important role for 25 years, would now better reflect developments in society, working conditions and family circumstances.

The new directive, which must be transposed into national law within three years, now has to be approved by Parliament's plenary and the Council. Parliament's third reading is expected

to take place at the May II plenary session in Brussels.

The official joint text will be posted on Parliament's website under 'Concluded Conciliations'

http://www.europarl.eu.int/plenary/default_en.htm