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## **SPAIN'S NEW PRIME MINISTER WILL LEGALIZE MARRIAGE FOR GAY COUPLES**

*By The Advocate*

Spain will legalize same-sex marriages and grant equal rights to gay couples, incoming prime minister Jose Luis Rodriguez Zapatero said Thursday. The move is likely to stir controversy in one of Europe's most Catholic countries in light of the Vatican's condemnation of same-sex unions; homosexuality was banned during the reign of Spanish dictator Francisco Franco. Spain's Catholic bishops have already spoken out strongly against the adoption of children by gay and lesbian couples. "The moment has finally arrived to end once and for all the intolerable discrimination which many Spaniards suffer because of their sexual preferences," Zapatero told parliament during a debate that will end with a vote to confirm him in office. "Homosexuals and transsexuals deserve the same public consideration as heterosexuals. As a result we will modify the Civil Code to recognize their equal right to marriage with the resulting effects over inheritance, labor rights, and social security protection."

Nine other European Union countries already have some provision for recognizing those in committed same-sex relationships. Last month the United Kingdom said it would give legal recognition to gay partnerships.

Homosexuality was banned during Franco's 1939-1975 dictatorship. Spain's liberal 1978 constitution outlawed sexual discrimination, and homosexuality was legalized shortly afterward. Zapatero, whose Socialist Party swept to a surprise victory in general elections last month just three days after train bombings that killed 191 people, made legalizing unions for same-sex couples one of his campaign pledges.

## **BRIT GAYS TO GET PARTNER RIGHTS**

*By Rex Wockner*

Gay couples in England and Wales will gain a long list of marital rights by registering their relationship if the government's Civil Partnership Bill, unveiled March 31, becomes law.

Spousal rights and obligations would be extended in areas such as immigration, benefits, pensions, inheritance, property and tenancy rights, parental responsibility, court testimony, hospital visitation and accident compensation.

Some gay activists have denounced the bill, arguing that same-sex couples should have access to ordinary marriage and the additional rights that come with it.

"Lesbian and gay couples are being fobbed off with second-best partnership rights," said the Gay and Lesbian Humanist Association.

"Why are gay couples required to sign a different register to everyone else?" asked GALHA spokesperson Terry Sanderson. "Why is the government inventing a whole new structure of partnership registration when there is a perfectly good one in place already -- called marriage? The government makes great play about its efforts to give equality to gay people, yet it has gone to enormous lengths to avoid giving equality."

## **EU SENDS MIXED MESSAGE ON HUMAN RIGHTS OF LGBT PEOPLE**

*By ILGA-Europe, 23 April 2004*

The European Parliament on 22 April 2004 reconfirmed its commitment to human rights by adopting a resolution focussing on human rights in the world. The text speaks out for the principle of non-discrimination on the basis of sexual orientation and clearly spells out, inter alia, the importance of reproductive rights. It explicitly mentions human rights violations of gay men in Egypt and is a welcome, if somewhat vague contribution to anchoring LGBT rights in the EU's human rights policy.

It comes at an important moment, only weeks after the parliament report on fundamental rights in the EU was voted down on 1 April. Drafted by MEP Boumediene the report would have spoken out in favour of sexual rights, including the right of gay and lesbian couples to adopt and marry and the fully equal rights to free movement in the EU of unmarried partnerships, be they heterosexual or homosexual. The ensuing heated debate and subsequent rejection illustrate clearly the continued divisive attitudes to LGBT rights concerns even at EU level.

The same phenomenon could be observed at the UN Commission on Human Rights. The Brazilian draft resolution on human rights and sexual orientation, which sought only to reaffirm human rights long-established in international law, was again postponed to next year's session after opposition by a number of states. Despite the European Parliament's and the EU Presidency's express commitment to support the Brazilian resolution, the EU failed to speak in a unified voice for the full enjoyment of human rights by all persons irrespective of their sexual orientation after Italy refused to express its support.

"At the eve of enlargement it is imperative that the EU stands firmly by its commitment to human rights. It has a vital role to play both at the domestic and the interna-

tional level”, explains ILGA -Europe board member Philipp Braun. “We hope the Parliament will take the lead and guide all future 25 member states towards achieving full legal and social equality of its gay, lesbian, bisexual and transgender citizens.”

## **PROPOSAL TO BAN SEXUAL ORIENTATION DISCRIMINATION IN LATVIA**

*By Juris Lavrikovs*

On 19 March 2004, Mr Nils Muiznieks, Minister for Special Assignment for Society Integration Affairs, submitted to the Cabinet of Ministers a legislative proposal to ban various forms of discrimination including discrimination on the grounds of sexual orientation. On 25 March 2004, the Cabinet of Ministers agreed on the proposals and they now have to be adopted by the Parliament.

On 29 June 2000, the Council of the European Union adopted Directive 2000/43/EC providing equal treatment regardless of race or ethnicity. Latvia has to implement the Directive by 1 May 2004 when it officially becomes an EU member.

Latvian legislation does not provide definitions of terms such as 'discrimination', 'direct discrimination', 'indirect discrimination'; the burden of proof does not lay on the respondent; the country does not have an institution responsible for the implementation of the principle of equal treatment; there are no effective sanctions for breaching equal treatment principles.

The aim of this legislative proposal is to implement the requirements of the Directive and to provide effective protection against discrimination. The inter-institutional working group consists of representative from Welfare Ministry, Ministry of Foreign Affairs, Ministry of Health, National Human Rights Office, Human Rights Institute of the Law Department of the University of Latvia, Latvian Centre for Human Rights and Ethic Relationships Studies. When it proposed this change, it concluded that it would not be useful to highlight only one type of discrimination (race discrimination) and the proposal should also cover other forms of discrimination. Initially the group proposed to amend eight existing laws with anti-discrimination provisions, but at the very last moment it was decided to propose one comprehensive general anti-discrimination law.

Proposed Anti-Discrimination Law provides definitions of discrimination, direct and indirect discrimination and harassment according to EU standards. The aim of the

proposed law is to provide effective protection against discrimination according to the Latvian Constitution and international law norms.

The proposed law provides protection against discrimination in terms of public law. The proposal suggests providing protection against discrimination in the following areas of private law:

- ?? labour relationships and employment;
- ?? membership in trade unions and other professional organisations;
- ?? education;
- ?? social security and health care;
- ?? access to goods and services available to the public, including housing.

The proposal provides that other legislation might also ban discrimination in other areas of private law.

According to the proposed law discrimination should be prohibited on the following grounds:

- ?? sex;
- ?? age;
- ?? race;
- ?? skin colour;
- ?? nationality or ethnicity;
- ?? religious persuasion;
- ?? political or other opinion;
- ?? social background;
- ?? education;
- ?? social and material status;
- ?? occupation;
- ?? health status;
- ?? sexual orientation;
- ?? other grounds.

The proposed law provides a right for non-governmental organisations working in human rights protection to submit a complaint on behalf of a victim of discrimination, providing this person agrees and did not submit a complaint him/herself.

The proposal also creates a duty for public authorities to ensure the implementation of this law. The proposal provides that the Latvian National Human Rights Office has to provide independent help to victims of discrimination; conduct independent surveys on discrimination; and publish independent reports and compose proposals on prevention of discrimination.

Additionally, the Minister submitted legislative amendments to the existing Criminal Law and the Code of Administrative Offences. Accordingly, it would be an offence to discriminate on the grounds listed in the Anti-Discrimination Law. The single act of discrimination will become an administrative offence punishable with a penalty of 500 Latvian Lats (ca 760 Euros). If such discrimination occurs more than once a year, it will be a criminal offence punishable with a penalty equal to 30 months of the minimum state salary. If such discrimination caused substantial harm or was connected to violence, blackmail or threat, or the discrimination act had been committed by a group of people or responsible employees of an organisation, or the discrimination act had been committed using an automated database system, it will be deemed a criminal offence punishable by imprisonment for a period up to 2 years or enforced labour or a penalty equal to 50 months of the minimum state salary.

## **IRISH SET TO GIVE EQUAL RIGHTS TO GAY COUPLES**

*By The Observer*

<http://observer.guardian.co.uk/international/story/0,6903,1179668,00.html>

Senator predicts all-party support for law a decade after sexual revolution began for Republic's gays

Gay sex was still illegal just over a decade ago in Ireland. But in another milestone in the Irish sexual revolution, a Bill designed to grant gay couples the same rights in law as married heterosexuals will be introduced in the Dublin Senate next month. And the champion of legal gay unions says he believes all the parties in Leinster House will back his legislation.

In his last major political battle of a 20-odd year career in Ireland's upper House, Senator David Norris' Domestic Partnership Bill 2004 would, if passed, effectively legalise gay and lesbian marriages.

The gay senator stresses that his Bill is not only aimed at protecting the rights of gays and lesbians, but also heterosexuals who live with each other but are not formally married. 'In terms of financial benefits such as inheritance rights, gay men, lesbians and unmarried couples are still second class citizens in this state,' Norris said.

'Take a gay couple who have been together all of their adult lives: if one of those men dies, his partner at present has no legal rights to inherit his long-term lover's pension.

He added: 'The same is the case with mortgages where a house cannot be handed over to the life-long partner if their lover, who is the mortgage holder, were to die. It is a terrible injustice which must be righted.'

Norris pointed out that there have also been cases where life-long partners have been denied access to dying lovers in hospital. 'I have dealt with cases where a long term lover goes to see his partner and that partner's family ban him from seeing his lover,' he said. 'This is because they are not in law a next-of-kin and have no right even on the edge of death.'

Norris also expressed concern at Irish gay men's inability to bring a partner from abroad into Ireland. 'Today in Ireland, gay men from South America are very popular.

'I know lots of men whose partners come from that continent but because their relationship is not recognised in law they have no rights, as heterosexuals do, to bring a foreign partner legally into the country,' he added

The independent senator and Joycean scholar claims he has cross-party support for the bill, which will lead to formal gay unions in the Irish Republic if successful.

'In 1993 being gay was still illegal so I suppose we have already come a very long way in the liberalisation of Ireland,' he said. 'This final battle is a nice way to end my political life on a positive note.'

While the Catholic bishops are likely to oppose the bill, Catholic commentators accept that the issue is likely to be less heated than the controversy over gay marriage in the United States.

Simon Rowe, the editor of the influential Irish Catholic, says the gay union issue 'is not going to be lightning rod for Catholic anger'.

Younger Irish gay men, who have enjoyed unprecedented freedom, are predicting widespread support for the Bill. Brian Finnegan, the editor of Gay Community News, said: 'I think the majority of Irish people are tolerant towards gay people. Gay men and lesbians are more socially acceptable and open in Irish society.

'Most gay men are not into party politics or ideology but Senator Norris's campaign is something even the most apolitical can relate to and support. If his Bill becomes law it will mean another victory for gay men and lesbians' civil rights.'

If the Irish government decides to block his Bill, the 60-

year-old senator is vowing to come out of semi-retirement for a final fight.

'If the government does obstruct the legislation there is one battle left: I will take them all the way to the European Court of Human Rights,' Norris said.

### **NGO'S MOBILISATION AGAINST HOMOPHOBIC CRIME IN FRANCE**

*By Robert Simon*

On January 16th, 2004, in a small urban city in the North of France, a group of people came to Sébastien Nouchet's home, threw gas on him and burnt him. Sébastien was very seriously burnt. Two months later he is still in hospital. It was not the first time that Sébastien and his partner had to suffer homophobic violence.

On September 13<sup>th</sup>, 2002 a young gay man was murdered in a park in Reims (East of France).

Sébastien's partner and mother succeeded to get some support : the President of the French Republic, Jacques Chirac, sent them a letter. The minister of Justice invited them in Paris. French LGBT NGOs organized protests in Paris and several other French cities. ILGA Europe sent a letter of support. A petition is being signed and will be given to the minister of Justice at the beginning of April. What is this petition saying ?

The petition says that LGBT people as well as women, jews, migrants suffer from discrimination and violence. Racism, sexism, homophobia, lesbophobia, transphobia are not opinions. Protests are not enough to fight against this violence. We need political action : we demand a real policy against discrimination. We want:

- a law against discriminatory speech,
- a high authority against discrimination with some capacity to help victims
- a media campaign against discrimination and a campaign in schools.

### **U.N. RESOLUTION DELAYED AGAIN**

*By Rex Wockner*

A groundbreaking resolution on gay rights was scuttled again this year at the 60th session of the United Nations Commission on Human Rights, March 29 in Geneva.

Sponsored by Brazil, the resolution "expresses deep concern at the occurrence of violations of human rights in

the world against persons on the grounds of their sexual orientation" and "calls upon all States to promote and protect the human rights of all persons regardless of their sexual orientation."

Brazil opted to withdraw the measure before it came up for a vote, saying that Muslim nations and the Vatican had enough clout to defeat it.

At last year's session, the vote was postponed for a year because of opposition from Muslim, African and Latin American countries, Vatican City, China and India. The United States had been expected to abstain.

"Millions of people across the globe face imprisonment, torture, violence and discrimination because of their sexual orientation," Member of the European Parliament Michael Cashman said following Brazil's backdown. "It's depressing when religions can succeed in denying ordinary men and women their universal human rights. Both the Vatican and the conference of Islamic states should hang their heads in shame for having reduced their beliefs to the gutter of bigotry and discrimination."

A statement released by several gay and gay-friendly non-governmental organizations attending the session expressed "disappointment."

"Around the world, [LGBTI people] face serious human rights abuses on a daily basis," the groups said. "For years, Special Rapporteurs have noted instances of death, electroshock therapy, flogging, torture, multiple rapes, and other egregious rights violations based on sexual orientation and gender identity. This resolution is urgently needed to send a clear message that lesbians, gays, bisexuals, transgender and intersex people are not less than human and that our rights cannot be violated with impunity."

International Lesbian and Gay Association Co-Secretary General Kursad Kahramanoglu voiced dismay at what he called Vatican and Islamic arm-twisting.

"This unprincipled alliance of the Vatican and Organization of the Islamic Conference in the UN has already twisted the arms of many countries to almost the breaking point in the past," he said. "The lukewarm support from some of the traditional supporters of LGBT rights has also contributed to the feeling of isolation of the Brazilian government."

## **RUSSIA KEEPS GAY SEX LEGAL**

*By Rex Wockner*

A committee of the lower house of Russia's parliament, the State Duma, rejected a measure to recriminalize gay sex April 1.

Russia decriminalized homosexuality in 1992 shortly after the fall of the Soviet Union.

Legislators said the proposed ban would have been unconstitutional because the Russian Constitution guarantees the inviolability of private life and private and family secrets, according to a report from the Interfax wire service.

## **PORTUGAL TO PROTECT GAYS IN CONSTITUTION**

*By Rex Wockner*

The commission reviewing Portugal's Constitution approved adding a ban on discrimination based on sexual orientation April 23.

"Portugal is now one of the few countries in the world that include nondiscrimination on the basis of sexual orientation in the fundamental law of the nation," said João Paulo, editor of the Web site PortugalGay.PT.

Other nations that ban antigay discrimination constitutionally include Canada, Ecuador, South Africa, Switzerland and, possibly, Fiji. At last report, Fiji's government had announced it wanted to repeal the protections because it had no idea how they ended up in the 1997 constitution in the first place.

## **HOMOPHOBIA IN POLAND**

*By Monica Collins, Agnes Malmgren and Martin Kraft on behalf of KPH Krakow.*

The Campaign Against Homophobia in Cracow, Poland (Kampania Przeciw Homofobii-Krakow, KPH) would like to inform you that a previously planned festival, "Culture for Tolerance", has been attacked by the Polish media, the City of Cracow, and the Jagiellonian University. The festival is to take place from May 6-9, 2004. The purpose of the festival is to expose the inhabitants of Cracow to art created by the LGBT (Lesbian, Gay, Bisexual, Transgender) community. It is intended to be a forum of discussion concerning the role of the LGBT

community in Poland. We want to show the Polish people that the LGBT community is a valuable and creative part of their society. There will be art shows, performances, films, discussions, lectures, parties, concerts, and a march for homosexual rights. There will also be a ceremony in Auschwitz at the Wall of Death for all the homosexual people killed by the Nazis. This is the first festival of its kind in Cracow, but not the first time homosexual groups have been discriminated against in the history of democratic Poland.

In light of the fact that Poland is entering the European Union on May 1, 2004, and claims to be a democratic country with anti-discrimination laws clearly stated in its constitution, EU members and other democratic countries should be outraged by the treatment of KPH. The planning of the festival has been going on since the beginning of January. Many venues have agreed to host festival events but then backed out because of political pressure, mainly from the political party "The League of Polish Families" and its aggressive youth group "The All Polish Youth." KPH asked that the permit be granted for Friday, May 7, but was told that they could have it for May 9; May 9 is a holy day in Poland, St. Stanislaus Day.

On Tuesday, April 20 an article about the festival appeared on the front page of the Cracow section of *Gazeta Wyborcza*, the most liberal and widely read daily newspaper in Poland. The article claimed that Polish people, especially those celebrating St. Stanislaus day at the Wawel Cathedral, would probably meet the march after mass and "(...)then receive flyers calling for support of homosexuals and their equal treatment by the society as well as fragments of legal documents forbidding discrimination on the grounds of sexual orientation(...)" (*Gazeta Wyborcza*, April 20, 2004). We wonder, why would it be bad for people to receive this information and why should they feel indignant?

After the article, which implied that the march was intended as a conscious provocation of the celebrants of St. Stanislaus Day, opposition to the festival has increased and become a public issue. Also on Tuesday, signatures were gathered in the city center for a petition demanding the festival be canceled and calling for protest participants in case the march takes place.

On Wednesday, KPH was informed that a venue promised to them for a discussion between Polish and Swedish artists that have homosexual themes in their work had been taken away from them. The gallery, *Bunkier Sztuki*, is co-owned by the city and the directors were informed yesterday that the discussion topic is too controversial, unwanted by the inhabitants of Cracow and

therefore cannot be held there. Is this freedom of speech or unlawful censorship?

Perhaps the hardest to accept is the Jagiellonian University's mercurial support of the festival. The Department of Sociology at the oldest and most respected university in Poland agreed to be an organizer of the scientific part of the festival. Three events were scheduled to take place in university buildings. Experts were to discuss different LGBT issues from a sociological perspective and students were scheduled to give presentations on gender. Also, the senator Maria Szyszkowska was slated to lecture about sexual minorities in a democratic society. Since the negative publicity from the Tuesday *Gazeta Wyborcza* article, the University threatened to withdraw its support for the festival. Voices were also raised in favor of the dismissal of the Director of the Sociology Department who had signed the agreement between the University and KPH. Thankfully, things have calmed down. The professor has not lost her position, and the University will host some of the events. But, instead of being held in the city center, as had been promised, they will now be held in a distant suburb of Cracow. Why would a university, an institution regarded as an advocate for freedom of thought and tolerance of different ideas, allow itself to be so easily swayed by groups promoting intolerance?

The drama of the situation is that it is difficult to find venues willing to host the festival events. It is extremely difficult to find neutral venues where both homosexual and heterosexual people feel comfortable. It is time for people other than the LGBT community to be criticized for their actions. Since it is extremely hard to criticize the discriminatory majority within the country, we turn to you. It is time for pressure to be put on the Polish government and Polish discrimination.

We sincerely hope the European Union ideas about integration are not merely empty words. Poland should be held to a standard in respecting its citizens' rights. Poland's blatant disregard of the rights of some of its citizens is unacceptable and should not go unnoticed. We write to you in the hope that you recognize the seriousness of this situation and will write something about it in your country.

### **BRITAIN EQUALIZES SEX LAWS**

By Rex Wockner

Britain's new Sexual Offenses Act, which took effect May 1, treats gays and straights the same when it comes to sex crimes, for the first time.

Two offenses that applied only to men who have sex with men – buggery and gross indecency -- no longer exist.

Men who had to register as sex offenders for having sex with teenaged males 16 and older before the age of consent was equalized can apply to be removed from the registry.

Male group sex is no longer illegal.

A new measure criminalizes gay or straight sex that takes place in public toilets, but it is only a "nuisance" crime. Violators will not have to register as sex offenders.

"For years, outdated attitudes enshrined in law have fostered mistrust and made generations of gay men criminals," Home Office minister Paul Goggins told London's *The Pink Paper*. "The government has ended this unjust situation."

### **SPANISH CATHOLIC LEADER OKS GAY UNIONS**

By Rex Wockner

The Vatican's apostolic nuncio (ambassador) to Spain, Archbishop Manuel Monteiro de Castro, said May 3 that same-sex unions should be recognized but same-sex marriage should remain banned.

"There are other forms of cohabitation and it is good that they be recognized," he said. "They are not the same as marriage. We will leave the term marriage for that which it has always referred to, and other arrangements should be given other names."

Monteiro also said he supports extending spousal rights, such as social-security payments, to gay couples.

The statements contradict official Catholic positions.

### **EUROPEAN PARLIAMENT ELECTIONS JUNE 2004: ACT4EUROPE ISSUES TOOLKIT**

By ILGA-Europe

Act4europe published its third NGO toolkit: The NGO toolkit for the European Parliament Election. It contains general information on the EP composition and legal role, the connection to civil society, suggestions for NGO campaigning, and the concrete demands of the 4 NGO sectors (environment, social, development, human rights). The second part is a complete country by country

contact list for parties standing for elections. The latter will be updated continuously on our website.

<http://act4europe.horus.be/module/FileLib/ElectionsPartI-III.pdf>

<http://act4europe.horus.be/module/FileLib/ElectionsPartIV-Partycontacts.pdf>

### **NEW ILO PUBLICATION : « TIME FOR EQUALITY AT WORK »**

*By ILGA-Europe*

The ILO's most comprehensive study to date on discrimination, this timely report argues that the benefits of eliminating discrimination in the workplace transcend the individual and extend to the economy and to society as a whole. While the most blatant forms of discrimination at work have faded, the report reveals that many remain a persistent and daily part of the workplace or are taking on new, more subtle forms that are cause for growing concern.

<http://www.ilo.org/public/english/support/publ/xtextdgm#b8717>

### **REPORT ON EQUALITY BETWEEN WOMEN AND MEN, 2004 - (COM(2004)115)**

*By ILGA-Europe*

*Brussels, 20 February 2004. The Commission has adopted the first annual report on developments towards gender equality and orientations for the future to be forwarded to the Spring European Council 2004.*

The persistent lack of equality between men and women in the EU could impact on its Lisbon goals, according to this new report. Progress has been made in the EU on narrowing the gender gap, but progress remains slow. The European Commission report will be reviewed by EU heads of state and government at the next European Spring Council on March 25 and 26. It shows that significant gender gaps remain, especially in the labour market. Failure to address this could hamper the EU's attempt to reach the targets set at the Lisbon Council in 2000, such as reaching a 60% employment rate for women in the EU by 2010.

[http://europa.eu.int/comm/employment\\_social/news/2004/feb/gmr\\_com04115\\_en.html](http://europa.eu.int/comm/employment_social/news/2004/feb/gmr_com04115_en.html)

### **FREEDOM OF MOVEMENT DIRECTIVE: EUROPEAN PARLIAMENT ACCEPTS THE COUNCIL POSITION WITHOUT ANY AMENDMENTS**

*By ILGA-Europe (10 March 2004)*

After the Committee decision on 19 February 2004, the European Parliament plenary on 10 March 2004 voted in favour of the Council position without introducing any amendments. The directive will come into force on 1 July 2005. In its first reading of the directive in February 2003 the Parliament had adopted a draft that would have truly respected the right to free movement for all families. The final text falls significantly short of these initial gains. Though symbolically important as the first official acknowledgment of the existence of registered same-sex couples it confers no substantive new rights to LGBT people and their families. The Parliament's cautious stance vis-à-vis family diversity however, does not necessarily signal fading support for LGBT rights amongst Europe's parliamentarians. Underlying the decision are pragmatic considerations: fierce opposition in Council, the accession of the ten new member states in May and the Parliament elections in June all have contributed to the judgment that in the current political climate this was the best compromise attainable. GUE/NGL had tabled ILGA-Europe's amendments both in the Committee and the Plenary but did not manage to gather sufficient support.

### **EUROPEAN PARLIAMENT APPROVES GENDER EQUALITY DIRECTIVE**

*By ILGA-Europe*

On 6 April 2004 the European Parliament approved in Strasbourg by 313 votes in favour, 141 against and 47 abstentions the report by Austrian Social Democrat Christa Prets on the proposal of directive concerning gender equality in access to goods and services and in the provision of services.

This new directive, which would tackle discrimination in the insurance and private pension sector, was highly controversial. One of the contested issues is the use of gender as a factor in calculating the rate of insurance contributions. The EP specified that the directive should apply neither to education nor to the content of the media or advertising, except for advertising on the conditions governing access to goods and the provision of services. As far as insurance and other financial services are concerned, the EP considers that the gender-based differentiation of premiums and payments for insurance products

(including pregnancy risks) is discriminatory given that gender is a factor on which it is not possible to act (...). Tariff differences depending on the different risk profiles must be imputable to the behaviour and choice of individuals, for example, eating habits, smoking risks, alcohol consumption, and the professional activity carried out, etc.

**EUROPEAN COMMISSION PUBLISHES FIRST  
« EQUAL RIGHTS IN PRACTICE  
NEWSLETTER »**

[http://europa.eu.int/comm/employment\\_social/fundamental\\_rights/pdf/pubdocs/newsletter1\\_04\\_en.pdf](http://europa.eu.int/comm/employment_social/fundamental_rights/pdf/pubdocs/newsletter1_04_en.pdf)