

# Sexuality, Religion, Human Rights

» 'battle' of Poznan

» challenges and  
advances for LGBT Europeans in faiths

» ILGA European conferences:  
rolling the ball from Paris to Sofia



## Message from Patricia

### A very warm welcome to the winter edition of our Newsletter!

You will notice that ILGA-Europe has had a significant 'face-lift'! We are pleased to enter a new year with our revised and up-dated visual identity and presentation. We recently launched our new website and just days ago we launched our new logo and now we present a new look for our Newsletter! These changes are part of our ongoing implementation of the communications strategy and hope they will result in more achievements and outcomes for our lobbying and advocacy efforts and the positioning of ILGA-Europe as one of the main players in the European 'battle field' for equality and human rights.

Last year we all witnessed an eruption of homophobia in different corners of Europe and we are delighted the European Parliament adopted a resolution condemning homophobic attitudes and statements by some politicians in various EU member states and calling for greater protection against homophobia and discrimination on the ground of sexual orientation. We will continue to work to ensure this firm signal from the European politicians will materialise in concrete actions by the European Commission.

The main topic of this Newsletter is Sexuality, Religion and Human Rights. Religious objections are among the main arguments against full equality and human rights for LGBT people in Europe. Some religious institutions are getting more vocal and are mobilising against further advance of human rights for LGBT people in Europe. At the same time there are also significant improvements and advances in this area. I hope you will find the contributions on this topic interesting and stimulating. As usual - your comments and feedback are very welcome!

**PATRICIA PRENDIVILLE**

ILGA-Europe's Executive Director

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The ILGA-Europe Newsletter is the quarterly newsletter of ILGA-Europe. Volume 5, issue 4, winter 2005-2006.

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**Design & layout:** Silja Pogule, www.siljadesign.lv **Front cover:** Riga Pride 2005 Toms Kalniņš/AFI  
**Printer:** Sofadi, www.sofadi.be **Next issue:** Spring 2006 **Deadline:** 10 March 2006

# Big thanks and good bye to Kim



In December 2005 we said good bye to our stagiaire Kim Smouter.

Kim is currently doing a Masters in European Public Affairs at the University of Maastricht. We are very grateful to Kim for his tremendous help in a variety of projects.

Commenting on his experience with ILGA-Europe, Kim said: "I've been with ILGA-Europe for over a year. When I first arrived, I had no idea I would stick around

this long! I don't think ILGA-Europe did either! I've had a wonderful time with ILGA-Europe, having had the opportunity to learn so much about ILGA-Europe's works and about the issues we LGBT people face at the European level. I am very grateful for all the doors ILGA-Europe opened up for me. I am also grateful to all the support and friendships I've been

able to make - in many ways it is the warmth and kindness of the people at ILGA-Europe that made me never want to leave."

We would like to thank Kim for his help and support and wish him all the best in his future career and personal life!

PP

# Paris October 2005



Vice-mayor of Paris addressing conference participants at Town Hall

At our last meeting of *ilgaeuropeparis2005*, we tried to remember how long we had been working on this project. (Sometimes we also try to remember why we had decided to work on this project, but that's another story.) The odd thing is, no-one can quite remember. Sometime after Lisbon, sometime before Glasgow, we began a long, long series of meetings, mostly in Robert Simon's living room, sometimes at the *Centre gai et lesbien*, occasionally elsewhere. Once a month, more or less, a variable but not large number of people got together to plan, first the bid for the conference, and then its organisation, fuelled with little more than semi-toxic French pizza to go, ably ordered by Edwin.

Every country that has hosted an ILGA conference has probably had similar experiences; what might be of interest here would be a few tales of our own version of *l'exception culturelle*. One peculiarity of France is precisely its large size and diversity of LGBT institutions. In some ways, it is much easier to form a cohesive and representative group in a smaller country where LGBT life is less flourishing.

The relationship between our own associations' goals and our participa-

tion in ILGA is often a bit of a work in progress; so, too, is what we looked for in ILGA-Europe 2005. Besides the holding of a successful conference, at a purely French level, many of us looked for new ways to bring very diverse French LGBT associations together, to raise the profile of international issues in French LGBT circles, and perhaps ultimately to create a new platform from which we might enunciate certain ideas.

In the end, most of the working together involved logistics, and most of the bonds formed were personal, but as Zhou Enlai famously said about the effects of the French Revolution, it is perhaps too early to tell.

On that more mundane, logistical level, we have all certainly learned a great deal about requesting and granting subsidies in France. The two principal cash subsidies we received were from Paris Town Hall and from IBM, and Paris Town Hall made a further generous non-cash contribution in the form of the reception held on the Thursday night of the conference.

(This apparently was an occasion for culture shock: should you ever return to France on an official visit, remember that a cocktail party involves elegant arrangements of delicious cocktail nibbles on a table. The idea that you might eat enough to actually get full should not be considered for a moment.)

Then there was the restaurant saga: until a very short time before the conference, we had thought the Saturday evening would be held somewhere else - in a lovely restaurant on top of the *Samaritaine*, one of the big Parisian department stores right by the Seine. Imagine with what interest we learned from the media that the *Samaritaine* was being closed immediately and for an indefinite period for urgent structural repairs. Finding a replacement venue is certainly one of the exploits that will live in our hearts and minds forever.

Visas for scholarship recipients from outside the EU were another issue we will remember; we were all shocked at how very difficult this process was and rather triumphant that, in the end, no-one was unable to come

because their visas had been refused.

And then in the background, there was always money. (We are told it makes the world go around.) Paris is quite simply an appallingly expensive city, and the ILGA conference budget does not expand or contract as a mathematical function of the cost of living in the conference venue, hence the endless anguished moans about "I can't believe hotels/restaurants/interpreters' booths/photocopies cost SO MUCH MORE HERE..."

Anyway, the conference finally happened. It is difficult to summarize all that took place during these four or five days. The pre-conferences were a great success especially the one on LGBT families which gained a lot of media coverage in France. During the conference itself, there was a very large choice of topics in the different workshops at the same time as there was real coherence in the planning of the different thematic workshops. As usual, the plenaries were well attended and quality of speakers' panels was high.

There were moving times as well, specially the goodbye "ceremony" in honour of Nigel Warner, who has done so much for ILGA-Europe, with modesty and discretion.

There were troubled times, such as the last election plenary, from which lessons will very certainly be drawn...

There were classy times like the ceremony in Paris City Hall which astonished even people who work there every day (rainbow flags that size!! even in Paris City Hall this was a first... all the more so as the French flag was hardly visible!).

There were party times notably in *Le Milliardaire* whose open bar (and bartenders...?) will probably be long remembered both by participants and organisers...! And for the ones (numerous we think) who enjoyed Tommy Markus mix, we can announce that he was since elected best French DJ of the year...!

There were also, probably, a lot of sexy times but that's another story!

Nor will we forget the political event in support of our Polish friends, in front of their embassy in Paris, which actually gained good media coverage.

Well, in fact, Paris was a very intense but also a very usual ILGA-Europe conference. We all felt strange (and exhausted) when it ended. Months of work and in a few days everything is over... Mixed feelings in our heads: relief and sadness at the same time. We did it, but now it's over.

Good luck and courage to our friends from Sofia!

PIERRE SERNE

ILGA EUROPE PARIS 2005



Paris organisers hand over ILGA-Europe flag to organisers of next conference in Sofia

Our annual conference in Paris was very rich in proposals and discussion. So during the December board meeting we have had some preliminary discussion around the conference and the issues raised. It seemed to us that there was a rather clear indication about three issues that need to be addressed in order to put forward appropriate proposals in Sofia.

**1)** "Automatic elections": at present if the number of candidates of one gender is less or equal to the

## Keeping the ball rolling

minimum number of places for that gender, those candidates are deemed elected without a vote. From the discussion at conference came a rather clear indication that the present mechanism needs to be reformed in order to ensure that there are enough candidates and that conference is enabled to choose the best ones among them.

**2)** "Lower representation of women and other under represented groups": this point is not limited to specific changes in the Constitution and Standing Orders, but it is more general and has to do with the way we do things and the message we convey to our communities and to the world. It is about inclusion and participation of women in the conference as well as of other under represented groups (such as transgender people, bisexual people, disabled people or belonging to an ethnic or cultural minority group, people of different ages, etc.) and

about how much they feel ILGA-Europe can effectively represent them and their interests.

**3)** "Two years terms of office": during the debate and the vote it came out rather clearly that there was a great support to the idea of having a two years term of office for members of the board, but there was not agreement on how to implement it, in particular whether to have all of the board elected every other year or only half of the board each year.

In Paris a number of organisations indicated their interest in continuing the debate before Sofia conference to elaborate better solutions for the issues summarized above. We invite all of our members who can be interested in continuing this discussion online to contact us at [riccardo@ilga-europe.org](mailto:riccardo@ilga-europe.org).

Point 2 above deserves particular consideration, so we would like to invite all of our readers to share with us:

- \* their experience of the obstacles encountered by those belonging to some under represented groups who want to participate in ILGA-Europe;
- \* examples of best practices that have encouraged inclusion and participation in their organisations;
- \* their thoughts and ideas that could be of help in addressing the issues of lower participation.

We will feed everything you send to us into our discussion and get back to you with a compiled summary and some further thoughts on how we could move forward.

Please remember, ILGA-Europe is made up of each and every one of you and nobody else. It is you that will change the world. You can contribute to ILGA-Europe growing and changing.

RICCARDO GOTTARDI

Co-chair of ILGA-Europe Board

# New ILGA-Europe Executive Board

During the Annual Conference, which also serves as ILGA-Europe's general assembly, a new Executive Board was elected. Though some Board members may be familiar to the readers, we will take this opportunity to introduce all Board members for 2005/2006:



**Philipp Braun (Lesbian and Gay Federation in Germany - LSVD)** - LGBT activist since early 1990s; LSVD's board member since 2003; lobbied on partnership, anti-discrimination and transgender legislation in Germany; campaigns to get LGBT rights at UN level since 2003.



**Vanja Hamzić (Q Organisation, Bosnia & Herzegovina)** - human rights activist and visual artist; worked on cultural, inter-religious and human rights projects worldwide; currently working on gender and queer prospective within world religions.



**Jackie Lewis (UNISON, UK)** - trade union and human rights activist; works in a local authority in London as the UNISON convenor for social services; elected member of the National LGBT Committee of UNISON; involved in ILGA since 1992, ILGA-Europe Board member since 1996; represents ILGA-Europe on ILGA Board since 1999.



**Pierre Serne (Commission LGBT des Verts, France)** - adviser for the deputy-mayor of Paris in charge of transportation; appointed as political adviser of the French Minister for the Environment in 2000; chairman of the Green Party's LGBT national committee; member of the city council of Vincennes (Paris suburb); in charge of European issues in INTER-LGBT.



**Vera Cimpeanu (Accept, Romania)** - studied English and German and was an English university professor; since fall of communism active in civil and political rights and minority rights; founding member of Accept; currently its vice-president.



**Kurt Krickler (Homosexuelle Initiative (HOSI) Wien, Austria)** - MA in translation; co-founder and currently secretary-general of HOSI Wien; co-editor-in-chief of its magazine; active within ILGA since 1981; ILGA-Europe board member between 1996 and 2003.



**Miha Lobnik (Legebitra, Slovenia)** - active in IGLYO between 1997 and 2002; in 1998 founded Legebitra - one of the most active Slovene LGBT rights organisations; studies sociology and combines his academic experience with the work as an activist.



**Maya Salvadó (APGL, France)** - studied visual arts and women studies; works in visual arts; involved in alternative coop kindergarten and parenting support network; active in women's organisations and the Association of Gay and Lesbian Parents and Future Parents.



**Riccardo Gottardi (Arcigay, Italy)** - active in national and European projects since 1997; involved in ILGA-Europe work since 1998, its board member since 2001; co-chair since 2003; PhD candidate in biotechnology, part time trainer on diversity and sexual orientation.



**Deborah Lambillotte (Holebifederatie, Belgium)** - intersexual lesbian gender activist and board member of Holebifederatie; coordinates local section of Vieux Rose a 50+ lesbian group; spokesperson of the Gender Action Group; active member of ILGA-Europe's trans working party.

Reserve Board members elected are **Elisabet Qvarford (TCO, Sweden)** and **Inge-Lise Paulsen (LBL, Denmark)**.

The Conference also confirmed **Jackie Lewis (UNISON, UK)** and **Janfrans Van Der Eerden (COC, Netherlands)** as representatives of ILGA-Europe on the Executive Board of ILGA.

Reserve representatives of ILGA-Europe on the Executive Board of ILGA are **Ruth Baldacchino (Malta Gay Rights Movement, Malta)** and **Yves de Matteis (360, Switzerland)**.





## Towards strategic thinking and capacity-building

ILGA-Europe's EU Coordination Network gathered for its second meeting of 2005 in Paris prior to ILGA-Europe's Annual Conference last October. One of ILGA-Europe's key lobbying tools, the EU Network has been evolving to become a space for political mobilisation and strategic thinking combined with capacity-building for ILGA-Europe's members, an approach that was re-affirmed at the Paris meeting.

<sup>i</sup> The Guidelines produced are available on our website at [www.ilga-europe.org/europe/campaigns\\_projects/freedom\\_of\\_movement](http://www.ilga-europe.org/europe/campaigns_projects/freedom_of_movement).

<sup>ii</sup> IE welcomes information about the transposition process in EU member states and invites those who are interested to fill out the compliance checklist (on IE's Website under freedom of movement). Please send back to [evelyne@ilga-europe.org](mailto:evelyne@ilga-europe.org).

One of the main issues on the agenda in Paris was the national transposition of new EU directives on freedom of movement and on the status of refugees. During a workshop facilitated by Mark Bell, participants reviewed key elements of the directives for LGBT people<sup>i</sup>, before setting out to strategise on how to monitor and promote transposition of the directives in their own countries. Working in small discussion groups, Network members identified and proposed specific actions that ILGA-Europe and their organisations could take to ensure that both EU Member States and candidate countries transpose the directives by the deadlines set by the EU.<sup>ii</sup>

The Paris meeting also provided an opportunity to bring together the EU Network and ILGA-Europe's members from Eastern Europe to talk about opportunities for networking across regions. During this joint session, participants exchanged ideas not only on what it means to network, but also on how encourage effective networking between ILGA-Europe's members. The concrete outcome of this session was the creation of an informal steering group, which will explore ways to improve communication between ILGA-Europe and its members.

Over the next few months, ILGA-Europe will further promote the combination of capacity-building and strategic thinking within the Network by working on targeted lobbying activities closely with Network members. The agenda of the EU Network for 2006 is filling up quickly, with issues such as the European Year of Equal Opportunities, implementation of the Employment Equality Directive, and human rights monitoring in the EU. But it will give ILGA-Europe and Network members a chance to carry out concerted actions which will hopefully have a positive impact on EU policies and legislations while supporting the members' work at home.

EVELYNE PARADIS

## Multiple identities and multiple discrimination: putting words into action!



At the ILGA-Europe's conference in Paris in October 2005 (titled "United in Diversity"), we explored the notion of multiple identities. We all have multi faceted identities and sometimes this can lead to experiencing multiple discrimination. Such discrimination is based on the addition of several factors (for instance age, disability, gender, race, religion or sexual orientation). It has been demonstrated that the effect of multiple discrimination on the individual targeted is extremely devastating<sup>1</sup>. It often implies a difficulty to define one's identity, a denial of basic human rights and significant exclusion from society. Furthermore, few remedies are usually available to tackle this complex issue. The law regularly provides for remedy on one ground of discrimination solely. However this can be changed! ILGA-Europe, following an initiative of Lydia La Riviere<sup>2</sup>, is calling on its members to write to their governments to include mentions of sexual orientation in the currently discussed UN Convention on Disability.

The work on the UN Convention started in December 2001 by a Resolution initiated by Mexico<sup>3</sup>. This resolution established an Ad Hoc Committee to draft the United Nations Convention on the Protection and Promotion of the Rights and

Dignity of Persons with Disabilities. States, NGOs, national human rights institutions, UN mechanism such as the Special Rapporteur on disability are involved in the work of the Committee. Four years down the line, the draft is almost completed and activists are hopeful that it will be adopted in the year 2006.

Further revisions and discussions are expected to take place in January 2006. On this occasion, we are asking our members to write to their governments and ask for the inclusion of sexual orientation amongst the banned grounds of discrimination listed in the text of the draft Convention. We are calling for inclusion of sexual orientation in section dealing with equality and non-discrimination as well as with children with disabilities.

The aim of this call for action is twofold. Firstly, we are hoping to help raise awareness of governments on the issue of multiple discrimination experienced by people with disabilities. Secondly, we are also looking to contribute to broadening horizons of the LGBT movement on disability issues on one hand and of the disability movement on LGBT and gender questions on the other. Multiple discrimination is an issue that ILGA-Europe is committed to bring to the surface in co-operation with other human rights and anti-discrimination networks.

<sup>1</sup> Zappone, K (ed.) "Re-thinking Identity. The Challenge of Diversity" June 2003.

<sup>2</sup> Lydia is representing the European disability Forum and the European Women's Lobby at the UN. We are grateful for her involvement of ILGA-Europe in the campaign on the UN Convention on disability.

<sup>3</sup> Resolution of the General assembly 56/168.

CHRISTINE LOUDES

# "Our World - Extending the Borders"

On 1-2 October 2005 LGBT activists from Eastern Europe gathered for the International conference "Our World - Extending the Borders" in Kiev, Ukraine. The agenda included the questions of discrimination, monitoring and reporting of such cases, problems and specifics of the LGBT movement in the region.

The conference gathered about 150 delegates from Ukraine, Austria, Belarus, Armenia, Lithuania, Kirghizia, Germany, Poland, Russia, Czech Republic, and former Yugoslavia etc. This was the first such meeting of LGBT activists from the countries of Eastern Europe and the former USSR for the last 5 years. In 2000 a similar event took place in Kiev. Ukrainian gay movement is one of the most developed in former Soviet Union and this fact was acknowledged by the guests from neighboring countries.

The state officials and representatives of various Ukrainian ministries and institutions were invited to take part in the conference. However, the state which declares its dedication to the European values was represented only by a member of the Secretariat of Ombudsman of Ukraine. Foreign diplomatic corps in Ukraine was represented by the first Secretary of the Embassy of the Netherlands and by the Secretary of the Spanish embassy.

The current issues and common problems that the LGBT communities of the countries-participants face with were discussed during eleven practical workshop meetings. Both representatives of projects and organisations experienced in the corresponding issues, and members of grassroots groups took an active part in the discussions. At the conference there were sections on social and psychological support needs of the members of LGBT community, human rights protection and monitoring of their violation, PR and promoting tolerance in the society, development of the printed and electronic media for LGBT people. Delegates also had an opportunity to work on problems of the development of the lesbian community, counteractions to the epidemic of HIV/AIDS spreading, using mechanisms of the European organisations for lobbying of the interests of the LGBT community of Eastern Europe.

As a result of the practical workshop conference delegates voted for the joint Appeal to their national Governments. The Statement emphasises the necessity to observe the human rights of LGBT community and to implement effective mechanisms of their protection.

A new publication by Nash Mir (Our World), Gay and Lesbian Center (book "Gay Rights are Human Rights. Report about discrimination on the grounds of sexual orientation in Ukraine") was presented at the conference opening. The book contains the results of the monitoring research, conducted by Nash Mir both among the wider Ukrainian nation and representatives of the LGBT community.

The event was organised by Nash Mir (Our World) Gay and Lesbian Center with support of the International Renaissance Foundation and European Initiative for Democracy and Human Rights.

The conference materials can be found at the web page:  
[www.gay.org.ua](http://www.gay.org.ua)

The participants of the Kiev Conference adopted a statement to the governments, administrations and parliaments of Central and Eastern European countries calling for:

- \* creation of governmental authorities dealing with LGBT issues;
- \* introducing legislations banning sexual orientation discrimination;
- \* abolition of remaining legislation which discriminates against LGBT people;
- \* introduction of legislation recognising same-sex unions;
- \* introduction of education campaign promoting tolerance and tackling homophobia;
- \* promoting a dialogue between state authorities and LGBT NGOs;
- \* ensuring distribution on state funds and grants to LGBT NGOs.

ANDRIY MAYMULAKHIN





**Poland:**

# Not quite equal,

# or The Equality March in Poznan

Photo by Agnieszka Kraska

The gay parades, as Polish media insists on calling all LGBT marches and rallies, aren't the colourful events you're used to. They don't attract happy, chanting people, drag queens or "out and proud" couples. There's not much joy, music or party atmosphere; there's fear and violence instead. While Europe talks about 'civil partnerships', adoption and gay marriage, Poland stands where Europe was about 50 years ago and seems to be moving swiftly backwards. Our new president first declared that "gay parades" should be illegal due to being a "major threat to morality". Now both he and the leading party - led by his twin brother - want to forbid gay people from working in schools, nurseries and kindergartens. The party is called Law and Justice, which is somewhat ironic.

The Equality March in Poznan was planned for November 20th, 2005, as a part of Days of Equality and Tolerance. The March was stopped last year, even though it was legal; police seemed unable to guarantee safe passage through the groups of All Poland's Youth, the youth brigades of the League of Polish Families (one of two ultra-right parties in the parliament). They shouted fascist abuse, praising Hitler and the nazi regime, threw rocks and eggs; there were some arrests but nobody was indicted. This year the March was declared illegal by the president of Poznan, Ryszard Grobelny, who explained that organisations responsible for the March denied changing and shortening the route and as the police were unable to guarantee safe passage, the permission had to be denied. Iza Kowalczyk, one of the organisers, says: "Sadly, on November 15 we were issued a denial of permit for the March from the municipality, who quoted the safety regulations and our insistence on not changing the route. Which is a lie. [...] We have agreed on changing the route, but during a meeting with the police held on November 14th it was decided that the March could walk the suggested route, with a slight modification near the Old Market."

Despite the denial of the permit, a few hundred people gathered where the March was set to start. Eggs were thrown at them, along with, horse shit and they were verbally abused, which some of the media forgot to report: "faggots! Faggots" was quite pleasant, compared to All Poland's Youth shouting "Let's gas the fags" and "We'll do to you what Hitler did with Jews". When the organizers started asking people to leave, the police acted. People were dragged away to police cars and driven away without a word of explanation. One of the boys was dragged with his head hitting the pavement. Another

was dragged from the TV cameras when he was speaking to the reporters about police brutality, which was later shown in the news. 73 of the protesters were arrested and told they'd be charged with attending an illegal gathering and punished with fines reaching 5000 zlotys (1250 euros; about twice the average monthly pay in Poland). It was the same police officers that were unable to guarantee safe passage to the protesters. Nobody was hurt and nothing was demolished - until the police attacked.

Kowalczyk reported: "We started asking people to leave, but first we wanted to make a huge Peace sign with the candles. Which was the exact moment police started their action. They started dragging people away from the candle sign, harassing and arresting them. People started panicking, because the police were brutal and didn't care about whether someone got hurt. [...] We shouted: Enough hate! Enough violence! Leave us alone, let them go! It became more and more violent; people were brutally dragged from the sit-in, beaten and pulled. We shouted: This is democracy's funeral! [...] One of our friends from Warsaw lost her backpack in the chaos; we asked the policemen to help us look for it. They didn't care. She wanted to note down their numbers, which they refused to tell us."

Media reports were brief and mostly failed to mention the nazi shouters, calling them 'protesters against the march'. In an online poll on a leading portal 60% of over 38 thousand voters said that the police did a good job. TV called the demonstrators 'intolerant' because 'they made shopping difficult for normal people'. There was no outrage, no Orange Revolution; the same people who wanted to help Ukraine in its march to freedom, didn't care when human rights are broken in Poland. Poznan's Attorney General Miroslaw Adamski suggested, "if the attendees of the Equality March feel offended by the fascist shouting, they may charge the shouters, if they want." But they need to remember that "while the Polish law makes it illegal to abuse people because of their race, nationality or religion, it doesn't mention any punishment for abusing people because of their sexual orientation".

**PIOTR 'RAY' SZEWCZUK**

Longer version of this article is available at: [www.raysown.com](http://www.raysown.com)

P.S. A court in Poznan decaded the ban was illegal and stopped all criminal charges against the arrested activists.

# Come and join us in Geneva!

XXIII ILGA  
World Conference – Geneva  
27th March – 3rd April 2006



Very soon ILGA will hold its 23rd World Conference! It will be organised in Geneva by a coalition of Swiss LGBT groups led by Yves de Matteis, former European board member on ILGA's World Board: "Organising such a conference is indeed quite a challenge! The more we work at it, the more I have respect for all former LGBT groups which organised it in the past".

The Conference, which will be held at the same time as the United Nations Commission on Human Rights - UNCHR - will be another opportunity to remind the UN of the imperative necessity to explicitly declare that sexual orientation and the free expression of gender identity are human rights. "We are aware of course, the UNCHR is studying various options to reform its work on Human Rights. This next session might very well be the last session of the Commission as we know it". ILGA has brought over 30 LGBT activists to the UN over the last two years and its status as observer NGO to the UN is being considered by the ECOSOC in January.

A series of pre-conferences will open the week, from 26 until 29 March: on employment, trans issues, women's and men's health and religions. "After the mobilisation around the Brazilian resolution, we certainly hope the conference will at least have LGBT issues stay on every one's mind at the Commission" says Yves who's working to invite representatives from various UN agencies to address the conference: the International Labour Organisation, the World Health Organisation, the High Commissioner on Human Rights...

The conference itself will take place between 30 March and 4 April. Apart from human rights, its main focus is likely to be Islam and homosexuality: "ILGA wants to build on the panel it organised at the UNCHR on religions this last spring. But this time, we want to offer Imams a platform to address the issue of sexual orientation and gender identity."

International solidarity will be another theme of the conference as ILGA wants to become the place where LGBT groups twin and work together. "I have been an activist for 20 years of which 13 were involved in international work with ILGA. ILGA conferences are a unique opportunity for activists to share their experiences with their peers from all over the world, and to have those encounters result in concrete solidarity projects to be supported by one or a few organisations" says Yves.

ILGA conferences have always had a political flavour. In addition to its presence during the UN Commission, the conference will also be an opportunity for LGBT activists to share experiences on how they organise in the political arena. The opening reception of the conference will see the first citizen of Switzerland, Claude Janiak, President of the National Council, an openly gay man, join the first citizen of Geneva, the openly lesbian Catherine Gaillard, President of the Council of the City of Geneva, to welcome the participants. We also hope to have other LGBT politicians at the conference, such as Aya Kamikawa, the first trans women to be elected in Japan"

"ILGA is unique in its democratic structure and the best way to witness is to come and attend one of its conferences" reminds Yves. LGBT groups attending the conference gather to discuss what ILGA as their "umbrella" organisation should work on during the years following the conference. Members have been asked to make proposals to amend ILGA's constitution. Those proposals will be voted upon in Geneva. ILGA members will also be choosing their Secretaries General for the two years to come. Candidates have until the second day of the conference to propose themselves. Last but not least, members will be able to propose their group and city as host for the next world conference. Certainly the adventure of a lifetime for LGBT activists!

More Information on [www.ilga-world-conference-2006.ch](http://www.ilga-world-conference-2006.ch)

News from ILGA



Gay adoption  
clip

Children raised by homosexuals  
do not necessarily become homosexuals.

  
Gay and lesbian rights are human rights.  
[www.ilga.org](http://www.ilga.org)

A young man comes out as straight to his same sex parents! That's basically the script of the 28 seconds TV commercial produced by the Belgian branch of DDB for ILGA last November.

The Belgian branch of the worldwide advertising agency ([www.ddb.com](http://www.ddb.com)) offered help to support the campaign for adoption by same-sex couples which was finally voted by the members of the

Belgian Federal Parliament on 1 December 2005.

The television spot was shown on several Belgian channels (RTBF, VT4, VijfTV) before forming part of an international campaign through emails chains.

STEPHEN BARRIS

ILGA Manager



Pastor Åke Green  
Photo by  
RFSL/Mathilda Pienl

# Does Swedish Supreme Court give "Green" light for incitement to hatred against gay people?

Chapter 16, section 8 of the Swedish Criminal Code forbids incitement to hatred with reference both to ethnicity and sexual orientation. Not all negative comments are covered. A considerable margin is granted for the safe-guarding of freedom of expression, but beyond the limits of what can reasonably be considered as a contribution to a sensible discussion, degrading statements against a group as such are punishable.

The Swedish Supreme Court has now delivered its ruling in the case of pastor Green, charged with incitement to hatred because of a sermon dedicated to preaching against homosexuality. He was acquitted with reference to the European Convention on the Protection of Human Rights and Fundamental Freedoms, which is directly applicable Swedish law. There were around 50 people present at the sermon. He was later charged with incitement to hatred on the grounds of sexual orientation. He was convicted by a district court but later acquitted by the Court of Appeal. The Supreme Court has now confirmed the acquittal.

Four parts of the sermon were singled out by the prosecutors. The allegedly criminal passages were, very briefly, as follows:

- 1.** Homosexuality/ homosexuals are the cause of aids. The result is that also "innocent people" are infected. As a consequence, the legalising of same-sex partnerships will lead to catastrophes for society beyond imagination.
- 2.** The Bible teaches us how to look at 'these abnormalities' (i.e. homosexuality). And sexual abnormalities are like a cancer tumour. And sexually distorted people will even rape animals. Not even the animals will be spared.
- 3.** Homosexuals are paedophiles. Paedophiles start out as homosexuals. A monogamous same-sex relation is no better than changing your sexual partners every day. It is just as despicable.
- 4.** Homosexuality is a sickness. It is the exchange of what is sick for what is pure. A body devastated by this exchange, a healthy heart turned sick. And it is a voluntary choice made by these people.

**The Supreme Court found:** The passages must be tried on the basis of what message they convey to a listener, not from an exegetical point of view. The passages were not excerpts from the Bible but the pastor's own views, although religiously based. They clearly were degrading and went beyond the limits of a reasonable discussion about homosexuals as a group. The pastor had spread the message fully aware of this. The passages therefore violated the Penal Code's prohibition against incitement to hatred. The court went on to considering whether an application of that provision in this case would be in accordance with the Swedish constitutional protection for the freedom of speech and freedom of religion and the corresponding protection of those rights under the European Convention on Human Rights. **The Court found** that the Swedish internal constitutional provisions were not an impediment to convicting the pastor of incitement to hatred. However, the Supreme Court then drew the conclusion that nevertheless *'it is probable that the European Court of Human Rights, if trying the limitation of the right of the pastor to preach his beliefs founded on the Bible which a conviction of the pastor would constitute, would find such a limitation not proportional and therefore would consider it a violation of the European Convention.'*

In my view, there are several reasons to be critical of this ruling. It can hardly be the role of the Supreme Court to "guess" what the European Court of Human Rights would think. The Convention is directly applicable Swedish law. It is therefore the Court's own job to interpret it, albeit on the basis of what Strasbourg *actually has said* in its relevant case law. It seems to me therefore that the Supreme Court is merely trying to run away from its own responsibility.

More importantly, the primary role of the Supreme Court is to give guidance for the interpretation and application of the law. This ruling gives rise to far more questions than answers.

**Firstly**, the Court focuses in its ruling mainly on Article 10 of the Convention (freedom of expression). The incitement to hatred provision in itself is a limitation of this freedom, but the Court has not in the past had any problem with the Convention in this respect - e.g. convicting a camping site owner of incitement to hatred for putting up a sign saying that Roma people are not welcome. One must now ask if this ruling means a general change of precedent. Whether so or not, why does the court not touch the subject?

**Secondly**, the Court does not indicate against which other interest it has weighed this freedom, or for that matter the freedom of religion (Article 9): the protection of public order, public safety, morals, the rights, reputation and freedoms of others (i.e. homosexuals), or what? And yet these are the purposes for which it is allowed to limit the freedoms of religion and expression.

**Thirdly**, the Court only refers in very general terms to a number of rulings by the European Court (mainly *Kokkinakis v. Greece*, *Handyside v UK*, *Jerusalem v Austria*, *Murphy v. Ireland*, *Gündüz v. Turkey*: freedom of religion, being one of the foundations in a democratic society, includes both private and public acts, the right to teach and preach and to try to convince others, freedom of expression allows also for shocking or disturbing opinions and is of special importance in a political context, however these rights may also be limited to avoid expressions gratuitously offensive to others and states have a certain margin of appreciation, *the Sunday Times v. UK*, *Gündüz v Turkey* on the general requirement of proportionality between the aim sought and the limitation of a right as a

proportionate means to reach that aim). However, the court does not deliberate on the fact that these same rulings can also be invoked to justify the limitation of the freedoms of religion and expression.

**Fourthly**, the only more concrete presentation in the ruling of any case from Strasbourg relates to the case of *Feridun Yasar et al. v Turkey*, which the Court uses to come to the conclusion that the pastor's statements did not contain *'hate speech'* in the sense of the Convention. This is highly questionable, mainly because in *Yasar* the European Court does not say what constitutes hate speech, only that the statements before it in that case did not, and that therefore the interference with the complainants' right to political freedom of expression was not proportionate to any legitimate aim. Why this ruling was considered relevant for the case before the Swedish Supreme Court - where, as a difference from in *Yasar*, there were indeed a number of degrading statements made about a whole population group as such - in my view remains a mystery.

Then again, if the Supreme Court meant to attribute special importance to the religious circumstances of this case, it is all the more remarkable that it does not mention the Strasbourg case law, some of it even explicitly submitted by the Prosecutor General in his appeal, showing the considerable margin of appreciation allowed to states when it comes to freedom of religion (Article 9). These include *Pichon and Sajous v. France* (confirmed by *Grand Chamber 16-1 in Leyla Sahin v Turkey*): Article 9 protects mainly the personal scope of religious beliefs and does not authorise whatever behaviour in public based on religious convictions, and *Jiménez Alonso and Jiménez Merino v. Spain*: Parents have no right to demand special exceptions for their children from the school curriculum because of religious convictions. Also in general, *Leyla Sahin* contains a number of considerations highly relevant also to the case before the Supreme Court, but the Court does not even mention it.

Lastly, one cannot but wonder about one very peculiar remark in the Court's ruling, stating that *'when considering the statements of the pastor it must be born in mind that he made them being convinced that it was his Christian duty to do so, in order to influence human kind for the better.'* This is of course contradictory to the Court's own first assessment that the pastor's statements should be judged by the message they immediately convey to a listener. Furthermore, the same consideration could reasonably apply also to right wing extremists. Therefore, the ruling has given rise to worries of negative consequences for the lower courts case law with respect to non-religious forms of incitement to hatred. Many, including the Prosecutor General, have dismissed these risks, but their position received a considerable blow already yesterday (15 December) when the Court of Appeal for Lower Norrland, specifically referring to the Supreme Court's ruling in the case against the pastor, acquitted four nazi activists from the charges of incitement to hatred consisting of the spreading of hundreds of flyers at a school in which it was argued that homosexuals are responsible for the aids epidemic and that homosexuals are paedophiles. The Court of Appeal concluded that the defendants had acted with the purpose of creating a society more consistent with their own political beliefs and that under the European Convention on Human Rights it would not be proportionate to convict them. It is not yet clear whether the Prosecutor General will seek to have that ruling reviewed by the Supreme Court or not.

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# Return to innocence

**From gender jihad, over Euroislam to the queer Muslims: contemporary development of the Islamic understanding of sexuality and gender in Europe**

Islam is widely considered Europe's fastest growing religion, with immigration and above average birth rates leading to a rapid increase in the Muslim population. The exact number of Muslims is difficult to establish however, as census figures are often questioned and many countries choose not to compile such information anyway<sup>4</sup>. It is certain, though, that population of the majority of Western European countries is up to 5% Muslim. This percentage is exceeded by up to 10% in France, the Netherlands and Denmark. On the other hand, followers of Islam are not considered to be in the minority in several other European countries, namely in Albania (70% or 2.2 million Muslims), Bosnia and Herzegovina (40% or 1.5 million Muslims), and Turkey (99% or 68 million Muslims).<sup>5</sup>

Sexuality and gender in the vast majority of Muslim scholarship (ulema) and the actual communities in Europe is still almost exclusively regarded from the angle of women's position in Islam, trying to challenge the common misconception that Islam is an inherently oppressive religion with regards to women. At the International Congress on Islamic Feminism that took place in Spain two months ago, Islamic feminists themselves argued that it is the interpretations and cultural influences of the societies in which the religion spread that allowed for the current status for women in Islamic cultures today.<sup>6</sup> They call for a *gender jihad*, saying the gender based discrimination in the Muslim communities is a result of misogynistic distortions of the teachings in the Holy

<sup>4</sup> Muslims in Europe: Country guide, BBC News, 2005.

<sup>5</sup> Ibid.

<sup>6</sup> Danny Wood, Islam feminists urge gender jihad, BBC News, 2005.

Qur'an. They say they want more collaboration with European feminists but say non-Muslim feminists need to challenge their anti-Islamic stereotypes.<sup>7</sup>

In the other corner of Europe - Russia - the end of communism found many Muslims dispersed among the non-Muslim population and living a lifestyle nearly indistinguishable from their fellow citizens. In the 1990s, millions of them turned back to their roots, but many soon grew disappointed with mainstream Islam and called for reforms towards more up-to-date and "European" Islam. The country's Muslim community makes up more than 10% of the total population and the demographers predict that by 2020 one out of five Russians will be Muslim. Rafail Khakimov, who heads the Institute of Tatar History, coined the term "Euroislam". Its main feature, he says, is a "critical attitude to everything that happens around us instead of blindly following the principles established in the Middle Ages". "The traditions of the Islamic world were shaped between the 10th and 12th centuries and preserved ever since but the liberal Islam which started developing two centuries ago is open to all experiences existing in the world," he says.<sup>8</sup> One of the best tokens of a liberal current is a public dialogue taking place on "provocative" issues such as sexuality and gender. *Love and Sex in Islam* is name of the best-seller sold across the country. The book praised in the foreword by leading Muslim clerics, theologians, activists and even the Iranian cultural attaché, covers such issues as sex change, masturbation, anal and oral sex - and many others - from the Islamic perspective.<sup>9</sup>

Unfortunately, all issues pertaining to the LGBTIQ community, including the very recognition of the existence of queer Muslims, remain either fully unpremeditated or opposed *sui generis* by the mainstream Muslim leadership and academia in Europe. Queer Muslim communities, however, do exist and are often organised in local, national or even international associations across Europe. Their growth and development are endangered not only by the mainstream Muslim authorities but by the larger scale societal and political implications as well. For instance, in UK, France and the Netherlands, complex and often hostile relations among various ethnic immigrant communities are sometimes being reflected in the local queer Muslim groups, threatening their diversity and sustainability. As one of the UK-based queer Muslim activists argues, "it is not the Qur'an but our ethnic background that gives us a major trouble"<sup>10</sup>. On the other hand, in the completely different political setup in Bosnia and Herzegovina, queer Muslims were mistaken for exclusively Bosniak<sup>11</sup> queer group, because of the politically and traditionally imposed stereotype that ethnic and religious identity cannot be separated.

In spite of remarkable attempts in the United Kingdom and Spain, European queer Muslims still haven't had a chance to gather in one place to discuss the ways of mutual communication and networking. Such a chance might be the upcoming Pre-conference on Religion and the ILGA World Conference in Geneva in spring 2006<sup>12</sup>, where a significant space and attention will be dedicated to the queer Muslim scholars and activists. It is clear, though, that thorough strategising requires a separate several-days event, yet to be tailored and organised. Examples of cross-regional and cross-continental co-operation<sup>13</sup> amongst queer Muslim groups have proven that it is possible and necessary, so let us hope that a pan-European queer Muslim gathering will soon take place.

Another problem the queer Muslims face, in Europe as well as elsewhere, is a continuous lack of progressive research on Islam that would take into account sexual and gender diversity present in the Muslim communities from their very inception. Pluralism and the virtue of independent thinking (*ijtihad*) have always existed in Islam. Great diversity of Muslim denominations<sup>14</sup>, examples of non-binary understanding of gender<sup>15</sup> and non-discriminatory understanding of particular "problematic" verses of the Qur'an and Hadith<sup>16</sup> are some of the avenues the queer Muslim scholarship has used to argue that Islam is open to sexual and gender diversity. Additionally, studying the history of Islam and the traditions of both early and later Islamic cultures<sup>17</sup> has helped them re-discover and advocate the religion and lifestyle far beyond today's dominant narrow-minded interpretations. These findings, however, are usually available only in English language and appear periodically, often under the table. Queer Muslim scholars are afraid of disclosing their identity and reluctant to maintain the research that inevitably involves the contacts and interaction with the mainstream ulema and the Islamic libraries and institutions.

Growing importance of the human rights agenda within the process of European integrations will - at least to some extent - strengthen the position and performance of the Muslim groups who work towards mainstreaming of sexual and gender diversity, both conceptually and practically. It will, however, take a long time and enormous efforts on all societal levels before we succeed in creating a sustainable and well-developed European movement of progressive Muslims. In this attempt, we have to think big, cross-regionally and even cross-continently, as well as local, where the focus on particular socio-political contexts might be of crucial importance.

<sup>7</sup> Ibid.

<sup>8</sup> Leonid Ragozin, Russian Islam goes its own way, [bbcrussian.com](http://bbcrussian.com), Moscow, 2005.

<sup>9</sup> Ibid.

<sup>10</sup> Adnan Ali, workshop on religious queer communities, Conference of ILGA-Europe, Paris, 2005.

<sup>11</sup> The Constitution of Bosnia and Herzegovina implies that there are three major, so called constitutive ethnic groups in Bosnia and Herzegovina: Bosniaks, Serbs and Croats.

Consequently, all other ethnicities are considered minority. Traditionally, majority of Bosniaks are Muslims, majority of Serbs are Orthodox Christians, while majority of Croats are Catholics.

<sup>12</sup> Pre-Conference on Religion will take place on 28th of March, 2006, while the ILGA World Conference will be held from 29th of March until 03rd of April, 2006, in Geneva, Switzerland. For more information, please visit: <http://www.ilga.org>.

<sup>13</sup> Canada-UK-USA, Bosnia and Herzegovina-Lebanon-South Africa, Indonesia-Malaysia-Philippines, etc.

<sup>14</sup> E.g. there are 72 different denominations (communities) of Islam only in Pakistan.

<sup>15</sup> Presence of the mukhannath, a group of supposedly biological men who were not attracted to women, in Muhammad s.a.w.s. times, accepted and tolerated by the Prophet, along with Qur'anic verses on gender neutral "spouses", are just two of many examples.

<sup>16</sup> Hadith is a collection (or collections) of Muhammad's s.a.w.s. sayings and his life events in general.

<sup>17</sup> Many early Islamic cultures, where variant sexuality and expression and performativity of one's gender have been well documented to be entrenched in many aspects of their culture by exposure to Hellenistic culture, as well as later cultures such as the Abbasid Caliphate and Safavid Persia, have been renowned for cultivating a sophisticated sexually variant and - in contemporary terms - queer aesthetic reflected in the art and literature.



liberal judaism

# Lesbian and Gay Jews and Same-Sex Relationships

## Introduction

The last half of the twentieth century saw an extraordinary shift in public and private attitudes towards homosexuality. With the passing of the Sexual Offences Act of 1967 private homosexual acts between consenting adults were decriminalized and the gradual process began whereby gay men and lesbians adopted a more visible profile. Today being lesbian or gay is no bar to holding public office and there are openly gay and lesbian people working in nearly every walk of life, including the rabbinate. Today lesbians and gay men are raising children and having marriage ceremonies. Liberal Judaism is proud to have been in the vanguard of this change of attitude. All these rights, however, have been hard won. Sadly, homophobia (the irrational hatred of homosexuals) still exists in some parts of society, and is sometimes expressed in violent ways. So, while we celebrate the diversity of God's creation, we must not be complacent and we must be vigilant in safeguarding the rights of gay men and lesbians and of other minority groups.

## The Traditional Stance

The Bible states: "You shall not lie with a man as with a woman: it is an abomination" (Leviticus 18:22) and also ordains the death penalty for those who commit this physical act (Leviticus 20:13). From the standpoint of traditional commentary these biblical verses outlaw male homosexuality. Many modern commentators, however, point out that they do not express a condemnation of the love between a same-gender couple, but rather state a specific law forbidding the physical penetration of one male by another. Female homosexuality, or lesbianism, is not explicitly forbidden or indeed mentioned in the Bible, though such prohibition was later inferred from the warning against doing "as they do in the land of Egypt" (Leviticus 18:3 and Sifra ad loc). Based upon these Biblical verses, a hostile stance was maintained in subsequent Jewish tradition, which discussed the precise definition of the offence and its penalties but regarded the matter as largely theoretical on the basis (which was definitely a case of wishful thinking) that "Jews are not suspected of homosexuality" (Kiddushin 82a). The Jewish aversion

to homosexuality passed into Christian morality, which in turn influenced the public attitudes and legal codes of Christian countries, including Britain.

## The Liberal Approach

As Liberal Jews we seek to understand the social and religious reasons behind the appearance of this law in the Torah, but we reject the idea that it should be used to stigmatise the relationships of lesbian and gay Jews. From the perspective of Liberal Judaism, the Bible is a compound of perfect Divine Revelation and imperfect human understanding, which challenges as well as reflects the ideas of the ancient Near East. Therefore we need to make an effort to understand, historically and psychologically, why the biblical writers believed and legislated as they did, and then to evaluate their teachings in the light of the factual knowledge as well as the ethical insights of our own time.

## Assumptions and Motives

Why was Leviticus so vehement that a man "should not lie with a man as with a woman"? The prohibition occurs towards the end of a list of all the women with whom a man is forbidden to have sexual relations (such as his sister, his neighbour's wife and so forth). This list suggests that the Torah does not distinguish between one who is heterosexual by nature and one who is homosexual by nature, but is simply delineating certain physical acts. Indeed, there is an argument to be made that Leviticus is addressing itself solely towards those men who use another man sexually as a substitute for a woman, perhaps due to the unavailability of woman, or to impress their power upon another man. From the Talmud (Bava Metzia 84a) we can infer that a homosexual act was seen as an imbalance of power between two men, as if one man is dominating another like a woman. It is possible that Leviticus therefore saw homosexual acts as a challenge to the accepted natural order of a world in which men were supposed to wield sexual power over women. If we look again at the lists in Leviticus chapters 18 and 20 we also see that

the Torah was trying to differentiate the Israelites from the religious customs of other peoples surrounding them. The use of ritual prostitution, both male and female, falls into this category and it has been suggested that the prohibition arose to warn Israelite men away from cultic male prostitutes. In addition, it is likely that homosexual acts were seen as a 'wasting of seed' (the offence of Judah's son, Onan, - as related in Genesis 38:9-10), which militated against group fertility and hence survival. All these practices were regarded as characteristic of pagan societies and unbecoming the 'holiness' of the Covenant People. In later times, the evolution of what we know as traditional Jewish family life, and the enormous importance attached to it, provided another vantage-point from which homosexuality seemed an unacceptable deviation. However, we can at least be clear about one thing: the Torah is not addressing itself to the loving same-gender relationships that we see around us today.

## Facts and Uncertainties

Modern research has brought to light many facts about homosexuality but also revealed many uncertainties. It is not known what leads someone to be or become gay or lesbian: most scientists think that genetic factors probably determine one's sexuality but it is also possible that environmental influences may play a part. Some would argue that, since homosexuality is no longer regarded as an illness or a pathology, looking for its 'causes' is as pointless as looking for the 'causes' of heterosexuality. Regardless of why a person is homosexual the fact remains that it is in most cases involuntary and unalterable. Organisations that seek to 'change' homosexuals do terrible psychological harm and would never be endorsed by Liberal Judaism. It is not known what proportion of the population is homosexual. Some estimates will say five per cent and some ten per cent, but there is no reason to support that it varies vastly from society to society. The existence of many Jewish lesbian and gay groups and synagogues around the world disproves the Talmud's theory that Jews are never homosexual! Homosexual relationships can be fleeting or lasting, exploitative or unselfishly caring. In other words, just like heterosexual ones.

## Same-Sex Commitment Ceremonies

As Liberal Jews we believe that a loving, monogamous relationship deserves to be sanctified in front of one's family and community. In Britain gay and lesbian marriages performed by clergy are not recognised by civil law and have no legal validity. However in December 2005 the new law of civil partnership for same-gender couples came into force. A same-gender couple may now go to a registry office to have their partnership legally registered. Civil Partnership gives them almost identical rights and responsibilities to those enjoyed by heterosexual married couples. Dissolution of the partnership will require a divorce. Liberal Judaism encourages couples who choose to register their partnership to affirm their relationship with a religious ceremony, which might be called a Commitment Ceremony or Wedding, depending upon their wishes and the opinion of the rabbi presiding. The ceremony might look very traditional, with the couple celebrating their commitment to one another under a chuppah, or it might be a specially designed ceremony that looks very different from a traditional heterosexual wedding. Liberal rabbis will only perform such a religious ceremony once the couple have registered their civil partnership. Liberal Judaism has prepared a booklet of creative liturgy for the use of rabbis and same-gender partners planning such ceremonies. This publication, entitled, B'rit Ahavah - Service of Commitment for Same-Sex

Couples, is available from Liberal Judaism.

## Conclusions

1. We believe that it is morally wrong to harbour prejudice or to practise discrimination against lesbians and gay men. We reject the use of the Torah to justify such discrimination.
2. The expression of such prejudice or discrimination violates some of Judaism's most fundamental ethical teachings, including the prohibition against judging our fellow human beings until we have been in their situation (Avot 2:4), and the injunction to judge everyone favourably (Avot 1:6). Prejudice also breaks the prohibition against "wronging with words" ("*ona'ah bid'varim*", Bava Metzia 4:10), and is strongly to be condemned.
3. It is a historical fact that homosexuals have suffered much prejudice, discrimination and persecution, along with other non-conforming minorities. It is no coincidence, and it needs to be remembered, that homosexuals suffered and died in Hitler's concentrations camps alongside Jews and others. This fact should make Jews especially sympathetic towards gay men and lesbians, on the principle that "you know the heart of a stranger" (Exodus 23:9).
4. We stress the importance of a loving, monogamous relationship for both heterosexuals and homosexuals. We therefore deplore both promiscuity and adultery. In a climate where sexually transmitted diseases and HIV/AIDS are on the increase, the practice of promiscuity is an assault against '*p'kuach nefesh*', the preservation of life. Promiscuity also militates against the deep and loving union of two souls that is central to the Jewish idea of love and marriage.
5. The objection that homosexuality contradicts the commandment to "be fruitful and multiply" (Genesis 9:1) is invalid, since so many lesbians and gay men are now raising children of their own. We also recognise that there are many creative ways in which to fulfil that commandment without having children of one's own.
6. We place the highest importance on Jewish family life. We recognise that a stable family provides the most desirable milieu for the raising of children and for the practice and transmission of our faith. We acknowledge that the definition of 'family' has changed considerably and we affirm the right of Jews to create the type of family unit that best suits who they are.
7. The Torah states that we are all created "in the image of God" (Genesis 1:28). We affirm the right of gay men and lesbians to live as the people God created them to be.

## Postscript

We know that the views we have expressed will not be shared in all respects by every member of our section of the Jewish community, but we believe that they express a broad consensus. In any case, to set the subject in its proper perspective, we want to end by emphasising that, while Judaism does indeed call for exemplary conduct from its adherents, this is not only, or even primarily, on the realm of sexual morality. Exemplary conduct is first and foremost a matter of respecting the Divine Image in every human being, of practising truth and love in all personal relationships, and of promoting social justice.

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# The story behind the hierarchy's obsession with sexuality



St. Serge & St. Bacchus

In 1991, the kyriarchal church sanctioned, almost encouraged, discrimination against gay and lesbian persons in certain areas including teaching, coaching, the military and other forms of employment.

The current state of Catholicism is a story of pride and prejudice. Lesbian/gay/bisexual/transgender/queer (LGBTQ) Catholics and their supporters are proud to bring the elephant in the sacristy to public attention. Kyriarchal church officials who are prejudiced against homosexuals are caught between the rock of Peter and the hard place of postmodern life.\* The result is a church struggling over same-sex love. Conservatives are sure that any chink in the hetero armor will result in the end of Catholicism as they know it. Progressives argue that this is one more of theologian Daniel C. Maguire's "pelvic zone issues," joining other issues the Catholic hierarchy has got wrong: reproductive choice, masturbation and the like. How did the story develop and what might be its happy ending?

In summary, and clearly stated in the *Catechism of the Catholic Church* (par. 2357-2359), the institutional position of the Vatican is that "homosexual acts are intrinsically disordered and can in no case be approved of" (Congregation for the Doctrine of the Faith (CDF), "Declaration on Certain Questions Concerning Sexual Ethics," 1975, par. 9.) This means all same-sex activity, whether fleeing and furtive or as part of a monogamous committed relationship, is equally and always sinful. With the slightest sign of nuance, namely that sexuality is more than the sum of genital activity, the Vatican took another misstep to proclaim that sexual orientation itself "is a more or less strong tendency ordered toward an intrinsic moral evil; and thus the inclination itself must be seen as an objective disorder." (CDF, "Letter to the Bishops of the Catholic Church on the Pastoral Care of Homosexual Persons," 1986, par. 3.) This phrase has been particularly offensive: sexual orientation itself, quite apart from anything one might imagine to do in function of it, is considered wrong.

Buried in the rhetoric are many assumptions about sexuality, the nature and role of sexual orientation, sexual identity and sexual integrity that are all part of contemporary discussion. But a look at these foundational claims reveals a shocking simplicity of worldview as if something as complex as a human relationship could be categorized so neatly. The experience of countless same-sex couples in long-term faithful relationships ought to be sufficient to show that blanket condemnations of same-sex love are groundless.

The claims demonstrate a continued reliance on natural law to understand what we now know to be nature's own variety. And there is an obstinate unwillingness to admit into evidence any but the church's own

\* "Kyriarchy" is a term coined by Elisabeth Schüssler Fiorenza. It means, literally, structures of lordship. It denotes the interstructured forms of oppression—gender, race, class, nationality, sexuality and the like—that result in power differences and injustice. Kyriarchy is used to distinguish the hierarchical, clerical model of church from the larger Catholic community.

sources. The data of the social and physical sciences make clear that homosexuality is a healthy, natural occurrence in a certain percentage of the population. Ignoring such information for the sake of maintaining a kyriarchal system through a wave of documents, threats and actions against LGBTQ people makes the Catholic church synonymous with sexual oppression. This reputation has developed over a long period of time, beginning most explicitly in the 4th century with the Councils of Elvira (305-306) and Ancyra (314) whose discussions provided the basis for canon law on the matter. Anti-gay writings can be found in the patristic materials, Basil and Gregory among others, and persist until the present.

In modern times, the Congregation for the Doctrine of the Faith has played the major role in keeping homosexuality at the forefront of kyriarchal concern despite the fact that it was virtually ignored by the Second Vatican Council. Like abortion, it is an area of private life that the hierarchical church uses to assure an unconvinced public that it still had a role to play as its moral suasion ebbs on issues of war and economics.

In 1975, the Congregation, under the leadership of its Prefect, Franjo Cardinal Seper, issued a "Declaration on Certain Questions Concerning Sexual Ethics." It was a failed effort to square traditional teaching against masturbation and homosexuality and in favor of monogamous marriage with 20th century social science. Alas, tradition won out, marriage was reaffirmed as expected, and masturbation, at the end of the day, was still a "grave moral disorder." On homosexuality there was a distinction between homosexual acts that are always wrong and homosexual orientation that is neutral. While the distinction is not enormously helpful, it does signal at least some understanding of the complexity at issue.

This position changed in the 1986 "Letter to the Bishops of the Catholic Church on the Pastoral Care of Homosexual Persons," called the Halloween Letter by progressive Catholics who found its contents more trick than treat, signed by Joseph Cardinal Ratzinger, Prefect of the Congregation. Orientation was called morally disordered; acts remained evil. But the real significance of the letter was that it signaled an intensification of action against lesbian and gay persons. Bishops were ordered to prohibit Catholic lesbian/gay groups from using church property. Catholics were counseled not to be surprised that anti-gay violence might erupt when LGBTQ people sought civil rights, with no acknowledgment of the role religious prejudice plays in such crimes. Following the publication of the letter, many scholars and activists mobilized to denounce it. They created alternative Catholic theological positions and physical spaces where LGBTQ Catholics and their supporters could find meaning and ministry.

The Congregation, under Cardinal Ratzinger's leadership, struck again in 1991 with "Some Considerations Concerning the Catholic Response to

Legislative Proposals on the Non-Discrimination of Homosexual Persons." This time the focus was on civil rights with a clear aim at the US political situation where gay civil rights was becoming a topic of serious attention. Unbelievably, the kyriarchal church sanctioned, almost encouraged, discrimination in certain areas including teaching, coaching, the military and other forms of employment. The Vatican claimed that lesbian/gay people should not be likened to women, racial minorities and others against whom discrimination is unfair. Rather, lesbians and gays, many of whom experience hate crimes, apparently deserve their fate. While some documents have included caution to respect gay and lesbian people, there is in fact little respect to be found in church circles.

In 1993, Pope John Paul II issued the encyclical *Veritatis Splendor* which some scholars read as the first time a modern pope mentioned homosexuality. Of course it was a negative take, combining homosexuality with contraception, masturbation and artificial insemination as evils to be avoided. Otherwise, he left the heavy lifting on this issue to Cardinal Ratzinger.

## Gay civil rights, marriage and children

The story continues. Recent writings on same-sex marriage follow in the "Ratzingerian" tradition, in yet another chapter of "Catholic Pride and Prejudice." The usual pattern is applied: same-sex love is wrong because natural law says so; same-sex marriage is therefore unthinkable; politicians have a special responsibility to keep it from becoming legal. Gay civil rights are increasingly recognized as basic human rights, including the right to marry in Canada, Belgium, the Netherlands and Spain, all countries with significant Catholic history and population. Thus, the 2003 document "Considerations Regarding Proposals To Give Legal Recognition To Unions Between Homosexual Persons" came as no surprise as the Vatican sees its power waning.

This time, in addition to the expected rant against same-sex marriage, the Vatican tipped its hand in a new direction against same-sex adoptions. The authors argued that "the absence of sexual complementarity in these unions creates obstacles in the normal development of children who would be placed in the care of such persons. They would be deprived of the experience of either fatherhood or motherhood. Allowing children to be adopted by persons living in such unions would actually mean doing violence to these children, in the sense that their condition of dependency would be used to place them in an environment that is not conducive to their full human development." Apparently the Vatican would prefer that children languish in institutions rather than be loved and cared for by LGBTQ people. Studies show that a family setting rather than an institution is far preferable for all children. But father pope thinks he knows best.

## Gay seminarians and seminary professors

The most recent chapter in this complicated story deals with gay men in the priesthood. It was inevitable that the issue would arise, but it was unfortunate that it arose in tandem with the clergy pedophilia and episcopal cover-up scandals. Because many of the pedophilia and ephebophilia cases were male-male, there was an understandable but mistaken connection made between homosexuality and criminal behavior. It is well known that most pedophilia is heterosexual. It is expected that bishops, like other citizens who learn of crime, will report it and take steps to prevent it from recurring.

Anecdotal and limited survey data reveal that there is a higher percentage of gay men in the Catholic priesthood than in the population at large. Some estimates range up to 70%; no one disputes 40%. Religious orders with their communal lifestyles tend to have a higher percentage than diocesan groups. But all of this is irrelevant to the larger point, namely, that a commitment to celibacy is required so sexual orientation as such is

moot. This did not stop the Vatican from issuing its latest salvo in 2005, the "Instruction Concerning the Criteria for the Discernment of Vocations with regard to Persons with Homosexual Tendencies in view of their Admission to the Seminary and to Holy Orders." While the focus is on keeping gay seminarians from ordination, the cover letter included gay seminary personnel among those who should be barred from the scene.

It is significant that Joseph Cardinal Ratzinger, the prime architect of the anti-gay position, is now Pope Benedict XVI with the potential to codify what he has taught for so long. This document repeats his earlier misconceptions about homosexuality, insisting that "deep seated tendencies" as well as acts are "objectively disordered." It adds that support of the gay community, presumably by heterosexuals as well as homosexuals, is an automatic disqualifier for ordination. But it goes another step to state that homosexuality "gravely hinders" people from "relating correctly to men and women," and can have "negative consequences," a not so veiled reference to pedophilia. In an odd twist, the document allows that homosexual activity must be over three years before diaconal ordination, perhaps an acknowledgement that such is common in the seminary population. One only wonders if a similar calendar countdown applies for heterosexual candidates, but such is the banal level of thinking that the latest documents issued by the Vatican invite.

## How will the story end?

It is hard to imagine how the kyriarchal Catholic church will extricate itself from its current straightjacket. *Humanae Vitae* in 1968, the so-called birth control encyclical promulgated against the advice of a Vatican commission that included sexually experienced lay people, eroded any credibility the kyriarchy had on heterosexuality. So, too, it seems that the documents discussed here, especially the most recent one on gay seminarians that is so obviously scapegoating for and distracting from the ecclesial crisis occasioned by criminal behavior and cover-up, signal the end of the Vatican's authority on homosexuality. The price will be high for many people whose lives, ministry and/or faith will be affected by the fallout of these statements.

Progressive Catholics will persist in efforts to reshape and communicate a pro-sex theology. The Vatican will probably release another statement, perhaps on lesbian nuns or bisexual bishops. But the gap helps no one when what really needs to be done is to articulate a sensible, sensitive theology of "good sex" in an age of HIV/AIDS. To that end, I suggest a moratorium on discussion on homosexuality, and a common Catholic commitment to eradicate heterosexism, the attitude and ability to enforce the notion that heterosexuality is normative to the exclusion of the full flowering of same-sex possibilities. Heterosexism, not homosexuality, is the sin that needs attention.

Such a shift of focus would put an end to the current impasse. It would allow both the "pride" and "prejudice" sides of this divide to begin anew, to look at their positions against the horizon of heterosexism. It would shift the ethical attention from the behaviors of some to the behaviors of all, since most of us are heterosexist whether we realize it or not. It would invite new extravagances of charity in the mysterious arena of human love about which no one is finally expert. It would shift the authority from the top to the heart of a church that has abundant resources to put to the service of human well-being. This is the next Catholic story waiting to be written.

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A longer version of this article originally appeared in *Conscience*, published quarterly by Catholics for a Free Choice. [www.catholicsforchoice.org](http://www.catholicsforchoice.org)

## Russia:

### Russian Orthodox Church backs Vatican on gay seminarians



The Russian Orthodox Church has issued a statement of support for the Vatican's Instruction barring the admission of homosexual men to seminaries.

A spokesman for the Moscow Patriarchate said that while the Russian Orthodox Church differs from Catholicism insofar as married men may be ordained in the Eastern Church, the world's two largest Christian bodies "have a common approach to the problem of homosexuality."

He said that the Bible condemns homosexuality and that Orthodox believers have trouble comprehending Protestant groups giving their blessing to same-sex unions. He said that exclusion of homosexuals from seminaries and from the priesthood should be a common policy, since homosexuality can never be accepted as normal, and those who have same-sex attractions must be understood to "suffer from a serious illness."



Patriarch Alexey

## Sweden:

### Church of Sweden approves same-sex blessing and causes criticism from other churches



Last October, *Kyrkomötet*, the decision-making body for the Church of Sweden, voted 160-81 to approve blessing ceremonies for same-sex registered partners.

Over 800 priests of the Church of Sweden have repudiated the Swedish Church Assembly decision to bless same-sex unions. The author of the declaration, the Rev Yngve Kalin, pastor of Hyssna in Southern Sweden, said "we are going to resist the new order." "We do not recognise it. We do not believe in it. We are not going to comply," he noted, adding "We will work to have it repealed" with the support of "ecumenical partners here at home in Sweden and abroad" and "reveal the fragile foundation of this new order and persevere in showing how the word of God should be read, understood and interpreted."

The Moscow Patriarchate has suspended relations with the Evangelical Lutheran Church of Sweden after it decided to establish an official ceremony to bless homosexual couples.

"We have received with great disappointment and grief the news that not only does the Lutheran Church of Sweden not oppose so-called homosexual marriages, but has even ruled to establish an official blessing ceremony," the Holy Synod of the Russian Orthodox Church said in a statement at a session in Moscow.



ECCE HOMO (1998) by Elisabeth Ohlson Wallin

## Latvia:

### Leading theologian excommunicated for supporting gay rights



Last November the Latvian Evangelical Lutheran Church (LELC) excommunicated Juris Cālītis, a pastor of the Riga Reformation Evangelical Lutheran and the Riga St. Savoir Anglican parishes, a dean of the Theology Faculty of the University of Latvia. Varis Bogdanovs, another pastor, was issued a disciplinary warning.

The Riga Reformation parish said both pastors are punished for their connection with the first LGBT Pride March and a church service taking place at the Anglican church of Riga following the March last July 2005. Juris Cālītis allowed Māris Sants, excommunicated LELC pastor, openly gay and one of the Pride March organisers, to host a service at the Anglican church of Riga. Juris Cālītis stated that the LELC tried to ban this service.

Both Juris Cālītis and Varis Bogdanovs were among the ten priests who signed a letter to the LELC archbishop following the first LGBT Pride March and calling for debate on homosexuality within the LELC.



Juris Cālītis & Varis Bogdanovs during Pride service



Sir Iqbal Sacranie

## UK:

### Muslim head says gays 'harmful'



Sir Iqbal Sacranie, leader of British Muslims, has said he believes homosexuality is "not acceptable" and denounced new same-sex civil partnerships as "harmful". He said introducing the partnerships did "not augur well" for building the foundations of society.

Sir Iqbal said of civil partnerships: "This is harmful."

"It does not augur well in building the very foundations of society - stability, family relationships. And it is something we would certainly not, in any form, encourage the community to be involved in."

He said he was guided by the teachings of the Muslim faith, adding that other religions such as Christianity and Judaism held the same stance.



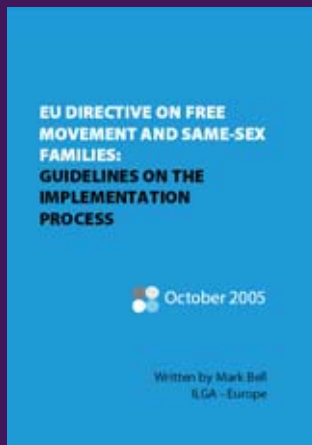
### ILGA-Europe Annual Report 2004-2005

This Annual Report is the report from the Executive Board to our members on the activities of the staff and the board in relation to the Work programme approved by the Budapest conference in October 2004. It covers the period between the Budapest conference and our Paris conference in October 2005.



### Strategic Plan for ILGA-Europe 2005-2008

This document highlights ILGA-Europe's vision, mission and values statements. The document also lists strategic objectives of ILGA-Europe and strategies to achieve these objectives. The document provides an overview of what is ILGA-Europe, its history, relationship to ILGA World, its structure and recent achievements.

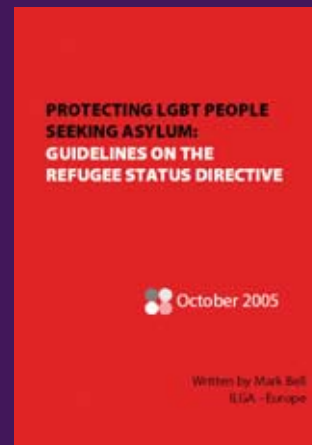


### Guidelines on the Free Movement Directive, October 2005

In 2004, the European Union adopted a new Directive on Free Movement Rights which has relevance for same-sex families who want to exercise their right to free movement. The Directive sets out the rules applying to EU citizens and their family members who wish to move to and reside in another EU member state. While falling short of respecting the right to free movement for all families, the Directive opens the door for some recognition of same-sex families.

The goal of these guidelines is twofold. First, the guidelines are meant to assist organisations in monitoring national law in order to ensure that same-sex families enjoy the fullest protection in accordance with the Directive.

Second, this document discusses how the provisions of the Directive can and should be applied to further advance the free movement rights of same-sex families.



### Guidelines on the Refugee Status Directive, October 2005

The Directive adopted in 2004 by the European Union sets out the minimum rules governing the award conditions under which of refugee status is granted. This new EU legislation, which defines criteria for being granted refugee status as well as the rights of people recognised as refugees, breaks ground by including specific reference to sexual orientation. As a result, the Directive will be highly relevant to the processing of asylum and refugee claims made by lesbian, gay, or bisexual and transgendered people (LGBT)

The purpose of these guidelines is to identify the relevant parts of the Directive for LGBT persons and to enable national organisations to assess whether national legislation meets the Directive's standards in this area.

New ILGA-Europe publications



### Website promotion postcard

Following the launch of a new website, ILGA-Europe produced a promotion postcard describing new features of our website and encouraging individuals and organisations to submit information on organisations, projects, events and country details. With the help of our new website we are aiming to build a unique resource on LGBT issues in Europe.

# Postcards

from



# Paris

27th ILGA European Conference  
26-30 October 2005  
Paris

Photos: Maxime Van Ooijen, COC