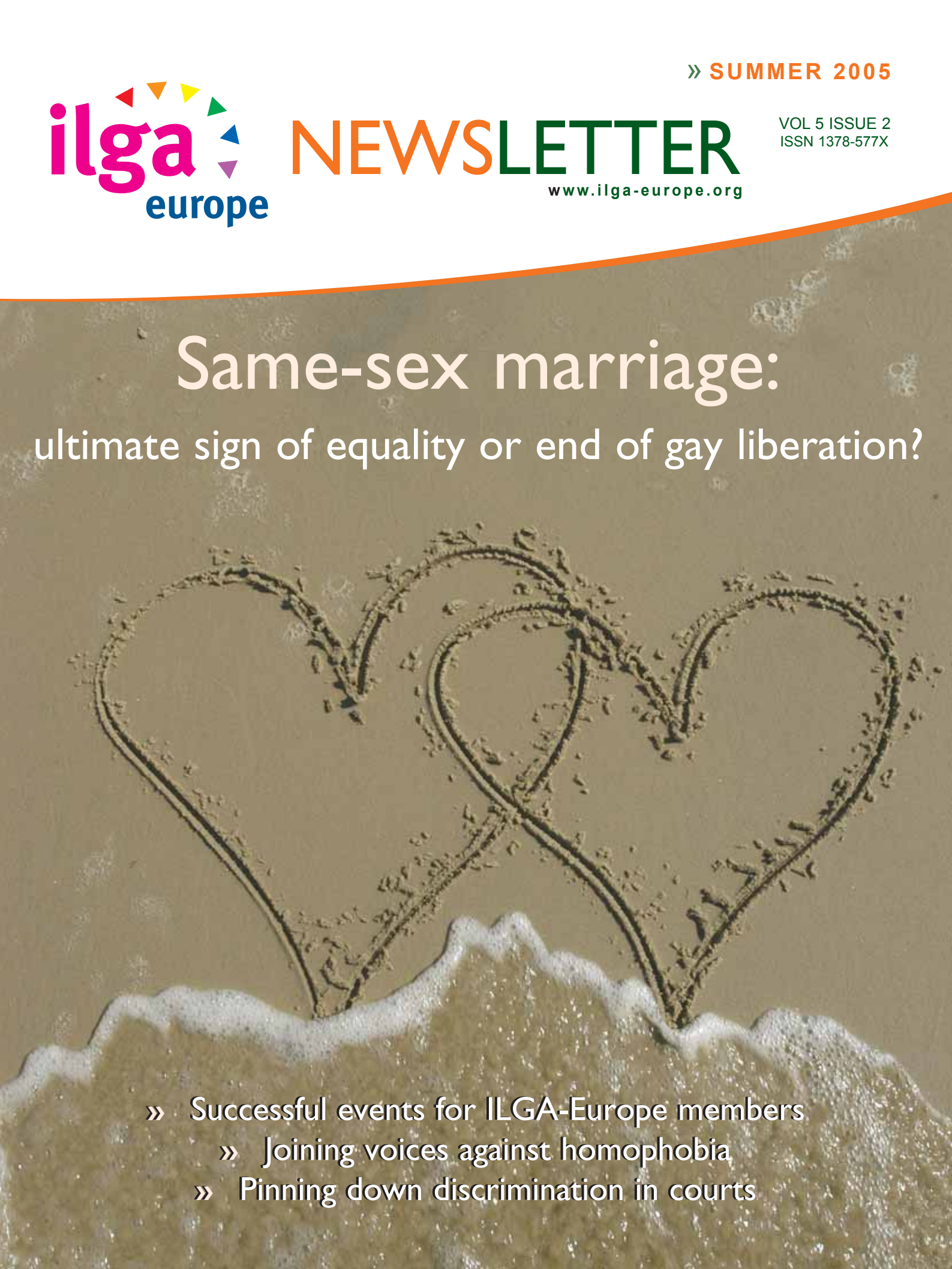


# Same-sex marriage:

ultimate sign of equality or end of gay liberation?

- 
- » Successful events for ILGA-Europe members
    - » Joining voices against homophobia
    - » Pinning down discrimination in courts



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## Message from Patricia

**A very warm welcome to the Summer edition of our Newsletter!**

You will notice that we keep trying to improve our Newsletter by creating more space for debates on topics that matter to all of us. This time we decided to explore if marriage is the best and appropriate option for same-sex couples and are offering two articles with opposing views. Let us know what you think? What would you like to see being debated in the future editions?

As usual, we are trying to balance and reflect both ILGA-Europe's activities and developments across all Europe.

In this edition you will read about our two successful events - seminars in Krakow and the EU network meeting in Brussels. We are determined to work more with and for our members and are planning similar seminars in Slovenia in early 2006. We also took part in an OSCE's conference on intolerance and hosted a side event on homophobia (details in the next Euroletter).

There have been changes in our staff and board, yet again we said good byes and welcomed new people as board and staff members.

We also published two reports which we hope will be useful tools to further improve employment equality and to pressurise the EU to do more work on LGBT rights in third countries.

Current crisis over the European Constitution means we have to follow closely this development and ensure the Union does not abandon its commitment to equality.

Homophobia is dying hard and the events in three European capitals when the rights to assembly and expression were breached demonstrate just that. On the positive side, homophobia is increasingly being defeated in the courts.

We hope you will enjoy this Newsletter and look forward to hearing your feedback. We hope that the summer has finally arrived and will settle in your part of Europe!

**PATRICIA PRENDIVILLE**  
ILGA-Europe's Executive Director

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## Good byes and welcomes



Vanja Ch. Hamzić

In May ILGA-Europe said good bye to two members of staff: Don Bisson, Director for Eastern Europe, Council of Europe and Transgender Programmes, and Birgit Hardt, Policy Officer (Networks).

Birgit has been an invaluable asset to ILGA-Europe for more than two years, engaging in numerous areas of work. She has been responsible for the newsletter and for coordinating and strengthening our EU

Network, for lobbying the EU institutions and developing our dialogue with the social partners, always with the greatest commitment and creativity.

Don has offered to ILGA-Europe his skills and long term experience, which was especially important in developing our work in Eastern Europe and making significant progress in our lobbying and cooperation with OSCE, especially with the Office for Democratic Institutions and Human Rights (ODIHR). He also played a crucial role as acting Executive Director from June to October last year, managing ILGA-Europe in a challenging period of transition.

Both Don and Birgit will be missed a great deal by the

organisation but we wish them the best of luck in their new professional and future personal life, with plenty of successes and a lot of love.

We are very pleased to announce that we have appointed Maxim Anmeghichean as the new Director of Programmes. Maxim is currently Director of GenderDoc organisation in Moldova, and has been a board member of ILGA-Europe since 2002. At the last board meeting in June Max resigned from the board. We thank Max for his valuable work as a Board member, and look forward to welcoming him in his new role with us in September.

This means that we have a new board member - Vanja Ch. Hamzić from Organisation Q in Bosnia and Herzegovina. Vanja

was elected a reserve male board member last October during the annual conference in Budapest.

Vanja is an international LGB-TIQ activist. He worked on numerous projects and researches on contemporary visual culture, religion / inter-religious dialogue, and human rights throughout Europe (especially in the Western Balkans countries, France, Italy and Germany), the Middle East, Turkey, Iran, Pakistan and Brazil. He is an active member of Organisation Q, the only LGBTIQ organisation in Bosnia and Herzegovina, an active member and one of the founders of the SEE Q Network (South East European Queer Network), and the founder of IIVQM (International Initiative for Visibility of Queer Muslims).

**JACKIE LEWIS and  
RICCARDO GOTTARDI**  
Executive Board Co-Chairs

## New "Angels" scheme to raise money for more scholarships



Max Anmeghichean

Scholarships to ILGA-Europe's annual conferences have long been a very important way of supporting the development of LGBT human rights activism, particularly in Eastern and South Eastern Europe and for

the transgender community. Funds for these scholarships are becoming increasingly difficult to find. As a result of this ILGA-Europe is setting up a "scholarship angels" scheme to enable supporters - both organisations and individuals - to contribute a sum of money each year towards the conference scholarship fund.

Donors will be encouraged to give a fixed sum of money - equivalent to the cost of conference participation, or conference participation and travel. They will be told which scholar

their money has supported, and be given background information about the scholar's organisation and work.

Supporting the launch of the scheme, Max Anmeghichean, Executive Director of Moldova's LGBT organisation GenderDoc-M (and ILGA-Europe Board Member) commented:

**"I strongly believe that participation in ILGA-Europe conferences is of major importance for activists from Eastern Europe.... I remember very well my first confer-**

ence in Bucharest in 2000 .. when the conference ended, I was a different person, and could proudly call myself an LGBT activist .... **if you're able to support the "Scholarship Angels" scheme, I would very much encourage you to do so. Your support will be one of the best and surest investments in the future of the LGBT movement in Europe."**

Please support this scheme! Become a scholarship Angel! For full details, visit our website: [www.ilga-europe.org](http://www.ilga-europe.org).

# Building on membership's capacity

Last April ILGA-Europe organised two seminars which coincided with the Culture for Tolerance Festival in the Polish city of Krakow.

The **Human Rights Monitoring seminar** was aimed at participants with little or no experience in this area. It introduced human rights monitoring as a practical tool for LGBT activists. External experts from Human Rights Information and Documentation Systems, International (HURIDOCs), Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe (ODIHR/OSCE), Human Rights Watch (HRW), Amnesty International, International Gay and Lesbian Human Rights Commission (IGLHRC)

It was very resourceful, getting informed about various aspects of monitoring. It made us realise that most LGBT organisations at the moment do not monitor in a structural way. How systematic yet simple it needs to be. Encouraging that a lot of the groundwork has been already laid and developed by Huridocs in cooperation with other human rights NGOs. This would be an opportunity that should be developed further.

At the present we are still thinking how we can incorporate what we learned into our daily practice, since it involves quite a bit of structural human resources, for which, in our experience, it is hard to get funding for.

Also very useful, was to get a clearer insight in what the OSCE is, does and what they can and cannot do for the protection of LGBT rights.

**Glenda Mangus, COC, Netherlands**

The **Fundraising seminar** was aimed at participants that may have some experience but wanted to explore alternative ways of raising funds. Together with external experts, participants had the opportunity to learn more about the pros and cons of different fundraising methods. The seminar was practically focussed and aimed to give participants concrete advice and realistic tools on how to raise money for their organisations.

I am very glad to have the possibility to join the fundraising seminar in Krakow. It was very useful for me. I already have got some experiences with fundraising so at the beginning I thought that the seminar will just intensify my knowledge. But finally I was very positively surprised. It was full of new and very important directions, recommendations and tricks that I can use not only in my organisation. After my homecoming I have informed also other Czech organisations about the seminar. If they are interested, I will use the knowledge I obtain in Krakow to help them with their projects preparing.

**Květoslav Havlík, Gay Iniciativa v České Republice, Czech Republic**

shared their experience on how to monitor and gather evidence, how to document human rights violations and finally how to use the information to lobby both national governments and international organisations.

It was interesting and moving experience. Unfortunately in my country LGBT activists don't have solid knowledge and skills of organisation monitoring activities. Other human rights groups don't include cases of violations motivated by homophobia in their reports. That's why opportunity to participate in educational events like ILGA-Europe held in Krakow is very important for young LGBT movement in Belarus. I'm also appreciated the good will of the organisers of Days of Tolerance for giving me room in their extensive program to talk about discrimination of LGBT people in Belarus.

**Viachaslau Bortnik, Amnesty International LGBT Network, Belarus**

The human rights seminar had indeed offered a couple of new aspects and facets even for an old-timer like I would consider myself to be. I found it especially interesting to learn that the monitoring of human rights violations is not only about documenting concrete cases but also about observing cases "sur place" when they are happening, for example harassment or abuses by the police; and to learn that this kind of monitoring requires a special "neutral" and professional approach. The various expert presentations were excellent.

**Kurt Krickler, HOSI Wien, Austria**

Seminar was very interesting and useful for me and my work. I think that it is very important especially for Belarusian LGBT movement. Belarus has great need of experienced and effective LGBT activists and I have no doubt that seminars like this organised by ILGA will help to create one. I'll put my new knowledge and experiences to great use for Belarusian LGBT movement. In some months our organisation planning to organise Fundraising seminar for our workers and members, and I will be mine expert and will give my knowledge and experiences to other people from all republic.

**Slava Sementsov, LGBT Vstrecha, Belarus**

I somehow had the impression that fundraising was more or less a job for elderly ladies who bake or knit or do needle works for the Christmas or Easter church bazaar. I also thought of tea parties where people raise money for different causes. Having attended the seminar, I discovered that fundraising is a highly sophisticated field.

All presentations were very well prepared and extremely useful. The handouts given out, especially the list of the EU funding programmes, are extremely valuable for future

**Alecos Modinos, Cyprus Gay Liberation Movement**

Main presentations are available on our website:  
[www.ilga-europe.org](http://www.ilga-europe.org) > Finding opportunities.

**JURIS LAVRIKOV**

# Strengthening EU lobbying efforts

During the first weekend in April, over 30 participants from the future EU27 countries (except Latvia & Slovakia) gathered for ILGA-Europe's regular EU Coordination Network meeting in Brussels.

The Network has existed since 2001 and brings together activists from the EU countries to facilitate and coordinate joint lobbying and campaigning activities at EU level. The Network aims to ensure fast and effective action in order to best influence EU policy and legislation as well as the full implementation at national level of relevant EU directives.

The meeting started with an update by Roshan Maes di Puppo of the European Social Platform on the main current developments in EU. Participants were also briefed about ILGA-Europe's current EU priorities. To help the participants to get their heads around complex EU jargon, ILGA-Europe prepared a so-called EuroGuide; a series of factsheets about various European organisations and institutions, their policies and relevance to LGBT issues which is now available on our website [www.ilga-europe.org](http://www.ilga-europe.org).

This year's meeting was organised slightly differently; there was less lecturing to the participants and more interactive practical workshops. The number of discussion issues was reduced, the topics were more focused and each workshop took place twice to enable the participants to attend as many as possible.



The first set of workshops addressed more substantive issues such as what human rights protection mechanisms are available at EU level and what is the most effective way of using them, how the issues of LGBT youth fit within the EU social inclusion policy and what the latest developments in the family diversity promotion field are.

The second set of workshops was more of a practical nature when the participants had a chance to discuss and conduct exercises on how ILGA-Europe and its members could work better to maximise our common lobbying aims. The participants brainstormed about how gathering national data and improving communications can contribute to ILGA-Europe's lobbying activities. During the lobbying workshops, co-facilitated by Javier Güemes of the

European Disability Forum, the participants were given an opportunity to better understand how lobbying at EU level takes place through working with a case study and developing a specific plan for lobbying steps.

At the end of the meeting the participants were stimulated with new ideas and the collective ILGA-Europe's actions wish-list expanded dramatically! But, as ILGA-Europe has its strategic plan and limited resources, these ideas must fit into the overall plan, and unfortunately not all would be possible now. Nevertheless, there was a positive, creative and encouraging feeling and it appears the new approach and structure of the meetings proved to be a winner.

We would like to thank the fol-

lowing external experts for their contributions to the network meeting: Roshan Maes di Puppo, the European Social Platform, Stephen Barris, ILGA, and Javier Güemes, EDF. Details of this and all previous ILGA-Europe EU Coordination Network meetings are available on our website: [www.ilga-europe.org](http://www.ilga-europe.org).

JL

# ILGA-Europe's priorities for the UK Presidency



From 1 July until 31 December 2005, the United Kingdom (UK) will hold the EU Presidency. These are challenging times for the European Project and there are a number of key issues we would like to see the Presidency progress.

Events in the past months make it particularly crucial that there is a strong focus on the social dimension of the European Project - the refocusing of the Lisbon Agenda and the current debate on the constitution of Europe.

We would like to see evidence of a strong commitment to human rights, equality, anti-discrimination, social inclusion and an ending to poverty in the work of the UK Presidency.

Given the experience of both Northern Ireland and Scotland in mainstreaming equality, and the move within England and Wales towards an equality policy that is inclusive of a broad range of grounds, we would like to see this experience influencing the work of the Fundamental Rights Agency as

well as on the emerging policy and position on further legislation in the field of anti-discrimination. Mainstreaming Equality should be a motto for the Presidency.

Finally, we would like to see this presidency supporting the role of the EU in promoting fundamental rights and the relationship with other human rights bodies such as the Council of Europe and OSCE and UN agencies.

We look forward to the Presidency Conference on

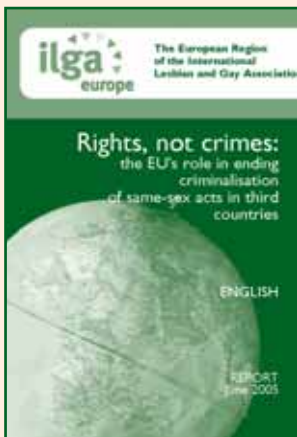
Anti-Discrimination and to the Pre-Conference on Sexual Orientation Discrimination, both scheduled for November 2005.

We are in contact with certain government members and have had some initial meetings to take forward our agenda on anti-discrimination, equality and social inclusion.

In ILGA-Europe we call on this Presidency to strongly focus on the social dimension of the European Project.

PP

## It's all about *Rights, not Crimes*.



In June ILGA-Europe launched a new report entitled *Rights not Crimes*. This report looks into the role of the European Unions (EU) institutions regarding countries that still criminalise consensual same-sex acts. The report argues that the laws criminalising same-sex acts breaches international human rights standards and equate to degrading, inhumane treatment and torture.

The reports argues that because the EU member states signed agreements containing human rights provisions with several third countries, the EU institutions have a responsibility and should actively seek the end of criminalisation of consenting same-sex acts by these countries.

This report points out that despite the declarations condemning the use of death penalty, the EU has signed agreements with countries which execute people simply because of their sexual orientation.

Finally, it contains a list of recommendations targeted at the EU institutions, namely: to put pressure on governments to stop violations of the human rights of people because of their sexual orientation; to raise

awareness and visibility of the fact that rights of LGBT people are human rights and to protect people fleeing persecution.

The report will be presented to key actors in the Commission,

the Council, the EU Presidencies and the European Parliaments working on the issue of third countries and human rights.

CHRISTINE LOUDES

## Employment Equality



The introduction in 2000 of the EU Directive prohibiting discrimination in the workplace on the basis of sexual orientation represented an unexpected and much welcomed advance in the progress toward real equality for LGB people. The legislation offered the possibility of a transformation in the working life of lesbians, gays and bisexuals. No longer need they hide their sexual orienta-

# Lisbon Revisited



While many of us would like the opportunity to revisit Lisbon regularly the latest revisit was a paper exercise and didn't provide opportunities for getting to know this beautiful city better. In EU speak, Lisbon stands for the key immediate priority objectives for the EU. As many of you will already know, this comes from the fact that it was in Lisbon, in the Spring Council of 2000, that the heads of state and governments set the strategic target for the EU to become the most competitive and knowledge-based economy in the world capable of sustaining more and better jobs and with greater social cohesion. It was here that the leaders also agreed to bring forward a strategy to make a decisive impact on poverty in the EU by 2010.

With the election of the new European Parliament, the appointment of a new Commission, the many changes in the nature of the governments in the EU Member States and having

reached the mid point of what is called the Lisbon Strategy, a review has taken place which culminated at the Spring Council earlier this year. While it is still a little unclear what the revisited Lisbon strategy will look like, slowly a picture is emerging. We can say that:

- \* The revised Lisbon Strategy is still based on a balance between economic, social and environmental concerns but that it is focused on the objectives of Jobs and Growth.
- \* The economic and employment aspects are now dealt with through integrated guidelines (combining aspects of the old Broad Economic Policy Guidelines and the Employment Guidelines) that requires reporting from the National Level on the implementation of these Guidelines as well as European level reporting that will go each year to the Spring Council. A so called Mr or Ms Lisbon is to be appointed in Each Member State to oversee this process.

\* A parallel Open Method of Coordination (OMC) on Social Protection and Social Inclusion will continue to have an independent input into the Lisbon Strategy. The shape of this OMC will be determined by the evaluation of the existing arrangements, which is presently been conducted by the Commission, who will report on the outcome of this evaluation at the end of this year.

\* That there will be a 'feed in' between the parallel OMC process and the revised Lisbon strategy to ensure that Jobs and Growth contribute to Social Cohesion and to ensure that efforts to address poverty and exclusion can contribute to Jobs and Growth.

So what does this mean? Firstly that there is a danger that the Jobs and Growth approach will be so dominant that only lip service will be paid to the OMC on Social Protection and Social Inclusion. However a more positive interpretation could say that we will

have a reinvigorated strategy tackling poverty and social exclusion and more openness in the discussion about EU economic and employment policy. From the perspective of lesbians, gays, bisexuals and transgender people what is important, is that the evaluation of the OMC which is been conducted in this coming year maintains an approach to tackling poverty and exclusion which recognises the multi dimensional nature of the phenomenon of poverty and exclusion, so that those aspects of the struggle for equality for LGBT people which relate to poverty will still find a place within the discussion. To give an example, at the Round Table in Glasgow later this year, which will take place under the guidance of the present approach to the OMC on Inclusion, the workshop which will look at issues, including early school leaving, should also address issues which can cause LGBT people to leave school early.

**FINTAN FARRELL**  
Director of the European Anti  
Poverty Network

tion for fear of harassment or discrimination. Such freedom would enable them to participate fully and openly and thus enjoy better social and professional relationships with their colleagues. Because of the new environment, they would better realise their career potential and bring home concrete benefits for their partners. Such was the promise.

In a new document, due out in June, we explore the extent to which we have realised that

promise. The document looks at the nature and extent of the legislation's provisions as well as its limitations and weaknesses. Some of the issues explored include: How effective can legislation be that relies on the determination and commitment of the person who is discriminated against coming forward to make the law active? Is it not better to prevent discrimination before it happens? How are potential victims of discrimination helped to make the law effective?

An important position taken in the discussions is that legislation is not enough. If equality for lesbians, gays and bisexuals is to become a reality in the workplace, then reacting to inequality is not going to do it. The focus has to be on measures and initiatives that actively promote equality. This requires a collective effort on the part of all stakeholders. Relying on the testimonials of lesbians, gays and bisexuals with first hand experience, as well as the

good practice available, the document points to practical steps that can be taken to help realise the promise of equality in the workplace.

**SHEILA QUINN**

Both reports will be available in English on ILGA-Europe's website ([www.ilga-europe.org](http://www.ilga-europe.org)) and in paperback version on request.

# The Brazilian resolution is dead. What's now?



ILGA representatives meet Chairman of the UNCHR, Ambassador Wibisono (centre)

Neither voted on, nor discussed at the United Nations, the Brazilian resolution, the first of its kind banning discrimination on the grounds of sexual orientation simply died at this year's Commission on Human Rights (UNCHR) in Geneva. Though seeing "our" resolution dropping off the agenda of the Commission is certainly not a pleasant thing, the whole UN exercise around that resolution has done a lot of good to the international LGBT movement in general and to ILGA in particular. ILGA came stronger to Geneva this year and invited 27 activists to come and give testimony at the UN thanks to the support

of the Swedish and German Foreign Offices.

## ILGA brings 27 activists to the UN and organises four public debates: visibility at its highest!

Visibility for the LGBT movement has always been a key issue; the United Nations is not exception to the rule. For the second consecutive year, 40 to 50 LGBT activists came together in Geneva. With 27 activists from all parts of the globe and four panels this year, ILGA did more than its share. Such an effort did not go unnoticed by the media and a crew from German/French TV channel Arte followed ILGA's team at the UN. As many government officials were queuing to give their condolences to the representative of the Holy Sea that very same week, our first panel on the relationship between religion and homosexuality made quite an impression.

While ILGA organised a specific panel on the multiple discriminations suffered by lesbians, Rosanna Flamer Caldera, female co-secretary General of ILGA was also invited by the Finnish government to speak publicly on the struggle of lesbians, both in Sri Lanka and around the world. A panel on Trade Unions offered the opportunity to gather major trade unions supporting the LGBT struggle such as Public Service International, the International Confederation of Free Trade Unions, and Education International. A panel on transgender issues was another demonstration of ILGA's commitment to seeing the gender identity properly addressed in a resolution in the future as decided at the Manila World Conference.

## A large number of governments spoke in favour of a future resolution on sexual orientation and gender identity at the UN this year.

Interest on all of these issues is high at the UN and a large number of governments made impressive statements in support of a future resolution... **Luxembourg, acting as current EU presidency** "stressed the unacceptability of any discrimination based on sexual orientation" the opening week of the Commission while New Zealand and 32 other countries made a public statement pushing the Commission to address the issue of sexual orientation and gender identity in a resolution in the near future. The increasing number of Latin American countries in favour of such an initiative was remarkable this year (as was the absence of Brazil who initiated the whole discussion by presenting a resolution of the sort in 2003). All in all, since 2003, no less than 48 countries have publicly supported a resolution on sexual orientation and gender identity at the UNCHR. Our presence, as representatives of the LGBT movement, remains crucial at the UN to ensure the highest possible visibility and that due importance is given to the recognition of our rights. The next ILGA World Conference to be held in Geneva next April will take place during the Commission on Human Rights and who knows, the time might be right by then?

Sexual orientation is a fundamental aspect of every individual's identity and an immutable part of self. Mr Chairman, we recognise that sexuality is a sensitive and complex issue. But, we are not prepared to compromise on the principle that all people are equal in dignity, rights and freedoms. This Commission must uphold the principle of non-discrimination. We hope this Commission will not be silent for too much longer.

New Zealand Ambassador, Tim Caughley speaking on behalf of 33 countries. United Nations Commission on Human Rights, April 2005.

**Background information:** ILGA-Europe is the European Region of the International Lesbian and Gay Association (ILGA). ILGA was founded in 1978 and is a **world-wide network of national and local groups dedicated to achieving equal rights** for lesbian, gay, bisexual and transgender (LGBT) people around the world.

ILGA is to this day the only international non-profit and non-governmental **community-based** federation focused on presenting discrimination on grounds of sexual orientation as a global issue.

STEPHEN BARRIS  
[www.ilga.org](http://www.ilga.org)

# Europe says 'no' to homophobia

On 17 May 2005, the first International Day against Homophobia was marked with official statements, protests, performances and many other events across Europe.



Josep Borrell Fontelles, President of the European Parliament, came out with a statement condemning homophobia and reinforcing EU's commitment to fight discrimination and violence based on sexual orientation:

"The European Parliament has always fought for equality and the defence of human

rights and supports the campaign against homophobia in the context of the wider struggle for the defence of human rights, which is one of the fundamental values of the European Union.

It remains our duty, as an enlarged European Union, to continue the struggle against the moral discrimination and physical violence related to sexual orientation. Such injustices must be overcome in all countries by all means."



In Sofia, Bulgaria, around 30 activists organised an Equality March that ended by the National Assembly building. The activists collected around 200 signatures and nearly 12 000 electronic signatures under the petition to the National Assembly's chairperson calling for an official recognition of 17 May as a Day against Homophobia.



Activists from the Ukrainian LGBT organisation 'Nash Mir' marked the day with a protest action outside the university, which last autumn expelled a student just because he was gay, and distributed leaflets with anti-racism, anti-xenophobia and anti-homophobia contents. The activists also launched a hot air balloon with an anti-homophobia slogan above the capital city.



In London, United Kingdom, activists from Outrage! And the Gay and Lesbian Humanist Association organised a protest outside the Saudi Arabia's embassy.

"Saudi Arabia is one of the world's most homophobic countries. Gay people are routinely arrested, jailed, tortured, flogged and sometimes executed. We want EU and UN sanctions against the Saudi dictatorship. King Fahd should be arrested, taken to the International Criminal Court, and tried on charges of torture and murder. Britain and the EU should halt all trade with the murderous, homophobic Saudi tyranny", said protest co-organiser Brett Lock.

## New ILGA-Europe's website is coming soon!

We are planning to re-launch our re-designed and improved website in October 2005, watch this space!

[www.ilga-europe.org](http://www.ilga-europe.org)

# Joining the sinking ship

**"Who is to blame for the many ruined, unhappy marriages of our time?**

**As a rule, not the husband, nor the wife: marriage itself is to blame."**

**Hedwig Dohm, 1909**

**"We don't need no piece of paper from the city hall, Keeping us tied and true."**

**Joni Mitchell, 1971**

I came out in 1972, right into the turbulent birth-pool of gay liberationist and revolutionary feminist activism. Like many of my time, I am sceptical about some of the goals of the modern gay'n'lesbian movement, not least homosexual marriage. Back then, we would have opposed gay marriage on the simple grounds that we were against marriage, full stop. Hedwig Dohm, quoted above, was not the first nor the last feminist to argue cogently that marriage is deeply hostile women's autonomy. That alone should make us think hard before seeking entry into that institution.

Gay liberationists in the 70s could not have dreamt that homosexuals would, 25 years on, literally seek access to legal marriage, but they were critical of what they called "compulsive monogamy". GLF members Andrew Hodges and David Hutter wrote: "our homophile spokesmen ... are busily pushing us into the prison from which intelligent heterosexuals are trying to escape. We foresee future anthropologists turning to the pair-bonding of discreet homosexuals as the only means left available of examining the long-defunct institu-

tion of marriage." <sup>1</sup>

They were right to draw attention to heterosexuals abandoning marriage in their droves. The trend began in the 60s, and continues to this day. It can be roughly quantified using figures on children born to unmarried women. In both England and France in 1970, 8% of children were born outside marriage; by 2001, that number had risen to 40%. In Sweden, over 70% of children are now born to unmarried women. Some proponents of gay/lesbian marriage in our time are indeed, like Hodges and Hutter's "homophile spokesmen", "pushing us into th[is] prison." They promote marriage not just as an option, but as a norm, almost an obligation. Jonathan Rauch writes: "If gay marriage is recognized, single gay people over a cer-



tain age should not be surprised when they are disapproved of or pitied. That is a vital part of what makes marriage work. It's stigma as social policy." <sup>2</sup>

## Rights or robbery?

One can be in favour of lesbian/gay marriage without sharing Rauch's right-wing views. Pro-marriage advocates in Europe have focused more on the practical advantages, financial, legal and social, enjoyed by heterosexual married couples which are not open to homosexuals. How can we win those rights, they might ask, without getting married? It's important to look closely at those advantages, and ask which are legitimate rights at all, which are unjustified privileges, and which carry disadvantages which outweigh their value as rights.

Some which seem to fall in the category of legitimate rights are "next-of-kin" rights in health-care (hospital visiting rights, the right to take decisions for a patient when s/he is too ill to do so, etc) and inheritance and tenancy rights. I agree these are important rights. Like anyone, I want the person sharing my home to be able to live there after my death, the main

beneficiary of my will to inherit my goods without paying crippling legacy tax, I want to say who will have the right to turn off my life-support, if necessary, those I love to visit me in hospital without my blood relatives vetoing it. But I see no reason to wish all those rights (or duties) to be invested in a single person. Yet this would be the inevitable result of regulating these matters through a marriage contract, or even registered partnership.

In her paper<sup>3</sup> at the conference "Legal Recognition of Same-Sex Partnerships" in London in 1999, Janet Halley noted that "[t]o seek recognition is to concede the authority of those whose regard is sought". Moreover, to promote marriage as a *recognition* of our relationships (as opposed, say, to a transformation or restructuring of them) is to imply that those relationships are pretty much like marriages to begin with: all we require is that this be "recognized". But are they? Heterosexual opponents of homosexual marriage almost all say they are not, and it was the explicit intention of 70s lesbian feminists and gay liberationists that they should not be.

I think the dynamics of our relationships differ very much from those of "classical" marriage. Few of us now live in GLF-style communes, but also, few of us live in the inward-looking couple-relationships, with a sharp distinction between family and friends,

that characterize heterosexual marriage. Frank Browning notes: "We gay folk tend to organize our lives more like extended families than nuclear ones. We may love our mates one at a time, but our 'primary families' are often our ex-lovers and our ex-lovers' ex-lovers. ... Modern marriage, by comparison, tends to isolate couples from their larger families and sometimes from friends - especially if they are ex-lovers."<sup>4</sup>

### **The banyan tree**

The complex networks of our "families of choice", which Edmund White dubbed the "banyan tree", has implications for the rights above. In some places, many can be regulated by civil law: a document designating a person responsible for health decisions, a notarised will etc. Where this is not possible, we should surely campaign for law changes to benefit not just gay/lesbian couples, but also single people and any people in non-traditional relationships. Injustices in the law of inheritance, for example, are often not challenged at all by the simple assimilation of lesbian/gay couples to heterosexual spouses. Parenting also raises problems. Frank Browning again: "The marriage model could prove especially problematic for rearing children. In a gay family, there are often three parents - a lesbian couple, say, and the biological father. Sometimes, four or five adults are committed to nurturing the children. In such cases, a marriage between two might bring second-class status to the rest of the extended family and

diminish their parental roles."

The financial advantages enjoyed by married couples (favourable tax/insurance rates, work benefits, pensions etc) all seem to me to be unjustified privileges. Large sums are involved. In her essay "Lesbians' and Gays' Craving for Normality"<sup>5</sup>, Constance Ohms notes that taxing married couples jointly costs Germany 20 billion EUR p.a. But who pays for that 20 billion EUR hand-out? Unmarried people. I object to subsidising my heterosexual colleagues' spouses, and frankly, I'm no keener to subsidise my lesbian and gay colleagues' lovers. Lesbian/gay marriage financially disadvantages the majority of homosexuals by increasing their tax and insurance subsidy to married couples, straight and gay.

### **Dependency - heterosexualising our relationships**

Another problem with such arrangements is that they foster dependency within couple relationships. Historically, this has meant the dependency of wives on their husbands. That was, at their origin, the very purpose of such tax schemes, which used to be called "married man's allowance" and suchlike, and facilitated a lifestyle in which a man "provided for" his wife, who worked unpaid in the home. The relevant laws have been reformed many times and - on paper - the position of husband and wife has been equalised. But since women's average wage is still considerably less than men's, and women still in practice do most of the work in the home, the system still

operates in favour of women's dependency.

Some, like German parliamentarian Volker Beck, dismiss this by saying the problem simply can't arise for homosexual couples.<sup>6</sup> Even if this were true, it is shocking for a gay man to support a



social system which operates to the disadvantage of women. But it's not true anyway. There are inequalities between partners in any couple, including inequalities of wealth and income. Do we want to build those inequalities, by law, into the very structure of our relationships? To be tied to our partners no longer just by love or friendship, but by dependence on them for healthcare insurance, access to basic services?

Marriage? We don't need it, and we'd be better off without it. Like the overwhelming majority of 70s lesbian feminists and gay liberationists, I believe that gay and lesbian marriage is a bad idea because marriage itself is a bad idea, and our campaigning energies would be more worthily devoted to its abolition than to its extension.

**PETER NORMAN**

<sup>1</sup> With Downcast Gays (London, 1972).

<sup>2</sup> Rauch, Jonathan, "For Better or Worse?", in The New Republic, 6 May, 1996.

<sup>3</sup> "Rhetorics of Justification in the Same-Sex Marriage Debate".

<sup>4</sup> Browning, Frank, "Why Marry", in The New York Times, 17 April, 1996.

<sup>5</sup> In Bubeck, Ilona (ed.), Unser Stück vom Kuchen? Zehn Positionen gegen die Homo-Ehe (Berlin, 2000).

<sup>6</sup> As quoted in Stedefeldt, Eike, "Triumph der Dummheit" in Bubeck, op. cit.

# Marriage for Dignity and Equality

I got married 9 months ago. I did it because I loved (and keep on loving) my husband. In this personal decision, I didn't take into account any other consideration but our mutual love. After our marriage, lots of people asked me why we decided to get married. I don't remember any of my brothers and sisters, or any of my other straight friends being asked about the reasons why they got married. Everybody knows that when a woman gets married to a man they just want to create a family, to confirm their commitment, to make public to society that they love each other and want to take care one of each other for the rest of their lives.



Apparently, for gay people these reasons are not enough. We must declare an extra political motivation for our wedding. I don't agree. As an LGBT rights activist, my political commitment is for Equality, for Dignity. I work to achieve equal opportunities before the law for gay, lesbian and transgender people. But, once this becomes real, the personal decision of every human being belongs to that part of own intimacy where nothing and nobody can interfere. If one's decision for not getting married is valid, the contrary also has to be. I do

not agree when people say that marriage is accepting the establishment and submission to some kind of control... Those who affirm that marriage is a sexist and patriarchal institution should explain what is there of all that in the marriage between two lesbians.

The law must offer the same opportunities to every citizen. If some have the chance to institutionalise their affective relations, their love, according to a well-recognised legal institution which gives rights (and obligations) to the partners, and has the benefit of social prestige, I also want to be able to accede to that status because my love is not lesser, nor worse, nor even different than others'. If someone dares to say that we, gays and lesbians, are not able to get married because the nature of marriage is heterosexual, is trying to establish categories in love, is trying to say that we have not the ability to generate and receive the same quality of love, is affirming, in fact, that all human beings are not equal, and this is a torpedo against our democratic system. There are no categories in love; there are no differences in human essence.

It is not acceptable either to create a new legal institution, with the same content but different name: black people during the apartheid were also allowed to go by bus, but they have special buses for them: that was segregationist. If someone wants to go back to those regimes, should

speak clear.

As a legal institution, as a contract, marriage is subject to many interpretations and can be filled with a diverse content, which not only does not denaturalise it but, on the contrary, makes it richer. Originally, matrimony (from Latin, *mater* and *monium*) was an indissoluble institution for a woman to pass from her father's protection to her husband's; the husband accepted her as a charge (*monium*). As a compensation for this, the wife's father had to contribute with the dowry. The wife was not entitled to decide and, of course, every single right belonged to the husband, who was even able to disown his wife. Through the marriage a sort of social control is being made: for example, avoiding people of different races or belonging to different religions to get married. None of these limits have defeated the marriage; it just has been adapted to the principles that democratic societies and the state of law have adopted.

Since the beginning, the struggle of lesbians, gays and transgender people has been a struggle for equality and for our dignity. I just want to remind now, because it is a question of justice not to forget it, that despite the fact that the modern concept of "movement for gay, lesbian and transgender people's rights" comes from the events in New York's Stonewall Inn in 1969, it would be much more exact to go back to the 19th century when several

European intellectuals led by Ulrichs and Hirschfeld started to demand equal legal treatment for homosexuals. The demand for the right to marry has been only a logical and very recent consequence of that struggle for dignity. When because of HIV/AIDS we were dying and our partners were being ignored not only by public authorities but by our own



families too, when those persons with whom we shared our lives stayed alone, with nothing else but their memories, then we started to realise that for the rest of the world we were NOTHING, we had no value as human beings, we were only animals who had sex for pure instinct, incapable of loving each other. Throughout the history, we have been sinners, possessed by the devil, sick, criminals... We had to start earning the respect we deserved as human beings from scratch, because we had nothing. And in that way, we have been pioneers because we did not give up our lifestyle, we came out to the streets always happy, proud of ourselves and of our love. As many other social movements before us (feminism, movements of ethnic liberation, etc.) we always had at the horizon of our struggle the idea of changing the world to make it

more fair and more free. And we are reaching our goal. In fact, when we activists and LGBT groups, demand our right to get married we are just confirming our indestructible faith in democratic principles such the Universal Declaration of Human Rights, and this conviction is still today, quite an element of transgression.

As a gay activist, I do not accept that we have renounced to our main target of achieving social change; we are only doing it our way. Who could have thought, one hundred years ago, that two women could one day be free to consent the marriage without the permission of one man?

This is all about equality. If we have already agreed that the colour of our skin, the God we pray to, the political beliefs we have or the number of chromosomes we have are not relevant circumstances to grant different levels of rights, then it is the moment to admit that sexual orientation is also a non-pertinent criteria for law. Once this is a

fact, everyone will be able to act the way they want, and they will say YES or NOT; but at this moment this is an option only Dutch, Belgian, Spanish, some Canadian and US gay people have. For the rest of the world, democracy is yet to come.

**DAVID MONTERO**



Swiss activists form their campaign's logo

## Switzerland Go for YES!

On 5 June 2005, 58% of the Swiss voters supported same-sex partnership legislation.

Although the Swiss Parliament cleared the final hurdles for the Swiss partnership law in June 2004, the Swiss public had to hold a vote on the referendum on 5 June 2005 because the Federal Democratic Union, a small religious conservative party, succeeded in gathering

enough signatures (50 000 are necessary) to initiate a nationwide referendum.

The partnership law provides for, inter alia, a legal standing of the relationships of lesbian and gay couples, inheritance rights, it regulates pensions issues and immigrations rights for a foreign partner. It does not provide the right to adopt children, or to make use of the

techniques of assisted reproduction. Registered partnership is a new marital status.

It was the first time ever, that a whole nation had to decide on registered partnership legislation for same-sex couples. To realise a lively and emotional campaign in the run-up to the referendum, the four national lesbian and gay associations founded a new association and through a fundraising campaign over 1.5 millions EUR were raised to finance all the posters, advertisements, t-shirts and various other events. A non-party support committee with over 1000 personali-

ties from politics, arts, society and sport was appointed. For portraits in the media, lesbian and gay couples were searched, that will benefit from the national partnership law and many letters to the editor were written to reach a good press coverage.

The upbeat nature of the campaign was celebrated in Lucerne with politicians from all the important parties, artists and so on. After this central event, the campaign was implemented locally in eight different regions of Switzerland.

The "Ja zum Partnerschaftsgesetz" association is deeply satisfied that, following the two chambers of Swiss Parliament, the Swiss public has now also clearly endorsed this principle. The association, founded in 2003, will be disbanded in the coming months. Its commitment to and support of the rights of gays and lesbians will in future again be assumed by the umbrella organisations of LOS, Pink Cross, FELS and Network.

More information (in German, French and Italian):

[www.partnerschaft-ja.ch](http://www.partnerschaft-ja.ch)

**SIMONE BRANDER**  
Lesbenorganisation Schweiz  
LOS

## Spain Nearly there!



Spanish activists cheer their parliamentarians

Last April the bill opening up same-sex marriage was approved by the Lower House of the Spanish parliament and now passed to the Senate (Upper House), where it is not sure to get final approval but in that case the bill will go back to the parliament again on 30 June where it will most certainly receive final approval. This means that the Madrid Pride,

taking place on 2 July 2005, will be a celebration of the full equality for lesbian, gays and bisexual people.

Socialist Prime Minister Jose Luis Rodriguez Zapatero took office in April 2004, intending to remove what he called the Church's undeniable advantages and create a secular state with streamlined divorce

and relaxations in abortion law. Under the proposed bill, Spanish Civil Law would include the phrase: "Matrimony shall have the same requisites and effects regardless of whether the persons involved are of the same or different sex."

Justice Minister Juan Fernando Lopez Aguilar argued that the bill overcomes "the barriers of discrimination, many of them with deep historical or primitive roots, which affect rights and freedoms and, in a specific way, the extension of free choice in the search for happiness, an unwritten basic right".

The vote in parliament was passed by 183 votes, with 136 against and six abstentions.

Members of gay and lesbian groups in the public gallery cheered and clapped when the result was read out. If the bill is approved by the Senate as expected, it will

make Spain the third country to legalise same-sex marriages after Belgium and the Netherlands.

Mr Zapatero, before the vote, was asked how he felt the newly elected Pope Benedict XVI might greet the news. "If the new Pope wants to say something about it, I'm prepared to respect whatever he says, he can count on my respect for him," he said, according to the Associated Press news agency. "One of the guarantees of democracy is the freedom of religion, freedom of opinion and freedom to carry out a political project with the citizens' vote."

In an opinion poll on the issue carried out by the government-run Centre for Sociological Investigations last June, 66% of Spaniards favoured legalising same-sex marriage, while 26% were opposed.

## Slovenia Two steps forward, one step back

On 22 June 2005 the Law on Registered Same-Sex Partnership was adopted by the Slovenian National Parliament. The law was proposed by the new conservative government without consulting LGBT NGOs. It was adopted with 44 votes in favour and 3 votes against (out of total 90), while the deputies of Liberal Democrats and Social Democrats obstructed the vote. The initiative to legalise gay and lesbian unions in Slovenia started already in 1997, the new law is the most recent attempt in the relative long his-

tory of legalisation of gay and lesbian unions.

The new law is covering only the property relations, the right/obligation to support socially weaker partner and only partly the inheritance rights. It does not bring any rights in the area of social security (social and health insurance, pension rights), and it does not give the status of a next of kin to the partners.

The parliamentary debate on the law was extremely humiliating for LGBT citizens and

also offensive for some deputies who defended LGBT rights. Concerned about the intolerant political debate on homosexuality in Slovenia, the group of 23 members of the European Parliament sent an open letter to the president of Slovenian Parliament Mr.Cukjati on the very day of the vote.

According to lesbian section ŠKUC-LL, the new bill, which is bringing only partial rights, is discriminatory, treating LGBT citizens as second-class citizens. We do not want to partic-

ipate in the process of "virtual-democracy". However, we see the new law as the first and fundamental step towards introducing more equal legislation for sexual minorities in Slovenia. Our mission and our goal for the future is to take all the necessary steps to improve the existing law by all available democratic measures and civil dialogue.

**TATJANA GRIEF**

## Italian authorities refuse to recognise Dutch marriage.



In 2003 Mario and Antonio, two Italian citizens from Latina, near Rome, married in the Netherlands. Once they moved back to Italy they sought recognition, by the Italian authorities, of their marriage. This sparked a heated debate on the possibility of such recognition taking place. The then Minister for European Affairs, Rocco Buttiglione, expressed his clear cut view on the subject: "There is no margin for succeeding.

This is a matter of exclusive competence of the national legislation. Hence, what they do in the Netherlands does not have any influence in Italy".

The administration of the town Mario and Antonio live in had refused to transcribe their Dutch act of marriage in the civil status registry (which is the usual procedure to recognise a marriage signed under foreign law). The reason given

was that it was "against public order" (the only exception allowed for non-transcription of a marriage act) and the Ministry of Interiors, consulted on the subject, supported this interpretation. Mario and Antonio filed a lawsuit and their case went to court last May.

During the hearing in court, the lawyer of the administration claimed that "public disorder would be generated if "those

two people" were come into contact with the rest of town". It must be noted that Mario and Antonio have lived as an openly gay couple in Latina for more than 10 years. They have a business that is well known and involves direct interaction with the public, and days of national TV and newspaper coverage of "the gay married couple" is hardly 'news' for those who live in Latina. The only display of disorder came from a neo fascist political movement, Forza Nuova (New Force), which picketed the court for days, with the aim of preventing gay marriages.

The local administration lawyer upheld in court that Antonio and Mario's marriage was "non-existent", showing little respect for their 10 years of love. Love seems to have little space in Latina, however, since he also upheld that marriage was intended as "heterosexual marriage aimed at procreation". On 10 June the court ruled against the couple and stated that their marriage is 'against the history, tradition and culture of the Italian society'. The couple will appeal trying to bring Italy some steps closer to the 21<sup>st</sup> century or at least push it back to Counter-Reform age.

**RICCARDO GOTTARDI**

## Holocaust Remembering homosexual victims

Last April, the Campaign Against Homophobia, in cooperation with the Israeli Gay Youth Organisation organised Auschwitz commemorations for homosexual victims of the Nazis and took part

in the panel discussion on homophobia and anti-Semitism during the second "Culture for Tolerance" festival in Krakow.

About 100 people (including

participants of ILGA-Europe's seminar) gathered in front of the wall where the Nazis tortured and killed thousands of the Auschwitz prisoners.

Activists from Israel have prepared a beautiful and moving ceremony; they recited poems and sang songs. After the ceremony flowers, pink triangles, and, according to Jewish tradition, stones were laid. Then the



participants had a chance to see the camp - a symbol of the most horrifying chapter in human history.

**MIKE URBANIAK**

# Winning sexual orientation discrimination cases

## Latvia:

On 29 April 2005, the Ziemeļu district court of the Latvian capital Riga delivered its judgement in the case of Maris Sants against the Riga School of Culture. The court declared that Sants had been treated unequally and discriminated against because of his homosexuality and awarded him 2,000 Latvian Lats (ca 3,000 EUR) in damages. This is the first case of this kind in Latvia.

In August 2004 Sants had applied for the position of history of religion teacher advertised by the School of Culture. Another applicant, with less academic qualifications and professional experience required for the post, was appointed.

Māris Sants sued the school claiming that, by employing another candidate with less qualifications and experience, they had treated him unequally and discriminated against him because of his homosexuality.

The court concluded that Sants' homosexuality was the sole reason the school had not accepted his candidature for the vacancy and that the school had failed to provide any objective reasons for refusing him employment. The court therefore concluded that the school had indeed treated Māris Sants unequally and discriminated against him because of his homosexuality. The court stressed that such unequal treatment and discrimination on the grounds of sexual orientation was against Latvian law. The court referred to the anti-discrimination articles of the Latvian Constitution and Latvian Labour Law, as well as to the 2000 EU Employment Equality Directive 2000/78/EC, which explicitly required EU member states to ban sexual orientation discrimination in employment.



## Bulgaria:

Queer Bulgaria Foundation won the first case for discrimination based on sexual orientation versus St Kliment Ohridsky Sofia University. In its decision The Regional Court of Sofia acknowledges infringement based on Article 4 of the Anti-discrimination Law against four gay men meaning that direct discrimination based on their sexual orientation was held as they were denied access to the Sports Centre of the university. The court sentenced The Sofia University to allow access to them and to pay 500 Leva (250 EUR) each for damages.

## Austria Conservative MP sues gay activists

On 2 March 2005, Austrian Parliament debated a motion tabled by the Green Party to set a deadline for finally putting their March 2003 motion to include homosexual victims in the Federal Nazi Victims Compensation Act (*Opferfürsorgegesetz* - OFG) on the agenda of the Parliament's social affairs committee where it had been parked since 2003.

Once again, the conservative/extreme right ÖVP/FPÖ majority defeated the motion. Christian-Democrat MP Walter Tancsits defended his party's refusal to amend the

OFG. For more than two decades Austria's oldest gay and lesbian organisation HOSI Wien has been fighting for the recognition, in the OFG, of the Nazi victims persecuted for their homosexuality, thus granting them a legal entitlement to compensation. Until today, this group is treated as second class victims who can only get some charitable alms from special funds in cases where they are poor and needy.

In a press release, HOSI Wien criticised the position of the People's Party as "taking ideological views of the Nazis" in general and Tancsits' statement

in particular ("It's a disgrace for the country that even today mental descendants of the brown Nazi myrmidons, such as Tancsits, are sitting in the Parliament.") Tancsits pretended to be offended and brought both civil and criminal action against HOSI Wien, its president Christian Högl, and its secretary-general Kurt Krickler. In the civil action Tancsits applies for an injunction and the retraction of the statement, including the publication of the retraction; the criminal action is a classical defamation/libel suit. In the criminal court trial on 28 April 2005, both HOSI Wien activists were acquitted.

However, Tancsits has appealed the decision, and so the case will continue before the appeal court in a few months.

On 12 May, the conservative/rightwing government announced, in a surprising move, that they have tabled their own motion in Parliament to amend, inter alia, the OFG to cater for those persecuted for their homosexuality.

Detailed info about the case, also in English at:

[www.hosiwien.at/sos](http://www.hosiwien.at/sos)

**KURT KRICKLER**

## Municipal officials: "Not in my back yard!"

**Municipal authorities in three European capitals - Warsaw, Bucharest and Chişinău banned or hindered LGBT events.**

### Warsaw:

The conservative mayor of Warsaw has banned pride celebrations for the second year in a row. Lech Kaczynski says that he is "for tolerance, but am against propagating gay orientation," according to the Polish news agency PAP.

Kaczynski says the celebration would detract from plans to unveil a monument the same day to Gen Stefan Rowecki, a leader of Poland's anti-Nazi underground army during World War II. "Organising a gay parade on that day is a joke," Kaczynski told PAP.

Last year, Kaczynski banned pride, saying he feared clashes between gay rights groups and opponents who



planned a counter-demonstration. About 2,500 gay rights campaigners have marched on 11 June in Warsaw defying a ban by the city's mayor.

The marchers carried rainbow flags and banners with slogans including "A gay is not a paedophile" and "Law and justice for all". There were isolated clashes as opponents threw eggs and shouted insults. About 10 people were arrested.

The marchers were joined by a number of politicians, including Deputy Prime Minister Izabela Jaruga-Nowacka and two German MPs from the Green Party, Claudia Roth and Volker Beck. "Mayor Kaczynski, democracy also means freedom of assembly and expression for gays and lesbians," Ms Roth told the crowd.

### Bucharest:

Bucharest Mayor Adriean Videanu has reluctantly agreed to issue a permit for the first ever gay pride parade in the capital after Romania President Traian Basescu and the Minister of Justice held an emergency meeting with him.

Videanu refused to issue permits for GayFest and Bucharest's police commissioner threatened, on national Romanian radio, to



**Romanian police keeps anti-gay demonstrators at distance**

use the police to "punish" marchers if they went ahead with the parade anyway. The Orthodox Church of Romania also had actively opposed the pride march.

As news of the threats spread throughout Europe a flood of e-mails poured into the city. Videanu's email account became so clogged he shut it down. Basescu also got a torrent of email and realising the negative publicity being generated, at a time when he was attempting to stabilise the country's economy and show Romania as a modern state, decided to intervene.

### Chişinău:

Municipal authorities of Chişinău, the capital of Moldova, have refused to authorise a peaceful demonstration in support of anti-discrimination legislation for sexual minorities. The demonstration was planned to take place on 20 May before the Moldovan Parliament, within the Fourth Moldovan LGBT Pride, organised by the Information Centre GenderDoc-M.

In his rejection letter the interim city mayor Mr. Vasile Ursu made reference to the fact that Moldova "has already a law on national minorities" and there is no point in a demonstration. During the discussion by the municipal committee of the declaration to hold a demonstration, such reasons as church opinion and the fact that "in Moldova minorities are more protected than the healthy and native population" were mentioned.

In June, the Moldovan Court of Appeal has declared illegal and void the refusal of the Chişinău municipal authorities to give permission for a public pride manifestation. The case was brought to the court by the Information Centre GenderDoc-M.

JL

## Sweden Review of 'hate' case

Sweden's Supreme Court has said it will review the acquittal of a Pentecostal pastor who denounced homosexuality as "a deep cancer" in a sermon.

Ake Green was convicted of hate crimes in June 2004 and given a 30-day suspended

prison sentence. However, in February of this year an appeals court threw out the case, saying it was not illegal to offer an interpretation of the Bible and urge others to follow it. Mr Green had been the first priest convicted under Sweden's new hate crimes law.

Passed in 2003, the legislation covers attacks against homosexuals. Sweden's chief prosecutor said that in his view, Mr Green's comments did amount to hate speech, and so he was seeking a review. In a sermon, Mr Green told a congregation on the small south-eastern island of Oland that homosexuals were "a deep cancer tumour on all of society".

He warned that Sweden risked a natural disaster because of its tolerance of homosexuality. "Homosexuality is something sick," Mr Green said, comparing it to paedophilia and bestiality. He said gays were likely to rape children and animals.

The Supreme Court has not yet given any date for the new trial.

## New book

# 'Partnership Rights, Free Movement, and EU Law' by Helen Toner



This book considers the case for modernising partnership rights in EC family reunification law. Existing Community law traditionally guarantees immi-

gration rights only to spouses and yet there is a growing diversity of national laws on same-sex marriage, registered partnerships and recognition of cohabitation. The Community institutions, which have recently framed new legislation, seem to view this as a question that can be settled by political agreement with little or no outside constraint.

The book challenges this assumption. It outlines recent developments in national legal systems and traces the development of the recent Community legislation. Then,

drawing on basic ECHR principles, the place of the ECHR in Community law, and on basic Community law principles of free movement and discrimination the book argues that the right of a migrant EU Citizen to family reunification for a cohabiting partner is presumptively protected and therefore justification for refusing to admit such partners must be provided. It also considers the possible justifications for marriage-partners only immigration policies and concludes that although possible, such justifications are far from certain to succeed. The discussion also

tackles the question of whether judicial activism is appropriate or whether there should be judicial deference to the legislative process recently completed. The book concludes with a wider discussion of the proper response of Community law to the increasing diversity of Member States family laws and policies beyond the field of immigration rights.

The book will be of value not only to immigration lawyers, but also to those interested in partnership rights generally, as well as to a wider audience of EU lawyers, primarily academics but also graduate students and practitioners. Helen Toner is a Lecturer in Law at Warwick University.

To order this book:  
<http://www.hart.oxi.net/bookdetails.asp?id=654&bnd=0>

## Transgressing Gender Conference: Two is not enough for gender (e)quality

7 - 9 October 2005  
Zagreb, Croatia

The goal of the conference is to initiate communication on the issues of feminism, gender, and transgenderism and open dialogue about gender oppression, violence, transphobia, and genderphobia while reaching out to feminists (of all genders), transpeople, genderqueers, intersex people, gays, lesbians, bisexuals, straight folks and others who care about gender equality.

This conference will be the first of its kind in Central and South East Europe and it aims to seek out more efficient mechanisms for

furthering gender rights and freedoms, on the local level and internationally. It will include academic papers, presentations, workshops and performances relating to the intersection of transgender and feminist perspectives and the implications of the subversion of traditional gender norms. Keynote speakers - Judith Halberstam and Patrick Califia. Conference working language - English (some sessions in local languages). Registration forms must be sent by 1 September 2005. The participants will be notified as to the status of their registration by 15 September. Conference fee: 60 Euros (30 Euros for students and the unemployed). We are currently accepting proposals for papers, workshops and presentations.

More information, registration forms, call for papers, workshops, and presentations at: [www.tgenderzagreb.com](http://www.tgenderzagreb.com).

# The Right to Be Different, International Conference

26 - 29 July 2006  
Montreal, Canada



**An international conference on LGBT rights coinciding with the 1st World Outgames Montréal 2006 will cover following areas:**

### Essential rights

Through the sharing of personal experiences and through factual and legal discussions, the Conference will explore the many facets of these "essential rights":

- ★ the right to protection against state and private violence,
- ★ freedom of expression, assembly and association,
- ★ freedom to engage in same-sex sexual activity.

### Global issues

The opening of global markets often erodes existing social and economic rights in many countries around the world, and it is common knowledge that the

rights of LGBT communities often fall by the wayside when there are social and economic battles to be fought. Government policies on immigration, asylum and freedom of movement are just a few examples among many of how common prejudices can translate into the systematic rejection of LGBT individuals.

Our rights must be supported and defended within all international organisations, especially the United Nations.

### The Diverse LGBT Community

The diversity of our community is one of its greatest qualities. We cannot allow discrimination within our own ranks, or any other barriers to equality, to jeopardise the rich and varied



fabric of our community. We must strive to act in accordance with our own principles.

This notion of diversity will be a touchstone for Conference discussions. By recognising this diversity, we can develop greater awareness and understanding of our differences, and draw energy and inspiration from them.

### Participation in Society

LGBT individuals are present and active in all areas of life: sport, education, media, the workplace, family, religion, culture, politics and lawmaking, law enforcement and judging, and so on. In all these aspects of their daily lives, LGBT individuals face discrimination. Many changes are needed to permit them to participate equally in society.

### Creating Social Change

The ability of citizens to freely

exercise their rights has an immediate impact on the society as a whole. This results not only in individual, but also and perhaps more importantly, collective social change.

If we are to maximise the impact of these changes we will need to develop strategies and alliances with communities outside of the LGBT community, including supportive individuals and groups within the heterosexual majority. In this context, the education of younger generations becomes of critical importance, and the battle against homophobia is one of many key concerns.

In some parts of the world, oppression is a fact of daily life for LGBT individuals. What can we do collectively to find solutions to eradicate this oppression?

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**ABBA - most famous Eurovision's winners**

## Happy birthday, Eurovision!

ILGA-Europe could not miss the opportunity to congratulate one of the oldest European 'institutions' with its half a century's anniversary. For fifty years Eurovision attracted millions of viewers and provided the campiest and most colourful entertainment at European level. LGBT people became one of the most devoted groups of fans - Eurovision tunes topped gay discos' charts and each year on that Saturday in late May many LGBT clubs host special Eurovision parties across Europe.

We laugh about the bizarre performances, outfits and dance routines, reluctant to admit we watch the contest, but let's face it, has any European election or referendum ever attracted such great interest and high number of votes by 'European citizens' and, most importantly, united us in laughter and celebration?

JL

# United in Diversity



27th ILGA  
European  
Conference  
26 - 30 October  
2005  
FIAP  
Paris, France

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