

EURO-LETTER

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The information contained in this publication does not necessarily reflect the position or opinion of the European Commission.



2007 — European Year of Equal Opportunities for All

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ILGA-EUROPE:

It's a start for the European Year of Equal Opportunities for All!

by Evelyne Paradis

After months of preparation and discussion, the European Year of Equal Opportunities is finally under way. The Year will be officially launched at the Equality Summit in Berlin on 30-31 January, where more than 400 people are expected, including some 30 ministers, equality bodies, NGOs, and representatives of groups who experience discrimination.

At the Summit, ILGA-Europe will be strongly represented by a group of at least 10 representatives of staff and board, as well as national member organisations. One key message in Berlin will be the need to extend protection against discrimination on the basis of sexual orientation to social protection (including social security and healthcare), social advantages, education, access to goods and services, including housing.

Keeping the momentum during the Year.... LGBT organisations have been very active throughout the EU in the preparation phase of the Year. They have taken part in consultations with the national implementing body to give their views on the priorities for the Year and to propose activities on sexual orientation for the Year.

The active involvement of LGBT organisations has given results as all the Member States have included LGBT issues in their national action plan for the Year 2007. But this is only the beginning...these national action plans will only be as effective and meaningful as LGBT organisations and other NGOs keep the momentum going and remain involved in activities throughout the Year.

The importance of the involvement of NGOs and civil society at national level is a message that ILGA-Europe will be repeating to the European Commission and Member States throughout the Year. We will also insist on the need to give visibility to LGBT people and challenge their invisibility and exclusion in society by involving them in actions and decision-making at national and European level

We want to hear from you.... In the coming months, we will feature short articles in this Euroletter from ILGA-Europe member organisations on what is going on in their country on LGBT issues in the context of this European Year.

Let's all take the opportunity of this European Year to advance LGBT rights in Europe!

For any questions or comments about the European Year of Equal Opportunities or ILGA-Europe's actions, feel free to contact Evelyne Paradis at evelyne@ilga-europe.org

Official website of the Year 2007: http://ec.europa.eu/employment_social/eyeq//index.cfm?cat_id=SPLASH

ILGA-Europe website section on year 2007:

http://www.ilga-europe.org/europe/campaigns_projects/2007_european_year_of_equal_opportunities

Update on the Fundamental Rights Agency

by Christine Loudes

At the last Council meeting of December 2006 an agreement was reached between Member States on the European Fundamental Rights Agency. The text is not yet available due to translation and technical arrangements. According to information received from the Commission, it will officially be adopted on the 14th February 2007 and be published soon after. The Agency will start its function on the 1st March 2007. In the meantime the Agency will carry on its work with the board of the European Union Monitoring Centre (EUMC).

According to information received from the Directorate on Justice, Freedom and Security (DG JLS), the relationship with non government organisations (NGO) will be organised in the form of a Fundamental Rights Platform. This mechanism will be primarily set up as a mechanism for exchange of information and should be opened to all interested parties. However its concrete operation is not clear yet.

ILGA-Europe has requested a meeting with DG JLS to discuss cooperation and inclusion of LGBT issues in the work of the Fundamental Rights Agency. If you would like more information on this topic, please contact Christine Loudes, christine@ilga-europe.org.

EUROPE:

The Commission's Equality and non-discrimination annual report 2006 is out

Source: European Commission

The Equality and non-discrimination annual report 2006 from DG Employment and Social Affairs is now available.

Part I of this report summarises the developments in anti-discrimination legislation and presents the state of play in each of the 25 Member States. It takes a look at how the individual's rights to equal treatment laid down in EU law can be protected and enforced. This part also explains several of the legislation's key concepts and includes case studies revealing how they are applied in practice.

Part II sets out the main objectives of the European Year of Equal Opportunities for All, explains what will happen and when, and asks several key stakeholders in the fight against discrimination about their hopes and expectations for the Year – as well as how they plan to get involved.

Report is available here:

http://web20.s112.typo3server.com/fileadmin/pdfs/Reports/Annual_Reports_2006/annualrep06_en.pdf

Making your voice heard in the EU - A guide for NGOs in 8 languages

Source: Civil Society Contact Group

The Civil Society Contact Group is happy to announce the publication of the training handbook "Making your voice heard in the EU - A guide for NGOs".

It is specifically designed for those "newcomer" NGOs and activists that are in the process of establishing a European strategy. It does so by providing tailored-made information on EU institutions, the way European NGOs work, as well as lobbying "tips", illustrated by examples of EU level campaigns. It does not aim at being comprehensive but rather at giving you a first insight in the EU labyrinth and how to find your way. To prepare the next stages of your strategy, it also provides more specific links and contacts depending on your area of activity.

You can download it in English, French, German, Hungarian, Latvian (soon), Polish (soon), Portuguese (soon) and Slovene here: http://act4europe.horus.be/code/EN/actions.asp?id_events=120

SAME-SEX FAMILIES:

Switzerland grants first gay and lesbian registered partnerships

Source: Media release by Pink Cross & LOS, 6 January 2007

On January 2nd, the first gay and lesbian couples have started to officially register their partnerships in accordance with the new partnership law granting essentially the same rights and responsibilities as those provided by civil marriage.

The two national gay and lesbian rights organisations PINK CROSS and LOS, as well as FELS, the organisation of parents and friends of gays and lesbians, are celebrating and revelling in the knowledge that many difficulties encountered by same sex couples can now be solved thanks to this new legal institution.

Even for gays and lesbians who do not wish to sign-up for a partnership, the new law represents a step forward in that homosexuality can no longer be dismissed as a "private issue" – this law finally gives homosexuals a recognised place in Swiss society; in other words, gays and lesbians have at last become full and equal citizens.

Since 1994, the road full legal recognition has been long, but now, militants and organizations can see the fruits of more than 10 years of work. What's more, it is the first time in history that a law recognizing same sex couples has also been endorsed by the population of a whole country through a vote; this historical YES won on 5th June 2005 means that the gays and lesbians of Switzerland won't ever have to feel that they are second class citizens concerning their lives in a same-sex couple.

The coming into force of this national law gives a strong lead to Switzerland's neighbours: Italy, Austria or Lichtenstein, with which Switzerland shares amongst other things two of its official national languages, do not yet have such legislation.

Even outside Europe, the coming into force of this law is a tangible sign that the recognition of the rights of same-sex couples is becoming the norm in democratic countries which base their institutions on the rule of law and the principles of equality and non-discrimination.

EMPLOYMENT, GOODS & SERVICES:

Czech gay man wins landmark discrimination case

Source: Pink News, <http://www.pinknews.co.uk/news/articles/2005-3497.html>, 16 January 2007

In yet another sign of positive change in the new EU states, a gay man has won damages after being denied a job as a masseur because of his sexuality.

Lech Sydor, a 43-year-old Czech citizen, was awarded 70,000 koruna (£1,660) and received an apology for his treatment, AFP reports. The landmark ruling is the first time that a Czech court has ruled on an issue of work discrimination on the grounds of sexual orientation.

Mr Sydor had been promised a job as a masseur at a health centre, but when the manager found out he is gay he refused to hire him. In court the centre's management said they had found a better qualified candidate for the job. The gay rights group Gay Iniciativa welcomed the decision, which follows last year's successful campaign to allow gay and lesbian couples in the Czech Republic to register their partnerships.

Gay rights campaigner Jiri Hromada, speaking about the discrimination ruling, told AFP, "This is the first time in this country that a court has recognised discrimination on the grounds of sexual preference. It is a precedent. We hope it will encourage others not to fear launching similar proceedings."

UK: Gay rights laws challenge fails

Source: BBC, http://news.bbc.co.uk/2/hi/uk_news/politics/6243323.stm, 10 January 2007

New rules outlawing businesses from discriminating against homosexuals have been upheld in the House of Lords. A challenge led by Lord Morrow of the Democratic Unionist Party failed by a margin of three to one. He had argued that the rules forced people to choose between obedience to God and obedience to the state. But Northern Ireland Minister Lord Rooker said it would be "quite wrong" to elevate the rights of one group above those of another.

Lord Morrow's call to annul the regulations, which have applied in Northern Ireland since 1 January and are due to be implemented across the UK by April, was defeated by 199 votes to 68. The Sexual Orientation Regulations have been criticised by some religious groups who say people will not be allowed to act according to faith.

Hundreds of Christians demonstrated outside Parliament, but gay rights groups say no mainstream religious groups supported the protest. Critics say the new rules mean hotels cannot refuse to provide rooms for gay couples, and religious groups would be obliged to rent out halls for "gay wedding" receptions. They also argue a Christian, Jewish or Muslim printer could be forced to print a flyer for a gay night club, or a teacher would have to break the law to promote heterosexual marriage over homosexual civil partnership. Tory peers were allowed a free vote but the Liberal Democrats supported the government, whose Labour supporters were whipped to attend and vote.

Supporters of the regulations say they simply extend to gay people the same rights that had been granted to people of different faiths in 1998. A High Court judicial review against the regulations in Northern Ireland, brought by the Christian Institute, will be heard in March.

FREEDOM OF ASSEMBLY:

ILGA-Europe training on Using Video in Monitoring Pride Marches

by ILGA-Europe

We are inviting ILGA-Europe members to take part in a capacity building event which will take part in Romania on 18-20 of April, 2007. There will be two seminars organised simultaneously on the subjects of using video in monitoring pride marches and documenting human rights violations.

The training on **Using Video in Monitoring Pride Marches** is organised by Witness and ILGA-Europe will provide participants with skills on using video documenting for advocacy purposes. The training is open for LGBT activists who are planning to monitor pride marches where it is contentious by using video. Part of the footages will be used for a video which ILGA-Europe will produce and present to international institutions to highlight violations on the freedom of assembly in Europe. The training will be focused on this objective and will be also quite practical with use of video during exercises. Activists from countries where there have been issues with pride marches or who are planning to organise their first pride marches are invited to apply for this training.

The **Documenting Human Rights Violations** advanced training is targeted at participants that may have some experience but want to deepen their knowledge on the subject. Together with external experts, participants will have the opportunity to improve their skills in developing instruments for documentation of human rights violations, producing subsequent reports for advocacy purposes, collection of raw data, fact-finding process, data organization and data analysis. The seminar will be practically-focused.

ILGA-Europe can provide scholarships, which will cover travel, accommodation and meals for a total of 30 participants. The participants are expected to arrive on the 17th of April and leave on the 20th of April in the afternoon or on the 21st.

If you are interested in attending the seminars, please fill in the application form (available on our website) and send it to Marco Perolini at: marco@ilga-europe.org. Please direct your information requests to Maxim Anmeghichean at: maxim@ilga-europe.org (documenting human rights violations) or Christine Loudes at: christine@ilga-europe.org (use of video to monitor pride marches).

Polish gay pride ban case goes to Strasbourg

Source: Media release by the Polish Helsinki Foundation for Human Rights, 10 January 2007

On 20 December 2006 Helsinki Foundation for Human Rights (hereinafter "HFHR") was informed that the European Court of Human Rights (ECtHR) issued a decision on admissibility in the case Tomasz B¹czkowski and others against Poland (decision issued on 5 December 2006). The case concerns the ban on Equality Parade²2005 in Warsaw issued by former Mayor of Warsaw.

Decision on admissibility means that after a preliminary examination of the case ECtHR deemed the case as raising important legal and factual issues; the case will be considered materially by the ECtHR. This means that the ECtHR did not consider the complaint as irrelevant or manifestly ill-founded and that there are no other reasons that would justify inadmissibility (in particular the complaint was lodged within six months of the final decision of municipal authorities). In practical terms the decision on admissibility means that the case will be considered as to its merits by ECtHR and that the judgment will be delivered. There is nothing, however, to be said about the final judgment at this point. The final judgment will be probably delivered in the middle of 2007.

The case of Equality Parade was abundantly commented by media. On 10 May 2005, the Equality Foundation filed an application for a permit to organise the Equality Parade, a demonstration to promote tolerance for discriminated groups, especially sexual minorities. In accordance with his prior statements, the Mayor of the city of Warsaw, Lech Kaczyński, denied the permit for use of a traffic lane (his refusal was based on the provisions of the Vehicle Code). In consequence, Equality Parade's organisers filed applications to organise eight different rallies. The President denied six of these requests. On 11 June 2005, an illegal Equality Parade took place as an act of civil disobedience. The Local Government Appeals Board and the Mazovian Voivod overturned the decisions of the Mayor of Warsaw, this however did not answer whether there had been civil rights violations.

Lawyers from the HFHR filed a complaint to the European Court of Human Rights claiming Poland's violation of arts. 11 (freedom of assembly and association), 13 (right to an effective remedy) and 14 (prohibition of discrimination) of the European Convention on Human Rights on 16 December 2005. The complaint was lodged on 16 December 2005 by Equality Foundation and organizers of five rallies, which were linked with Equality Parade: Tomasz B¹czkowski, Robert Biedroń, Inga Kostrzewa, Krzysztof Kliszczyński oraz Tomasz Szypu³a. Applicants did not ask the ECtHR for just satisfaction for the suffered damages as they eventually managed to organise an assembly, even though it was illegal. By lodging this complaint they intended to stress that no citizen in democratic country should be made to resort to acts of civil disobedience as the result of politicians' activity.

The decision on admissibility contains information on facts of a case, complaints under articles of the Convention raised by applicants, arguments put forward by applicants to support their case and arguments presented by the Polish Government in response. Interestingly, in a part concerning facts of a case an interview made by journalist Ewa Siedlecka with former Mayor of Warsaw is cited, where he declares that he

would not allow for a the Equality Parade (an interview from Gazeta Wyborcza daily, 20 May 2005). In the decision on admissibility a judgment of Polish Constitutional Court from 18 January 2006 was cited. In this judgment Constitutional Court declared an art. 65a of the Road Traffic Law unconstitutional. This judgment was delivered as the result of Polish Ombudsman's motion concerning unlawful application of the respective provision of the Vehicle Code, which was also exemplified in case of Equality Parade.

More:

<http://cmiskp.echr.coe.int/tkp197/view.asp?action=html&documentId=812297&portal=hbkm&source=externalbydocnumber&table=F69A27FD8FB86142BF01C1166DEA398649>

Russia: Activists to Sue Moscow City Authorities Over Gay Pride Ban

Source: MosNews, <http://www.mosnews.com/news/2007/01/19/gaypride.shtml>, 19 January 2007

Russian gay Pride organisers are planning to take the Moscow city government to European Court of Human Rights over its refusal to allow the event last year. The city government denied a permit for the May 27 parade.

Despite city approval, the Russian gay community carried on, only to be harassed by anti-gay protesters. Police arrested nearly 200 marchers, many of whom were gay. A riot among marchers, religious fundamentalists and skinheads left one gay man beaten unconscious.

The decision to move to the European court follows an earlier dismissal of the case by the Moscow City Court, which refused the appeal from the gay group. "We tried to offer to Russian judicial system yet another chance to review the illegal decision banning the Pride march," said Nikolai Alekseev of GayRussia.ru.

Before heading to the European court, Alekseev said that the group would appeal to the Russian Supreme Court to hear its case. "An application to the European Court of Human Rights is now ready and is currently being assessed by legal experts," said Alekseev.

TRANSGENDER:

European Transgender Groups Unite

Source: media release by Transgender Europe – Network and Council, 15 January 2007

A new coalition of European Transgender and Transsexual Groups, TransGender Europe, has received organisational recognition by the Austrian authorities this week. The initiative brings together 66 transgender organisations from 21 countries, after they agreed to join together when meeting in Vienna last year, for the first-ever European TransGender Council.

High on the list of priorities for the new organisation are the promotion of the human rights of transgender people - especially with regards to the legal recognition of the gender of trans people in the gender they live in, as well as non-discrimination in all aspects of life, equal access to Healthcare, and social acceptance.

'This is a major milestone towards the recognition of the rights of transgender people', says Justus Eisfeld, chairperson of the new organisation. 'Now TransGender Europe can apply for funding and make our voices heard on an international level', says Eisfeld.

In most European countries there are strict limitations to changing one's legal gender. In most European countries it includes obligatory sterilisation, while other countries such as Ireland don't allow a legal gender change at all. The UK is the only country in Europe where the law does not require extensive physical treatments before recognising the gender role a person is living in. Transgender people in Europe frequently face prejudice and discrimination at home, in the streets and at work.

Equal access to healthcare is a major problem for transgender people, as health professionals, including psychologists and family practitioners, are often unaware of the problems transgender people face. The possibilities for gender reassignment are limited and often not (adequately) covered by public health insurance in some countries, such as Belgium. A recent study undertaken by academics at Manchester Metropolitan University with over 800 trans people shows that for 1 in 5 trans people, the family doctors did not want to help, and in 1 in 18 cases the doctor actually refused to help.

About 1,5% of the Dutch population claimed in a recent large-scale representative study by the Rutgers-Nisso Groep that they identify more the other than the gender assigned at their birth, whilst almost 3% of the male population of the Netherlands identify as cross-dressers. Planned activities for 2007 include the Second European TransGender Council in the fall and research into the law and living conditions of transgender people in Europe. Transgender Europe – Network and Council uses the term transgender in the broadest sense, to include transsexual, transvestite, and transgender people such as drag queens, cross-dressers and other people who feel that they don't belong in the strict binary gender system.

Go to www.tgeu.net for more information about the organisation and how you can join (membership forms will be added soon).

NOTICE BOARD:

Call for information on hate/violence

by Dennis van der Veur, 19 January 2007

You may remember the 2006 OSCE's report "Challenges and responses to hate-motivated incidents in the OSCE region" (accessible via http://www.osce.org/documents/odihr/2006/10/21496_en.pdf). This report, which included many references to hate motivated attacks and hate speech against LGBT people (including the Gisberta case in Portugal), was the first ever publication of the OSCE to specifically address hate crimes based on sexual orientation and gender identity/expression.

This year the OSCE will again publish a report on hate crimes and incidents and for this I highly depend on information, links, reports and concrete cases of gay/trans/bi bashing in your countries (period Jan-December 2006). I am currently compiling an overview of such incidents and I would be very interested to receive info if you have, preferably in the format as attached, but also in another way, it is welcome.

Please send this information to dennis.vanderveur@odihr.pl before February 1.

Call for Participants: Peer training tools for gender based discrimination and homophobia in youth environments

by Evelyne Paradis

The European Peer Training Organisation – EPTO invites you to participate in the **FRUITCAKES** pilot training – Peer Training Tools tackling Gender and Homophobic discrimination. The training, organised in partnership with Campaign Against Homophobia (Poland) and KomBi (Germany), will be held at the European Youth Centre in Budapest, Hungary from 18 March to 24 March 2007.

The peer-training programme on Gender & Homophobia will be facilitated by young people in their contexts (schools, youth organisations) and will promote networking involving youth organisations, in particular young women, young LGBT people and anti-discrimination organisations.

Information about the training is available at www.epto.org. or contact Luis Pinto at luis.pinto@epto.org. The deadline for application is **2 February 2007**.

LGBT Worldwide Project - Call for writers from Europe

by David Paternotte

The LGBT Worldwide project is an encyclopedia about the social and political situation of LGBT people worldwide, and we are still looking for contributors from some European countries:

Albania, Andorra, Armenia, Austria, Azerbaijan, Bosnia and Herzegovina, Croatia, Cyprus, Czech Republic, Estonia, Georgia, Iceland, Ireland, Liechtenstein, Luxembourg, Macedonia, Malta, Moldova, Monaco, Montenegro, Russian Federation, San Marino, Serbia, Slovakia, Turkey, Vatican City.

The entries are general and should give an overview of the situation in each country. They are composed of different headings, and their lengths vary according to the country. You can find this information - and even more - on the following website: <http://www.chuckstewartphd.net/Greenwood.html>. Practical aspects such as the number of words or the applicability of some headings may still be discussed later with the editor and the advisory board.

The articles must be completed by October 2007 and the encyclopedia is to be published in 2008.

If you have other remarks on the project or are interested in providing a contribution, please send an email to the coordinator of the project, Chuck Stewart: LGBTWorldwide@sbcglobal.net