

EURO-LETTER

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Staff news: ILGA-Europe has new Administration & Finance Manager & Officer

by ILGA-Europe



Olimpia Ciripoiu-Vonica – ILGA-Europe’s Finance and Administration Manager.

Originally from Romania, Olimpia has joined ILGA-Europe’s team in December 2006. Prior to joining ILGA-Europe, she worked as Researcher for the Advisory department of PricewaterhouseCoopers Romania and as Admin/Finance Assistant for Peace Corps Romania. She graduated from the Masters programme in Economics, Central European University (Hungary) in 2005 and holds a Bachelor degree in Business Administration from the Academy of Economic Studies, Romania. Her areas of expertise are economics and gender inequality in the labour markets.



Françoise Berlet - ILGA-Europe’s Finance and Administration Officer.

Françoise - is our latest member of staff. Originally from France, Françoise joined us from Belfast, where she was employed as the SOLID Project administrator (Strategies on Litigation tackling Discrimination in EU countries) with the Northern Ireland Council for Ethnic Minorities. She also worked as a part time tutor at the Queen’s University of Belfast. Her educational qualifications include a PhD in English and a Post-Master’s degree in translation. Françoise started working with ILGA-Europe on 1 February 2007.

Developing the 2008-2011 Strategic Plan

by Patricia Prendiville

As promised in Sofia, we are now ready to consult with the members of ILGA-Europe about the next Strategic Plan.

During the first week in March 2007 each member organisation, associate members and individual members will be sent a brief set of questions to inform the board & staff as they develop the strategic plan for 2008-2011.

The first set of questions will be reviewing the current plan and objectives.

The second set of questions will be focused on the future objectives, and what your organisation believes is the way forward for ILGA-Europe.

We will send detailed timeframes for receiving responses and for sending out the summary of these results. We expect to send a draft strategic plan and invite feedback before the conference. This depends on receiving input from you in March and April!

The draft will be debated in Vilnius, and adopted by the conference in 2007 so that we will then be on target for 2008.

We look forward to your input.

Patricia and the team

Call for action: let's stump out homophobic bullying in Europe

by ILGA-Europe

ILGA-Europe is calling on its members and supporters in the EU to ask members of the European Parliament to sign a written declaration on combating homophobic bullying. This declaration, which strongly condemns homophobic bullying, calls for specific actions, including at national level, and would be an important step forward in having the European Union engaging in the field of discrimination in education. It can open up opportunities for all of us in this field.

The declaration, drafted in close cooperation with IGLYO and ILGA-Europe, was presented on 14 February 2007 by MEP John Bowis and the Parliament's LGBT Intergroup in Strasbourg during a joint meeting of the European Parliament's Intergroup on Gay and Lesbian Rights and the Trade Union Coordination Group. ILGA-Europe and IGLYO took active part in this meeting. The declaration is available in all EU languages on IGLYO's website at <http://www.iglyo.com/content/activities/EPdeclaration.html>

How can you help?

The declaration will only be adopted by the European Parliament if it is signed by 393 members of parliament by 30 April 2007. In order to mobilise MEPs to sign the declaration, we ask members and supporters to get in touch with MEPs to encourage them to sign the declaration. A template letter and a "Fact sheet on homophobic bullying" are available on the Website at http://www.ilga-europe.org/europe/news/call_for_action_let_s_stump_out_homophobic_bullying_in_europe

If you have any questions, do not hesitate to contact Evelyne Paradis, ILGA-Europe Policy Officer:
evelyne@ilga-europe.org

European Fundamental Rights Agency opens its doors – concerns still remain

ILGA-Europe media release, 23 February 2007

On the 1st March 2007, the new European Fundamental Rights Agency will start its work. The European Fundamental Rights Agency will work to ensure the European Convention of Human Rights and the European Union Charter on Fundamental Rights is applied properly in the application of laws adopted by EU. The Regulation establishing the Agency whose tasks would be to provide information and data on fundamental rights was published yesterday.

In the last three years ILGA-Europe has followed closely and took part in the debates around this Agency. It has expressed its disappointment at the lack of involvement of civil society in the process and the lack of the Agency's independence from the EU member states.

ILGA-Europe believes that in order to ensure credibility of this Agency, it is important that the persons who will be appointed by the states on the management board of the Agency are truly independent and have a strong record and expertise on human rights. The director needs to be a committed, well known and uncontroversial human rights defender.

It is further necessary to involve NGOs in the work of the Agency through the Fundamental Rights Platform and through regular consultations and cooperation.

Patricia Prendiville, Executive Director of ILGA-Europe, said: "We welcome the beginning of this important new EU institution which will monitor the application of the European human rights principles in the application of European legislation. We hope that the Agency in executing its mandate will employ an integrated approach when dealing with cases of fundamental rights, equality and anti-discrimination. In many instances human rights violations have also discriminatory elements. This is in particular the case in the banning of lesbian, gay, bisexual and transgender (LGBT) Pride marches which occurred in the EU member states in the recent years."

The Council Regulation establishing the European Union Agency for Fundamental Rights is available at the Official Journal of the European Union website: <http://eur-lex.europa.eu/JOHtml.do?uri=OJ:L:2007:053:SOM:EN:HTML>

More information on ILGA-Europe work related to the Fundamental Rights Agency on our website: www.ilga-europe.org/europe/advocacy_lobbying/human_rights_mechanisms/fundamental_rights_agency

ILGA-Europe responds to Consultation on Health Services

by Evelyne Paradis

In January 2007, ILGA-Europe responded to the European Commission's open consultation on EU action in the field of health services. The aim of the consultation is to ensure legal certainty and support for Member States in areas where EU action can bring added value.

In its response, ILGA-Europe highlighted the following issues:

- Rights of users and clients (including rights to information, access to services, safety, privacy and confidentiality, non-discrimination in access to services and treatment)
- Call for common standards in relation patients' rights
- Access to cross-border care and treatment for treatments that are not offered in a given Member States (e.g. fertility treatment and surgery for transgender people)

The document can be found at www.ilga-europe.org/media_library/ilga_europe_main/lgbt_issues/ilga_europe_s_written_contribution_to_eu_consultation_on_health_services_january_2007

Places still available at ILGA-Europe trainings - deadline extended

by ILGA-Europe

The deadline for application to take part in the capacity building event which will take place in Romania on 18-20 of April, 2007 is extended till 1st of March, 2007. There will be two seminars organised simultaneously on the subjects of using video in monitoring pride marches and documenting human rights violations. More information on our website: www.ilga-europe.org/europe/news/places_still_available_at_ilga_europe_trainings_deadline_extended

ILGA-Europe seeks volunteers translators for EU languages

by ILGA-Europe

We currently are looking for volunteer-translators into all EU languages (except English, Spanish, French and German).

As you hopefully know, 2007 is the European Year of Equal Opportunities. The Year aims at making people in the EU more aware of their rights not to be discriminated against and at promoting equal opportunities in various areas, from healthcare to the workplace. The Year focuses on six different grounds of discrimination, including discrimination based on sexual orientation.

At both national and European levels, activities will be organised around the Year's four key objectives: **rights**, **representation**, **recognition** and **respect**. ILGA-Europe has defined what these four themes can mean for LGBT people.

The document "What do the 4 "Rs" mean to us?" translates the four themes into priorities and practical goals for the European Year where LGBT people are concerned. The goal is to have a clear message about what rights, representation, respect and recognition mean for LGBT people...a message that we can send to policy-makers, employers, trade unions, equality bodies and other equality NGOs in different countries.

www.ilga-europe.org/europe/get_involved_support_us/volunteer/we_look_for_volunteer_translators_into_eu_languages

Your help would be much appreciated by us and also by the European Commission, who will use your translation on their website as well. The Commission staff believes that the "four "Rs"" document can be extremely useful to them as well in raising awareness about priorities for LGBT issues in the Member States.

Please find English version of the document on our website: www.ilga-europe.org/europe/campaigns_projects/2007_european_year_of_equal_opportunities/ilga_europe_s_priorities_for_the_european_year_of_equal_opportunities/what_do_the_4_rs_rights_representation_respect_and_recognition_mean_for_us

If you want to help us or have any questions please do not hesitate contacting us:
juris@ilga-europe.org

EUROPE:

Joint meeting of Article 13 Intergroups of the European Parliament

by Evelyne Paradis

In the context of the European Year of Equal Opportunities for All, the European Parliament's Intergroups on Ageing, Anti-Racism and Diversity, Disability, and Gay and Lesbian Rights have united their efforts to organise a joint meeting that took place on 15 February 2007 in Strasbourg.

The meeting gave members of the European Parliament (MEPs) an opportunity to discuss activities and progress on the European Year with representatives of the European Commission. Many MEPs also used this joint gathering to call for commitment, political will and leadership on the part of Member States and the Commission to level up protection against discrimination in Europe.

The Intergroups also paid attention to multiple discrimination and heard from two individuals about how sometimes people are not only discriminated on the basis of just one ground of discrimination, but on the basis of multiple grounds of discrimination.

More information is available on the European Disability Forum's Website at www.edf-feph.org

The Council of Europe holds an Anti-Homophobia Week

Source: Council of Europe – All Different, All Equal Campaign

The first thematic Week of the Council of Europe's All Different, All Equal Campaign will take place during the first week of March 2007 in Poland, which will be the venue for the Week of Action against Homophobia. A series of events organised by Polish and European LGBT organisations will be held during this week to highlight the need to act against homophobia in Europe. Activities planned during the week include a Global Village on Warsaw's Constitution Square (with stands of anti-discrimination NGOs, living library, live music, gay & human rights cinema); a March for Gender Equality; a photo exhibition of gay life in Poland; press conferences.

People are encouraged to use the Europe-wide initiative to raise awareness in other countries during the week. Those who are interested in organising an event outside of Poland during the Action Week Against Homophobia or in receiving a press kit for the event are asked to contact the campaign secretariat (Joshua.Stanton@coe.int)

More information about the All Different All Equal Campaign is also available on the website at <http://alldifferent-allequal.info>

Latest anti-discrimination law review out now

Source: European Commission

The European Network of Legal Experts in the field of non-discrimination has published the fourth issue in its series of law reviews. The review gives an overview of case law from the European Court of Justice and European Court of Human Rights, as well as European policy and national legal developments.

This issue includes features on systemic racial discrimination before the European Court of Human Rights and the shift in the burden of proof. MEP Claude Moraes also gives his views on the challenges for anti-discrimination law and policy in the 2007 European Year of Equal Opportunities for All.

The law review is now available online in English, French and German. Hard copies can be ordered at: review@non-discrimination.net.

Downloads: http://ec.europa.eu/employment_social/fundamental_rights/public/pubst_en.htm#leg

Mapping study on existing national legislative measures outside employment now available

Source: European Commission

The mapping study carried out by the Migration Policy Group and human European consultancy on existing national legislative measures and their impact in tackling discrimination - outside the field of employment and occupation - on the grounds of sex, religion or belief, disability, age and sexual orientation is now available on the European Commission's Website.

http://ec.europa.eu/employment_social/fundamental_rights/public/pubst_en.htm#stud

This is a comprehensive and independent mapping of existing measures to combat discrimination on the above mentioned grounds. It also provides independent and authoritative information on the application and impact of existing national anti-discrimination legislation, done in two strands.

ENAR policy response on the framework decision on racism and xenophobia

Source: ENAR website: www.enar-eu.org

ENAR issued its response to the current negotiations in the Council on the proposal for a Framework Decision on Racism and Xenophobia. ENAR urges all the Member States of the European Union to move the fight against racism forward by adopting the proposed Framework Decision on Racism and Xenophobia under the auspices of the German Presidency. On the occasion of the Justice and Home Affairs Council's general discussion on the proposal for a Framework Decision on racism and xenophobia (15 February), ENAR issued a press release to launch its campaign to ensure that this instrument is adopted as soon as possible and to urge decision makers in all the EU member states to live up to their responsibilities in the fight against racism and xenophobia. More information is available on ENAR's website at www.enar-eu.org/en/wmail/index.shtml

AGE publications on multiple discrimination and the European Year of Equal Opportunities

Source: AGE

To mark the 2007 European Year of Equal Opportunities for All, AGE has published a brochure and leaflet on "Towards a European Society of All Ages" which focus on the importance of combating age discrimination at both national and EU levels and seeks to identify the value that the implementation of such measures can bring to our societies at large. AGE also produce a leaflet on tackling multiple discrimination in the EU. The brochures and leaflets are available in English, French and German on AGE's website at <http://www.age-platform.org>.

European Disability Forum launches a petition for a disability directive

Source: European Disability Forum

On the occasion of its 10th anniversary and as celebrations will take place during the European Year of Equal Opportunities 2007, the European Disability Forum (EDF) is launching an **EU wide 1 million signatures campaign "1million4disability"** in favour of a EU legislation to combat discrimination towards persons with disabilities. Objective: to increase its visibility and to draw attention on how the European Union impacts on persons with disabilities.

The signature campaign, officially launched on 23 January 2007, aims to collect at least 1 000 000 citizens' signatures to combat discrimination in all aspects of the everyday life of disabled citizens in Europe.

The European Union must respond to the call of at least 1 million citizens, as stated in the draft EU Constitutional Treaty. We must not miss this opportunity to raise our voices.

On 4 October 2007, the signatures will be officially handed out to the European Commission and the European Parliament. At the same time, a gathering of disabled persons, their families, friends and allies will take place in Brussels, in the heart of the European Institutions.

Sing the petition here: <http://www.1million4disability.eu/sign.asp?langue=EN>

SAME-SEX FAMILIES:

Ireland delays gay partnership bill

Source: *Pink News*, 22 February 2007, www.pinknews.co.uk/news/articles/2005-3777.html

Legislation to legalise same sex unions in the Republic of Ireland was defeated in the country's parliament on 21 February 2007. The Irish government said that the bill proposed by the Labour party would not comply with the constitution, but said that they would introduce their own legislation later this year.

Justice Minister Michael McDowell told Irish MPs (called TDs) that the state is constitutionally required to uphold the institution of marriage. Article 41 of the Irish constitution says the institution of marriage is to be protected, but does not define what marriage is.

A national referendum to change the constitution would, "be highly unlikely to succeed and could, if attempted, be very counterproductive in terms of achieving social consensus on this issue," he told the Irish parliament, the Dail.

Mr McDowell promised that the government would be bringing forward legislation to protect the rights of all unmarried couples, gay or straight. They asked for opposition parties to give them six months to devise their own proposals.

Italy may recognise unwed couples

Source: BBC, 9 February 2007, <http://news.bbc.co.uk/2/hi/europe/6345729.stm>

The Italian government has approved a bill to grant legal rights to unmarried couples, including same-sex partners. The highly controversial move came after months of heated debate in the broad, ruling coalition and fierce opposition from the Vatican. If parliament passes the package, unmarried couples will get greater health and social welfare benefits. But partners will enjoy inheritance rights only if they have been living together for at least nine years.

The bill, approved on Thursday evening, does not go as far as the civil unions now protected by law in some other European countries. But Franco Grillini, a Democrat of the Left parliamentarian, said "it still contains important elements, beginning with the recognition of rights for same-sex couples". He is honorary president of Italy's main gay rights association, Arcigay.

Equal Opportunities Minister Barbara Pollastrini, a co-author of the bill, said: "This draft law, which is a mark of respect and coherence, recognises rights but also duties." The legislation - promised in the centre-left manifesto of Prime Minister Romano Prodi last year - divided the government, which includes centrist Christian Democrats and Communists. The cabinet vote was boycotted by Justice Minister Clemente Mastella, a devout Catholic. He said he opposed the bill because "it seeks solutions and guarantees which imitate marriage".

Pope Benedict XVI has campaigned against legal recognition of unmarried couples, saying the traditional Christian marriage of man and woman must not be undermined.

French court blocks lesbian adoption

Source: PinkNews, 21 February 2007, www.pinknews.co.uk/news/articles/2005-3771.html

An attempt by a French mother to allow her lesbian partner to adopt her child has failed.

The Appeals Court in Paris ruled that the only way the mother could legally allow her partner to adopt the child would be to renounce her own parental rights. If the lesbian couple were allowed to marry, then they could share parental responsibility.

However, France does not allow same-sex marriage, and only grants limited rights to such couples. The French will go to the polls to elect their next President on 22nd April.

The Socialist candidate, Segolene Royal, made 100 pledges earlier this month as part of her campaign. Proposition 87 of her manifesto demands equal rights for same-sex couples, paving the way for future anti-discrimination legislation should the French population elect Royal to the presidency.

In contrast, Nicholas Sarkozy, the candidate for the rightist UMP, and current Interior Minister, said in a TV debate earlier this month that he is opposed to any form of gay marriage.

Polling carried out in June 2006 suggests that the French population might support Royal's policies on gay rights.

Sweden: Lesbian couples win adoption battle

Source: *The Local*, 14 February 2007, www.thelocal.se/6400/

In December of last year two lesbian couples were denied the right to adopt their children by Norrköping District Court in eastern Sweden. But now the Court of Appeal has overturned the original verdict.

Two of the women, one from each couple, had initially traveled to Denmark for insemination. The district court however pointed out that the sperm donors were anonymous, which is not acceptable according to Swedish law. In Sweden each child is legally entitled to find out the identity of his or her biological father.

"The district court turned us down on the grounds that we did not specify a donor, which is not permitted in Sweden," Maria Billström-Westerlund told Expressen. "But the Court of Appeal's verdict shows that they discriminated against us because we are homosexuals," she added.

Maria and her wife, Johanna Billström-Westerlund, are thrilled that the uncertainty surrounding their son Ludwig is finally over. "It's an enormous relief. We have always been a family emotionally. Now we are one legally too," said Maria Billström-Westerlund. The verdict means that Johanna will now have equal parental rights over Ludwig.

"Today we are going to take it easy and have a cosy day with the family. Then we're going to celebrate with the other couple. We have battled together," said Maria Billström-Westerlund.

EMPLOYMENT, GOODS & SERVICES:

Tackling anti-gay bullying at work - new Stonewall guide to help employers

Source: Stonewall media release, 8 February 2007

Stonewall has launched a new guide aimed at dealing with the bullying and harassment of lesbian and gay employees. Bullying: preventing the bullying and harassment of gay employees, the third in Stonewall's Workplace Guide series, offers clear and practical advice on how to tackle anti-gay bullying and harassment at work.

The guide explains the difficulties gay employees can face when reporting bullying and looks at the ways in which employers can deal with the problem of anti-gay bullying and harassment at work. It also features practical examples of good practice currently being developed by a range of Stonewall's partner organisations.

Copies of the guide can be requested from Stonewall or can be downloaded from the Stonewall website www.stonewall.org.uk

FREEDOM OF ASSEMBLY:

Moldova's Supreme Court: "The Refusal of Chisinau City Hall to Authorise the Solidarity March of LGBT people is Against the Law»

Source: media release by GenderDoc-M, 13 February 2007

The Supreme Court of the Republic of Moldova has communicated its decision on the hearing held on 20.12.2006, saying that the refusal of the Chisinau city hall to authorise the gay and lesbian solidarity march was illegal. The request for authorisation was filed in March of 2006 by the Centre "GenderDoc-M" with the purpose of promoting LGBT rights and anti-discrimination legislation for minorities.

The Supreme Court's decision says: "From the case materials it is clear that the Information Centre "GenderDoc-M works on gender issues and protection of the rights of sexual minorities, thus being an organisation with objectives, which do not contravene national legislation and international human rights law. The Supreme Court considers unjustified the refusal of the Chisinau city hall to authorise a march of solidarity by GenderDoc-M reasoning it with possible threat to the public order, as this motive is disproportional with the right to freedom of assembly, guaranteed by Art.11(2) of the European Convention for Human Rights and Fundamental Freedoms".

Since May 2005 GenderDoc-M has filed three requests to the Chisinau city hall for authorisation of public manifestations, all of which were refused by reason of threat these manifestations may pose to the public order and the opinion of faith-based organisations. The latter was expressed in numerous letters the city hall has received. GenderDoc-M attacked these decisions in courts, the first case being lost in all national courts and now prepared to be lodged with the European Court of Human Rights. The Chisinau authorities were criticized for their discriminatory decisions by the Council of Europe, the EU and the United Nations, as well as some Western European governments in the framework of bilateral relations.

"We salute the decision of the Supreme Court, which we hope will put a political end in open discrimination of the LGBT community by Chisinau city authorities", said the GenderDoc-M Chair Alexei Marcicov. "It is the win of consciousness, law and human rights over prejudice and intolerance".

Information Centre GenderDoc-M plans public manifestations within the VI LGBT Pride "Rainbow over the Dnister", which will be held between 27-29 April of this year. The program foresees public celebration of diversity and equality in the central part of the capital.

Russian government supports freedom of assembly for sexual minorities

ILGA-Europe media release, 9 February 2007

In a remarkable statement on the banning of Moscow Pride, the Russian government has strongly supported the right of sexual minorities to freedom of assembly.

The statement was made by the Russian Federation in its role as Chairman of the Committee of Ministers of the Council of Europe, a position it held from August 2006 to January 2007. While acknowledging that the Moscow gay pride demonstration was banned, and that a case is pending before the courts, it underlined that:

- People belonging to sexual minorities enjoy the same right to freedom of expression and freedom of assembly as any other individual
- Not only can peaceful demonstrations in favour of sexual minority rights simply not be banned, but the police has a duty to protect such manifestations when they take place
- A general ban of a peaceful demonstration can only be justified if there is a real danger of disorder which cannot be prevented by reasonable and appropriate measures

The ban on Moscow Pride is the subject of a case against the Russian authorities at the European Court of Human Rights.

Full text of the statement is available at:

<https://wcd.coe.int/ViewDoc.jsp?id=1088939&BackColorInternet=9999CC&BackColorIntranet=FFBB55&BackColorLogged=FFAC75>

TRANSGENDER:

Malta: Transsexual can get married, court rules

Source: Claudia Calleja, *The Times of Malta*, 16 February, www.timesofmalta.com/core/article.php?id=252271

A court has ordered the director of Public Registry to issue the marriage banns for a transsexual, who was born a man but was legally declared a woman following gender reassignment surgery. Mr Justice Gino Camilleri gave the order after noting that the union between the transsexual, now a woman, and her male partner did not go against any provision of the Marriage Act. Lawyers contacted by *The Times* said they believed this ruling was the first of its kind and may lead to the first civil marriage of a transsexual.

This case contrasts with a judgment delivered by the Civil Court three years ago. In that judgment the court had upheld the request of another woman (who had had the same type of surgery) and ordered the director to make an annotation to the applicant's birth certificate to show that she was female and bore a woman's name.

But the court had refused to declare her a woman for the purposes of the Marriage Act, remarking it would take much more to convince it to go against the dictates of natural law and allow marriage between two people who were, at the end of the day, of the same sex.

Yesterday, the judge heard how the woman was born a man and, consequently, was registered as male in the birth certificate. The woman underwent irreversible gender reassignment surgery and last June obtained a court judgment ordering that her sex be altered to female on the birth certificate and that her name be changed to a woman's name of her choice.

The court also ordered the director of Public Registry to make all the necessary corrections in public documents. All this meant that, legally, the person was declared a female. But when the woman filed an application at the Public Registry for the publication of marriage banns, the director refused to issue the banns.

The woman filed an application in the Civil Court requesting the court to order the director of Public Registry to issue the marriage banns because she wanted to marry her male partner.

Mr Justice Camilleri upheld the woman's request after noting that the union with her partner did not go against any provisions of the Marriage Act because it was a marriage between two people of the opposite sex.

The name of the woman and her partner are not being published due to the private nature of the case. Lawyers José Herrera and David Camilleri represented the woman.

NOTICE BOARD:

ERA announces legal training seminars

Source: European Commission

Since 2003, the Academy of European Law (ERA) in Trier, Germany, has offered training on the content and concepts of the Equality Directives. A new series of three seminars has been announced for 2007. As in previous years, participation is free of charge and travel and accommodation costs can also be reimbursed under certain conditions.

The first seminar, on 18-19 June 2007, is aimed at lawyers in private practice and in-house counsel, especially those employed in employment agencies, NGOs and trade unions. It will be conducted in English and French.

The seminar on 5-6 November 2007 is for judges and prosecutors who handle anti-discrimination cases. It will be delivered in English and German. A further seminar for judges and prosecutors will take place on 26-27 November 2007 in English and Spanish.

Details: www.era.int/web/en/html/index.htm