

EURO-LETTER

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ILGA-EUROPE:

Developing next ILGA-Europe's Strategic Plan 2008-2011

by Patricia Prendiville, Executive Director of ILGA-Europe

A very productive meeting was held as part of the development of the Strategic Plan 2008-2011 in Budapest on 7 July 2007. The 36 people who attended the consultation day discussed Paper 1 which had been circulated earlier and contributed very clear further feedback on the proposals which emerged from the first round of consultation. This feedback will now be incorporated into Paper 2, which will be circulated with the 2nd mailing in August. You are invited to give your comments on Paper 1 until the end of July, and in particular to give your feedback to Paper 2 until the end of August. In this way, the Strategic Plan to be adopted in Vilnius will have been widely discussed before we gather at the annual conference, and there will be a very strong ownership of the plan for 2008-2011.

Many thanks to all of you who traveled to Budapest...we organised it there to be accessible to the members from southern and eastern Europe...and thanks especially for working late into Saturday night, so that we were all able to participate in the Budapest Pride as well as get our work done.

Please support ILGA-Europe "Angels" scheme to raise money for annual conference scholarships

by Nigel Warner, co-ordinator of Angel scheme

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. But funds for these scholarships are becoming increasingly difficult to find. So a couple of years ago ILGA-Europe set 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. The fund made a great start, with donations received for the Paris conference of approximately €6,500, and for Sofia of €9,000.

The needs remain as great as ever. Over the last couple of years the hostility to Pride marches in a number of countries has shown how far we still have to go before Europe becomes a discrimination-free place for LGBT people.

ILGA-Europe's conferences provide a crucial opportunity for leading activists to meet, exchange ideas and learning points, and develop new strategies.

So we urgently need to find more organisations and individuals willing to become ILGA-Europe conference "Angels".

Donors are encouraged to give a sum of money equivalent to the cost of conference participation, or conference participation and travel. They are told which scholar their money has supported, and are given background information about their organisation and work.

Ideally, we are looking for individuals and organisations willing to commit to giving a regular amount each year. However, we would also be extremely grateful for any "one-off" donations.

Please support this scheme! Become a scholarship Angel! For full details, visit the ILGA-Europe web site, http://www.ilga-europe.org/europe/get_involved_support_us/become_a_scholarship_angel

Towards new EU anti-discrimination legislation...?

by Evelyne Paradis, ILGA-Europe's Policy Officer

One of ILGA-Europe's ongoing demands at the European Union level, especially in the context of this European Year of Equal Opportunities for All, has been the adoption of new European Union anti-discrimination legislation that would prohibit discrimination on all grounds, including sexual orientation, not only in employment, but in other areas of life, such as education, health care, social benefits, housing, and provision of goods and services.

ILGA-Europe has been calling for legislation that would ensure that everyone receives equal protection against discrimination across the EU. We consider that all people in the EU should have the same protection against discrimination on grounds of age, disability, religion and sexual orientation as well as race and gender. There cannot be equality and equal opportunities as long as levels of protection against discrimination are not the same across the EU. And the best way to achieve equal protection is with a legislation banning discrimination on all grounds outside employment.

On 4 July, the European Commission launched **a public consultation on new anti-discrimination measures**. The aim of this consultation is to get the public's views on whether the different levels of protection between grounds of discrimination is a problem, and if so, what would be the best ways to address this problem. In this context, it is **very important that ILGA-Europe's members and supporters respond to this consultation** to ensure that our voices are heard.

You are thus strongly encouraged to join in the lobbying work for a new EU anti-discrimination legislation by:

◆ Responding to the European Commission consultation on new anti-discrimination measures

The European Commission's consultation is open until **15 October 2007**. The questionnaire of the consultation is very easy to answer; it should take you **about 10 minutes** to complete it. You can fill it in either as an individual or on behalf of your organization.

The consultation is available online in English at http://ec.europa.eu/yourvoice/consultations/index_en.htm. It is also available in eight other languages through <http://ec.europa.eu/yourvoice/index.htm> (click on "consultations").

Please encourage your own members, colleagues and supporters, as well as trade unions, equality bodies, researchers, to respond to the European Commission's consultation.

◆ Sending us information on discrimination outside employment

ILGA-Europe also plans to submit its own written contribution to the Commission on the need for a new European legislation banning sexual orientation discrimination outside employment. In order to help us

develop this contribution, we need information from you such as **legal cases, individual/personal stories, reports or research** on discrimination based on sexual orientation in education (schools and training institutions), access to social services, health care, access to goods (e.g. shops, restaurants, discos, etc.), access to housing (buying or renting housing).

Thank you for sending any information you may have by **September 5, 2007** to Evelyne at evelyne@ilga-europe.org.

Background information on the EU process

In the past 2 years, the European Commission has taken a number of steps to explore how to harmonise EU anti-discrimination laws and establish the same protection against discrimination based on sexual orientation, age, disability and religion which already exists for discrimination on grounds of gender and race. In 2006, **a study of national anti-discrimination laws** was carried out for the Commission to review national anti-discrimination laws. The study found that all Member States have legal rules that go beyond what is already required by European law under the Race Equality Directive and the Employment Equality Directive. However, the study found among other things, that higher protection tends to be granted against discrimination on the grounds of religion and sex, while discrimination on the grounds of sexual orientation, disability and age is less covered outside the field of employment. The study is available at http://ec.europa.eu/employment_social/fundamental_rights/public/pubst_en.htm#stud

Following this study, the Commission announced that, in 2008, it would consider new initiatives to prevent and combat discrimination outside the labour market based on gender, religion, belief, disability, age or sexual orientation. Before it makes proposals on new anti-discrimination measures, the Commission has to do an *"Impact Assessment"* or an analysis of the pros and cons of the initiatives it might propose. The public consultation is part of this *"Impact Assessment"*.

ILGA-Europe's "shadow directive for further protection against sexual orientation discrimination", drafted by Mark Bell, is available at

www.ilga-europe.org/europe/media/ilga_europe_launched_shadow_directive_for_further_protection_against_sexual_orientation_discrimination

ILGA-Europe's Campaign: Freedom of Assembly and Expression for LGBT People in Europe is still endangered!!!

by Juris Lavrikovs, ILGA-Europe' Communications & Information Officer

As you already know, earlier this year we launched a campaign targeting the Mayors of European Cities as well as cultural, sporting and political celebrities to sign our appeal on Freedom of Assembly and Expression for LGBT people in Europe.

Why this campaign needs a further boost?

We are very thankful to the signatories and our members, friends and supporters who have been working hard to get these people to sign. **But we definitely need more Mayors and other prominent cultural, sporting and political personalities to join the appeal!** The appeal lists the reasons this campaign is being organised, but very recent and worrying events of the last few weeks confirm once again the existing problem and the need for this campaign:

- ◆ On 7 July 2007 two Pride Marches took places in Budapest and Zagreb.
 - Pride March in **Budapest** took place for the 10th time and for the first time was taking place in atmosphere of intimidation by the Hungarian nationalists who chanted insults, threw eggs, stones and "Molotov cocktails" to participants of the March; later in the evening few people attending the "Rainbow Party" were beaten up and needed medical assistance.
 - On the same day, a Pride March took place in **Zagreb** and its participants were violently attacked by the nationalists during and after the March and needed medical assistance. Serious concerns were raised over the lack of protection by the Croatian police.
- ◆ Once again the **Turkish** authorities are threatening to close down "Lambda Istanbul" organisation working for the rights of LGBT people and thus a right to free and peaceful assembly and association for LGBT people in this country is seriously undermined.
- ◆ Organisers of the 4th **Tallinn** Pride planned for this August are facing difficulties with the police authorities which are reluctant to issue a permission for the pride march to take place in the centre of Tallinn arguing that the Pride March will 'violate the constitutional right' of other citizens to freely move within the centre of Tallinn.

To find our more about the campaign, how already signed the appeal and what can you do to help the campaign, please go to our website:

http://www.ilga-europe.org/europe/campaigns_projects/freedom_of_assembly_and_expression

You can also read ILGA-Europe/IGLHRC joint letter to the Croatian authorities: http://www.ilga-europe.org/europe/guide/country_by_country/croatia/joint_ilga_europe_iglhrc_letter_to_croatian_authorities_regarding_violence_during_zagreb_pride_2007

EUROPE:

Council of Europe: Parliamentary Assembly Monitoring Committee calls upon the Russian authorities to ensure the effective exercise of democratic freedoms of expression and assembly

by Nigel Warner, ILGA-Europe's Adviser on the Council of Europe

The Committee of the Parliamentary Assembly of the Council of Europe responsible for monitoring the progress of the newer member states in meeting their human rights obligations has issued a statement expressing concerns about Russia's observance of human rights commitments in a number of areas, including freedom of assembly.

The Committee comments that "the Russian authorities should more effectively combat the spreading of violent acts of discrimination, xenophobia and homophobia on its territory", and that "the authorities have violently dispersed a number of peaceful demonstrations challenging government policies by refusing permits and subjecting protesters to excessive force and detention (the "Dissenters' Marches" in Moscow, Nizhny Novgorod, St. Petersburg and Samara in March-May 2007; the Moscow Pride 2007 scheduled for 27 May)".

It calls on the Russian government to "allow all peaceful demonstrations regardless of their political or other purposes; ensure that no demonstrator who does not violate public order is harassed or detained; investigate and prosecute effectively the recent violent attempts to interfere with peaceful demonstrations".

The full text of the statement can be found at:

<http://assembly.coe.int/ASP/APFeaturesManager/defaultArtSiteView.asp?ID=690>

European Feminist Forum

by Patricia Prendiville, Executive Director of ILGA-Europe

European Feminist Forum has been operating since early 2007 and is inviting all to engage in the various discussions and to engage on the issues of today. ILGA-Europe was asked to contribute an article on the questions LGBT community might like to engage with feminists on...of course these are not mutually exclusive groups of people. So, if you are interested in getting involved in the discussions and the debates and contributing to the feminist agenda please check their website: www.europeanfeministforum.org

SAME-SEX FAMILIES:

Tadao Maruko v. Versorgungswerk der deutschen Bühnen: **Will the ECJ decide in favour of Same-Sex Couples?**

Source: media release by Rechtskomitee LAMBDA, 29 June 2007

RKL-President Graupner represents ILGA-Europe (the European Region of the International Lesbian and Gay Organisation ILGA) in a landmark case before the European Court of Justice (ECJ). The highest court in the EU has to decide if registered (same-sex) partnerships have to be treated on the same footing as marriage and if employers and pension schemes may restrict benefits to married partners.

Mr. Maruko for years lived with his partner in registered partnership. After his partner had died the Vddb, the pension scheme for German theatres, refused to pay him a survivors pension as such pension are provided only for married partners. Mr. Maruko sued the Vddb and the Bavarian Administrative Court Munich referred the case to the ECJ for interpretation of the EU-Antidiscrimination-Directive.

The ECJ heard the case in an oral hearing on June 18th, 2007. Mr. Maruko has been represented by ILGA-Europe and ILGA-Europe itself by RKL-president Dr. Helmut Graupner who has been assisted by Dr. Robert Wintemute (professor of human rights at Kings College London) and Manfred Bruns from the German federal LGB organisation LSVD (who is a retired federal attorney at the German Supreme Court).

The German government did not oppose Mr. Maruko while the British and the Dutch governments did so. The European Commission however supports Mr. Marukos position. The Advocate General has announced his opinion for September 6th, 2007. The ECJ then will have to decide two questions.

First, if registered (same-sex) partnerships in employment have to be treated on the same footing as marriage and second, if employers and pension schemes may restrict benefits to married partners, as long as marriage is an exclusively heterosexual institution excluding same-sex couples.

„The ECJ already three times decided in favour of transsexuals, but so far never for homosexuals“, says *Dr. Helmut Graupner*, president of the Austrian lesbian and gay rights organization *Rechtskomitee LAMBDA (RKL)* and counsel of Tadao Maruko, “We very much hope that the highest court in the EU this time will send a strong signal against discrimination of same-sex couples“.

See the oral observations of Dr. Graupner in the hearing before the ECJ at:

www.graupner.at/documents/PlaedoyerMaruko.pdf

Ireland: Ahern backs legal recognition of gay partners

Source: Alison Healy, Irish Times, 17 July 2007

The Taoiseach Bertie Ahern has said he plans to legislate for same-sex partnerships "at the earliest possible date" in the lifetime of this Government. He said the Government was committed to providing a more supportive and secure legal environment for same-sex couples.

"Taking into account the Options Paper prepared by the Colley Group, and the pending Supreme Court case, we will legislate for civil partnerships at the earliest possible date in the lifetime of this Government."

Mr Ahern was speaking as he officially opened the refurbished Outhouse, the gay community resource centre in Dublin's Capel Street.

Outhouse manager Louise Tierney said the gay community would like the legal recognition of same-sex relationships within the coming year, but said it would be "unacceptable" if it did not take place within the lifetime of this Dáil. "The lack of recognition of same-sex relationships is a barrier to real equality. It engenders discrimination and puts gay people at distinct disadvantage when it comes to basic rights around inheritance," she said.

Monica Hynds, chairwoman of Outhouse, said this was "a pivotal time" for the centre. The one-stop shop for lesbian, gay, bisexual and trans-gendered people attracts 1,000 people every week looking for information and support.

"Despite the positive changes in society, many in the community still grapple with low self-esteem, isolation and suicidal ideation," Ms Hynds said.

Outhouse has recently seen a major increase in the number of immigrants using its services, according to its manager.

She pointed out that discrimination against gay people was common in some EU member states and she urged all politicians to encourage greater tolerance of diversity within the EU.

Slovenia: activists ask more rights for same-sex partners

Source: media release by SKUC-LL, 23 July 2007

On July 23rd 2007 Lesbian Section SKUC-LL from Ljubljana, Slovenia, submitted the request to the Government of Republic of Slovenia for changes and amendments of the Law on Same-sex Registered Partnership. The law (which was drafted without consulting GLBT NGOs), was adopted in 2005, and came in use on July 23rd 2006.

The current law is partly regulating property relations, inheritance, the payment of maintenance (during partnership and after termination), partly housing rights and visiting rights in the hospital. However, it does not bring any rights in the area of social security (social and health insurance, pension rights, tax reductions), and it does not give the status of a next-keen to the partners. The current law imposes the duty to take care for partner if he/she is sick. But at the same time registered partners are not entitled to get a sick-leave for partner or partner's child. Foreign partner registered to a Slovenian partner is not entitled to get a residence permit. Due to the lower rate of social and economic security of registered partners, there is a higher risk for social exclusion and poverty among them.

After the first year since the law has been used there were only 12 registrations according to this law. It seems that the reason is the lack of trust among gays and lesbians in existing legal solution, with limited protection scope and no social security. Namely, the research conducted in 2003 in Slovenia indicated rather high level of interest between gays and lesbians for legal recognition of their unions, i.e. 77 % of respondents expressed their positive interest.

Although the adoption of the Law on Same-sex Registered Partnership was a fundamental step towards equal rights of sexual minorities in Slovenia, this is still not equality. It's bringing separate, partial rights, it's treating LGBT citizens as second-class citizens. Therefore we demand from the government to take steps to improve the existing law by all available democratic measures, and based on a civil dialogue.

www.ljudmila.org/lesbo/english.htm

Ireland: Lesbian couple cannot leave State with child

Source: www.ireland.com/newspaper/breaking/2007/0719/breaking60.html, 19 July 2007

A lesbian couple have lost an appeal against a High Court refusal to allow them take a 14-month-old baby born to one of them by artificial insemination out of the State.

In a dissenting Supreme Court judgement, Mr Justice Nial Fennelly said the case was "utterly unique and unprecedented" and found the father's only relationship with the child was as a sperm donor.

But Mrs Susan Denham and Mr Justice Joseph Finnegan upheld the High Court's finding that the child's interests were best served by remaining in contact with his father, with whom a relationship had been established since birth.

The father was a donor by agreement with the couple who later undertook a civil union ceremony in the United Kingdom. The child was born in May 2006, and initially the father had regular visits and was by agreement to be regarded as a "favourite uncle" to the baby.

However, the couple then wanted the father to have a more formal and distanced relationship with the child and reduced his access.

When he learned the child was to be taken on holiday to Australia where the couple were considering relocating, he applied for an injunction preventing the trip. The High Court refused the application but stipulated that the child be brought back to Ireland after six weeks and its passports be lodged with the High Court. Various authorities here and in the North were to be informed the child was not allowed to travel again pending a High Court ruling.

The birth mother, an Australian, wanted to travel with the baby and her partner to Australia so the child could spend more time with her family. It was submitted her mother was too ill to travel to Ireland.

The father also sought guardianship and joint custody, but this matter has not been heard. Mrs Justice Denham stressed her ruling "should not be inferred as presuming rights for the applicant [father]".

The Supreme Court found the mother is "sole guardian of the child and has her natural constitutional rights and is entitled to custody of the child to the exclusion of all persons".

However, the child's interest took precedence the court ruled, and it refused permission to take the child away for a year because of the effect it could have on it bonding with its father.

Mr Justice Fennelly found the only relationship the father had with the baby was as a sperm donor.

Such was the complexity and novelty of the case, the judge said he had not drawn a conclusion on the merits of the arguments brought before the High Court.

But he found that, in granting the injunction, the court had made a decision that amounted to a conclusion on the substantive issue of the couple's rights versus the father's.

The father bore the burden of proof in relation to the baby's best interests but had not discharged this responsibility before the High Court, Mr Justice Fennelly found.

"The applicant has not shown, by means of expert or any other evidence, that the welfare of the child will be jeopardised or compromised by his being taken to Australia for the proposed [period] of just short of one year.

Mr Justice Fennelly also regarded the mother's partner as "having no natural relationship with the child", with rights only arising from the mother's relation to the baby.

Spain: Murcia judge removes custody from mother because she is lesbian

Source: Typically Spanish, 23 July 2007,

www.typicallyspanish.com/news/publish/article_11621.shtml

'Your partner or your children'.

That was the stark choice offered to a mother in Murcia, by the judge Fernando Ferrin. The judge made the ruling because the woman's partner in this case is another woman - 'The mother will have to chose between her daughters and her new partner'

said the judge, who continued 'It's impossible that two homosexual parents can give a child complete education'.

Judge Ferrin is already reported to be undergoing an investigation by the Murcia Supreme Court following an official complaint placed by another pair of lesbians in Murcia who claim the judge was holding up the legal adoption of the daughter of one by the other woman.

The latest case came to light when the woman's husband came home to find his wife in bed with another woman. He then launched divorce proceedings and was awarded custody of the couple's two daughters, because 'it was proved that the mother is a lesbian'.

Judge Ferrin continued 'It is the homosexual environment which is prejudicial to children, and notably increases the risk that they too become homosexual'.

Gibraltar: Chief Minister refuses to allow same-sex joint tenancies

Source: media release by Equality Rights Group, GGR, 12 July 2007

A lesbian couple who have been in love for 19 years are seeking a judicial review of the Gibraltar government's decision to refuse them joint tenancy of their rented apartment.

Mr Alvarez, the chairman of Gibraltar's Equality Rights Group, GGR notes: "Preventing a same-sex couple from holding a joint tenancy is discriminatory and behind-the-times. Decisions of this sort are only made by politicians with narrow-minded, backward values. They insist on foisting their prejudiced thinking on other people. So long as no one does any harm to anyone else, I fail to understand why we cannot let people be themselves and help them to be happy, rather than make life more difficult than it already is."

The case is expected to be heard in the autumn; mostly likely in September or October.

<http://equalityrightsggr.blogspot.com/>

EMPLOYMENT, GOODS & SERVICES

Great Britain: Stonewall celebrates tribunal victory against Bishop of Hereford

Source: Stonewall media release, 18 July 200

Stonewall is celebrating today's employment tribunal decision in favour of John Reaney, the gay man who has won his discrimination claim against the Bishop of Hereford. The case was supported and funded by Stonewall.

John Reaney was interviewed by a panel of eight people for the post of Youth Officer in the Diocese of Hereford last summer. However, a unanimous decision to appoint him was blocked by the Bishop of Hereford after a meeting in which Mr Reaney was humiliatingly cross-examined by the Bishop about his private life.

Mr Reaney is set to secure substantial compensation. In its judgement, the Tribunal said: 'The Respondents discriminated against the Claimant on the grounds of sexual orientation. The case will now be listed for a remedy hearing.'

John Reaney said: 'I'm delighted that the Bishop of Hereford has lost this case. It demonstrates to many lesbian and gay Christians working for God within the Church of England that they are entitled to fair and respectful treatment. I'm very grateful indeed to Stonewall for their support throughout this case. I'm also grateful to my solicitor Alison Downie of Bindman & Partners and barrister Sandyha Drew for all their work.'

Ben Summerskill, Stonewall Chief Executive, said: 'This outcome is a triumph for 21st century decency over 19th century prejudice. We're very happy for John. The tribunal has rightly made clear that the Church of England cannot discriminate against gay people with impunity. No one, not even a Bishop, is exempt from the law.'

Mr Reaney, who lives in north Wales, went to Stonewall Cymru's Cardiff office for advice and, given its importance, Stonewall supported and funded his case throughout. Stonewall argued that a heterosexual person would not have been subject to the same level of intrusive questioning as Reaney. The case was heard over four days in Cardiff in April.

'The reason that Christians can practice their faith in this country alongside Muslims, and Protestants alongside Catholics, is precisely because modern Britain respects difference,' said Ben Summerskill. 'We hope this decision gives a clear signal to all employers about the importance of respecting lesbian and gay people in the workplace.'

www.stonewall.org.uk

NOTICE BOARD:

European Journalist Award 2007

Source: Stop-Discrimination Newsletter July 2007, European Commission

The Journalist Award 2007 competition is open until 30 September 2007 to print or online journalists from all 27 EU Member States. Journalists are invited to submit articles that raise awareness of diversity and discrimination on the grounds of racial or ethnic origin, religion or belief, age, gender, disability or sexual orientation. The 2007 competition features a special prize for work highlighting events organised as part of the European Year of Equal Opportunities for All. Journalists are particularly encouraged to raise awareness of diversity in employment and discrimination on multiple grounds.

Further information: <http://journalistaward.stop-discrimination.info/>