

EURO-LETTER

Euro-Letter is published by **ILGA-Europe** - the European Region of the International Lesbian and Gay Association with support from the European Community - The European Union against Discrimination.

Editor:

Juris Lavrikovs

Contact us:

euroletter@ilga-europe.org

Subscribe to Euro-Letter:

simply send an empty message to euroletter-subscribe@yahogroups.com

If you no longer wish to receive Euroletter simply send empty message to euroletter-unsubscribe@yahogroups.com

Previous issues:

all previous Euro-Letters in English as well as the German and Portuguese translations from No.76, January 2000 and Greek translation from No 127, January 2006 are available in pdf format on our website:

www.ilga-europe.org/europe/publications/euro_letter

ILGA-Europe is grateful to

- **the Lesbian and Gay Liberation Front** for the German translations of the Euro-Letter which are also available on their website: www.lglf.de;
- **Miguel Freitas** – for the Portuguese translations;
- **Pantelis Ravdas** – for the Greek translations.

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



In this issue:

ILGA-Europe:

- Possibility to raise issues of human rights violation in the EU
- ILGA-Europe published 2nd edition of employment equality report "Going Beyond the Law: promoting equality in employment"

Europe:

- The European Parliament an advocate for Pegah's right to asylum
- Pegah released from UK detention
- International Trade Unions take active steps for LGBT workers' rights
- 135 civil society organisations encourage the OSCE to recognise sexual orientation, gender identity and gender expression as human rights issues
- New and forthcoming reports from antidiscrimination legal experts
- Just four weeks left to enter EU Journalist Award

Same-sex families:

- Opinion of Advocate General of European Court of Justice is favourable towards same-sex partners

Hate crime:

- OSCE Report on Hate Crimes

Transgender:

- ILGA-Europe welcomes judgement by European Court of Human Rights on rights of transgender person

Education:

- UK Government publishes new guidance to help schools tackle homophobic bullying
- LGBTQ Education Research

Notice board:

- Debate on feminism and LGBT issues
- New book on everyday life of LGBT people in Eastern Europe

ILGA-EUROPE:

Possibility to raise issues of human rights violation in the EU

by Christine Loudes, ILGA-Europe's Policy Director

After three years without report, the LIBE Committee of the European Parliament has nominated a rapporteur (Catania, GUE) to write a report on fundamental rights in the EU from 2004-2007. This is the opportunity to raise issue with your state and make the EU Parliament aware of issues faced by LGBT people in Europe.

ILGA-Europe will prepare a report and sent it to the Rapporteur agreeing for a separate section of discrimination faced by LGBT people. The focus will be on freedom of assembly, freedom of expression and freedom of association and discrimination of LGBT people in all spheres of life. We also would like to stress the issue of hate crime/ hate speech and police attitude towards the LGBT victims. Please send any information, reports, court cases or press release on human rights violations in your country by the 15th of October to christine@ilga-europe.org. Thank you for your contribution!

ILGA-Europe published 2nd edition of employment equality report "Going Beyond the Law: promoting equality in employment"

by ILGA-Europe

This is a second edition of a report originally published in April 2005. The current edition, significantly revised and updated, looks at the state of transposition of the EU Directive, discusses its limitations and weaknesses in ensuring equality of LGB people in the employment, as well as the experience of LGB people of the legislation.

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. Employers and trade unions have a central and unique role to play in this respect. Therefore, 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 employers and trade unions can be taken to help realise the promise of equality in the workplace.

This report is available on our website: http://www.ilga-europe.org/europe/publications/non_periodical/going_beyond_the_law_promoting_equality_in_employment_2nd_edition_may_2007

If you want to order printed version of the report please contact us: silvan@ilga-europe.org

EUROPE:

The European Parliament an advocate for Pegah's right to asylum

by Christine Loudes, ILGA-Europe's Policy Director

On the 10th of September Hans-Gert Pöttering, President of the European Parliament, wrote to Gordon Brown - Prime Minister of the United Kingdom- to raise concern over the detention and expulsion of Ms Pegah Emambashsh to Iran. If expelled to Iran, Pegah faces danger of being stoned to death for her sexual orientation. This letter is available on our website:

www.ilga-europe.org/europe/notice_board/resources/letter_to_gordon_brown_uk_prime_minister

This letter is the fruit of efforts of political parties in the parliament in particular the left (GUE) and liberal (ALDE). It is also the first time the Parliament put pressure on a state to not expulse asylum seekers on the grounds of sexual orientation. This is following the adoption of the Directive setting out criteria for definition of refugee which includes persecution on grounds of sexual orientation and gender-related (Including gender identity). For more information on this directive see ILGA-Europe's website. ILGA-Europe is delighted with this development and the message it conveys that persecution on the grounds of sexual orientation is to be taken seriously.

For more information on this case please contact: christine@ilga-europe.org

Pegah released from UK detention

Source: www.irqo.net/IRQO/English/pages/091.htm, 11 September 2007

We have some good news at last! Pegah was granted bail this morning, is now out of Yarl's Wood Detention Centre and back with people who will love and care for her. The Court of Appeal has also agreed to hear her case. It will be listed within the next couple of weeks and will be heard sometime in the next few months, we believe. There are also other actions that we know are being taken on her behalf, by influential organizations at a high level in the UK. We really don't think that we would have got this far without the fantastic work you have put in supporting Pegah. She is truly grateful and gives her heartfelt thanks to you all - as do we. It is impossible to overstate the value of your support. This does not mean that Pegah is out of the woods but she is now in a much more hopeful position. As you will understand Pegah needs time to recover from the ordeal of the past few weeks. She also needs to get back in touch with the ordinary business of living her life in some peace and tranquility. We will keep you updated as events develop.

Love and solidarity to you all
 Friends of Pegah Campaign
 c/o Victoria Hall Methodist Church
 Norfolk Street, Sheffield S1 2JB, UK
 email: admin@assistsheffield.org.uk

International Trade Unions take active steps for LGBT workers' rights

by Silvan Agius, ILGA-Europe Policy Officer

International trade union federations are increasingly recognising the need to directly address the rights of LGBT workers within their equality strategies, and are taking active steps to address homophobia and transphobia in the workplace and within their ranks.

El/PSI Sexual Diversity Forum: Trade Unionists together for LGBT rights

During 21-22 September, Education International (EI) and Public Service International (PSI) have held their second Sexual Diversity Forum, bringing together various trade union representatives from around the world.

The aim of this forum was to raise awareness among EI and PSI member organisations; to encourage the development of national networks promoting the rights of LGBT workers; to act as an advocacy mechanism for the formal recognition of LGBT workers in international human rights instruments; and to seek to engage other global unions in this work.

This forum provided a space for discussions and the sharing of ideas and experiences amongst trade unions, and developed a set of recommendations for consideration by the EI and PSI Executive Boards.

During this forum EI and PSI launched a manual entitled *Trade Unionists together for LGBT rights!* which is intended to assist trade unions to adopt the necessary policies, organise LGBT workers and bargain on their behalf. In addition, a joint website specifically dealing with LGBT workers' rights was launched and is accessible at <http://lgbt.world-psi.org/> or <http://lgbt.ei-ie.org/>.

ETUC launches its LGBT rights project

The European Trade Union Confederation (ETUC) has launched its project entitled *Extending Equality: Trade union actions to organise and promote equal rights, respect and dignity for workers regardless of their sexual orientation and gender identity*.

This project foresees the gathering of good practice examples by trade unions across Europe, through the distribution of a questionnaire to all of the ETUC national affiliates and to the European Industry Federations. A parallel questionnaire shall also be circulated among ILGA-Europe members. The results of this project shall then be disseminated widely during a seminar that shall be held towards the end of January 2008, and through the publishing of a report and a brochure.

For more information contact Silvan: silvan@ilga-europe.org

135 civil society organisations encourage the OSCE to recognise sexual orientation, gender identity and gender expression as human rights issues

by Aija Salo, ILGA-Europe's Programmes Policy Officer

135 non-governmental organisations from 33 countries in Europe and North America have joined a declaration to support the work against homophobia and for LGBT human rights within the Organisation for Security and Cooperation in Europe (OSCE). The declaration was initiated in the spring 2007 by ILGA-Europe.

The signatories include such international NGOs as European Social Platform, Human Rights First (USA), European Women's Lobby, Amnesty International EU Office, International Helsinki Federation for Human Rights, European Network Against Racism (ENAR), European Roma Rights Centre and European Anti-Poverty Network as well as dozens of national and local human rights organisations including many LGBT organisations.

The declaration recalls the participating states of their obligation under various international treaties and national constitutions to respect, protect, promote and fulfill the human rights of all persons without discrimination. The signatories state that there is substantial evidence that the lesbian, gay, bisexual and transgender communities are especially vulnerable to hate crimes and therefore have a particular need to be included in programmes addressing this issue.

The Office for Democratic Institutions and Human Rights (ODIHR) within OSCE organised its annual Human Dimension Implementation Meeting (HDIM) in Warsaw September 24th – October 5th. The declaration was distributed to the participating states and NGOs at the HDIM.

The declaration along with a list of the signatories will shortly be available on ILGA-Europe website:

www.ilga-europe.org/europe/advocacy_lobbying/human_rights_issues/homophobic_violence_and_hate/civil_society_organisations_encourage_the_osce_to_recognise_sexual_orientation_gender_identity_and_gender_expression_as_human_rights_issues

New and forthcoming reports from antidiscrimination legal experts

Source: European Commission, 6 September 2007

The 'Network of legal experts in the field of non-discrimination' reports on legislative developments in all 27 EU Member States. The network's fifth edition of its bi-annual law reviews once again covers the legal situation relating to the implementation of equality legislation from both European and national level.

Forthcoming publications from the network include:

- Beyond Formal Equality: Positive Action under Directives 2000/43/EC and 2000/78/EC
- Segregation of Roma Children in Education - Addressing Structural Discrimination through the Race Equality Directive
- Equal Rights versus Special Rights? Minority Protection and the Prohibition of Discrimination
- Developing Anti-Discrimination Law in Europe: The 25 EU Member States compared

You can download the law review here:

http://ec.europa.eu/employment_social/fundamental_rights/pdf/legnet/07lawrev5_en.pdf

Just four weeks left to enter EU Journalist Award

Source: European Commission, 6 September 2007

It is the fourth year of the Award, created by the EU to honour journalists whose work helps to raise awareness of diversity and anti-discrimination issues. The award is open to print and online journalists from all 27 EU Member States and articles can be written in any of the 23 official languages. A total prize value of €12,000 is on offer and the overall winner, two runners-up and the winner of the special prize will be awarded a research trip to an EU destination of their choice.

The articles should deal with discrimination or diversity on the grounds of racial or ethnic origin, religion or belief, age, disability or sexual orientation. Journalists are particularly encouraged to raise awareness of diversity in employment and multiple grounds of discrimination. To celebrate the 2007 European Year of Equal Opportunities for All, the competition is also offering a special prize for articles that highlight one or more of the many events of the European Year.

Journalists writing about issues of diversity and discrimination have just 4 weeks left to enter the EU Journalist Award 2007.

For further information, please go to: <http://journalistaward.stop-discrimination.info/>

SAME-SEX FAMILIES:

Opinion of Advocate General of European Court of Justice is favourable towards same-sex partners

Source: ILGA-Europe media release, 6 September 2007

Today Ruiz-Jarabo Colomer Damaso, an Advocate General of the European Court of Justice (ECJ) in Luxembourg delivered his opinion in a landmark case before the court which is favourable to same-sex partners (case of *Tadao Maruko v. Versorgungswerk der deutschen Bühnen*).

The facts of the case are as follows: Mr. Maruko lived with his partner in a registered partnership. After his partner died the Vddb, the pension scheme for German theatres, refused to pay him a survivor's pension as such pensions were 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 2000/78/EC Directive which established a general framework for equal treatment in employment and occupation.

The ECJ 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 (opposite sex) partners. Dr Helmut Graupner presented an oral submission on behalf of ILGA-Europe in this case before the ECJ.

The Advocate General Damaso in his opinion delivered today, made a number of important points:

- the 2000/78/EC Directive establishing a general framework for equal treatment in employment and occupation has direct effect in EU member states even when a state has not fully transposed it at national level;
- Salary should be interpreted broadly and should also include pension payments by employers towards employee's private pension funds;
- Refusal to pay Mr Maruko survivor's pension constitutes indirect discrimination on the grounds of sexual orientation.

Patricia Prendiville, Executive Director of ILGA-Europe, said:

"We welcome the opinion of the Advocate General Damaso. Although this is not yet a final decision of the ECJ for which we still have to wait, we hope this opinion will pave the way for more equal and fair treatment of same-sex partners in the European Union.

One of the main objectives of ILGA-Europe is to ensure that same-sex partners have the same rights and treatment in all European states as opposite sex partners do.

Only in a minority of European countries do same-sex partners and their children enjoy full equality with opposite sex partners and their children. This situation is far from being fair or equal. We hope that today's

opinion of the Advocate General Damaso will pave the way towards full recognition and protections of the rights of same-sex partners in the EU.”

Text of the opinion of the Advocate General is available in various languages at the website of the European Court of Justice: [http://curia.europa.eu/jurisp/cgi-bin/form.pl?lang=EN&Submit=Rechercher\\$docrequire=alldocs&numaff=C-267/06&datefs=&datefe=&nomusuel=&domaine=&mots=&resmax=100](http://curia.europa.eu/jurisp/cgi-bin/form.pl?lang=EN&Submit=Rechercher$docrequire=alldocs&numaff=C-267/06&datefs=&datefe=&nomusuel=&domaine=&mots=&resmax=100)

HATE CRIME:

OSCE Report on Hate Crimes

by Dennis van der Veur, 20 September 2007

Today the report "Hate Crimes in the OSCE Region: Incidents and Responses - Annual Report for 2006" was released. The focus of this report is on the responses of OSCE participating States to violent acts of hate and intolerance. There is a large section on transphobic and homophobic crimes and hate motivated incidents against LGBT people, in particular on page 51-56 and on page 74. As you will see, many references are made to reports of LGBT groups worldwide that have collected data on hate crimes and hate motivated incidents. This report can be a useful tool for your local, regional and national lobby and advocacy efforts. The report can be downloaded from: http://www.osce.org/odihr/item_11_26296.html

TRANSNGNDER:

ILGA-Europe welcomes judgement by European Court of Human Rights on rights of transgender person

ILGA-Europe media release, 11 September 2007

Today the European Court of Human Rights in Strasbourg delivered its judgment in the case of L. v. Lithuania. The Court said that while Lithuanian law had recognised transsexuals' right to change not only their gender but also their civil status, there was a gap in the law regulating full gender reassignment surgery which created an impediment for the transsexual person to complete this process and therefore Lithuania violated Article 8 (right to respect of private and family life) of the European Convention of Human Rights.

ILGA-Europe welcomes this judgement of the European Court of Human Rights which is consistent with the previous case law of the Court regarding the rights of transgender people. The Court has confirmed previously established principles that a transgender person has the right to full gender reassignment procedures and changes of his/her identity documents to reflect this change of gender.

Patricia Prendiville, Executive Director of ILGA-Europe, said:

"This is a very positive judgement and we welcome the Court's consistency on this matter. This case highlights a problem with some European countries which formally permit gender reassignment and amendment of identity documents but lack legal clarity and consistency and available medical facilities.

It is also important that the Court took into consideration the mental distress and a number of practical burdens and problems experienced by the applicant because of being unable to complete the gender reassignment process and associated amendments in documentation. This case highlights the complexity and the need for better understanding of the issues that transgender people experience because of the legal and bureaucratic barriers they face.

We are also pleased about the timing of this judgement. ILGA-Europe's annual conference is taking place this October in the Lithuanian capital of Vilnius and both the judgement and our conference, are good opportunities to stimulate debate and discussion on the continuing discrimination LGBT people face across Europe."

Full text of this judgement is available at:

<http://cmiskp.echr.coe.int/tkp197/view.asp?action=html&documentId=823071&portal=hbkm&source=externalbydocnumber&table=F69A27FD8FB86142BF01C1166DEA398649>

EDUCATION:

UK Government publishes new guidance to help schools tackle homophobic bullying

Source: Stonewall media release, 21 September 2007

Stonewall welcomes publication by the Department for Children, Schools and Families (DCSF) of groundbreaking new guidance for teachers: 'Preventing and Responding to Homophobic Bullying in Schools'. www.teachernet.gov.uk/wholeschool/behaviour/tacklingbullying/homophobicbullying/

The pioneering guidance, commissioned from Stonewall by the DCSF, provides school governors, heads, teachers and other staff with practical information - including lesson plans - about how to prevent and respond to homophobic bullying.

The School Report, Stonewall's recently-published research into homophobic bullying in Britain's secondary schools, demonstrated that almost two thirds of young gay people have experienced homophobic bullying. Ninety seven per cent of gay pupils regularly hear homophobic insults at school; three in ten of the 1100 young people surveyed said that it was adults in schools who carry out the bullying.

LGBTQ Education Research

by Merritt Linden, IGLYO

IGLYO is currently conducting research about situation of European LGBTQ (Lesbian, Gay, Bisexual, Transgender, and Queer) youth in education. The research will explore how young people, primarily in secondary education systems, experience being LGBTQ in the context of policies surrounding anti-discrimination, social inclusion, and curricular representation of LGBTQ people. Investigations will be made into how governmental and educational policies intersect and compare across European countries. Based on both the amount of information available and the need to be representative both geographically and in terms of issues facing young people, five countries will be selected to be the main focus of the research report. If your organisation has information about current policies in your area affecting LGBTQ youth and education or if you have encountered strategies that you find successful for lobbying in such areas, please share your information so that the report might be as comprehensive and relevant as possible.

Deadline for responses – 3 October 2007. Questionnaire is available at:

www.iglyo.com/content/activities/edu1.html

Further information: merritt@iglyo.com

NOTICE BOARD:

Debate on feminism and LGBT issues

by ILGA-Europe

ILGA-Europe has contributed to a debate on feminism and LGBT issues organised by the European Feminist Forum. We invite you to read this contribution by Patricia Prendiville, Executive Director of ILGA-Europe and take part in debate.

ILGA-Europe's contribution is available at:

<http://europeanfeministforum.org//spip.php?rubrique11&lang=en>

and you can post your views at: <http://europeanfeministforum.org/spip.php?rubrique1>

New book: Beyond the Pink Curtain: Everyday Life of LGBT People in Eastern Europe

Roman Kuhar, Judit Takács, eds.

by Judit Takács

The idea of this book was born in the Intimate/Sexual Citizenship conference in October 2005 in Ljubljana where scholars focusing on the lives of LGBT people in post-socialist Eastern Europe were gathered to discuss the everyday life experiences of LGBT people regarding the functioning of social, political and cultural boundaries that separate the “good heterosexual citizen” from the rest.

While a lot of research findings of our colleagues in the Western world on everyday life experiences of LGBT people are well documented, easily accessible, and often interpreted as having “universal” relevance, results of research projects about LGBT people in Eastern Europe are mostly unknown, and as they are “coded” in the local non-global languages, mostly inaccessible to broader audiences, and thus easily regarded as non-relevant or even non-existent. Therefore our main aim with this book was to bring together a variety of empirical — most often social scientific— research material from Eastern Europe for the first time and present it in “the global language.”

As important as the obvious “academic aim” of the book is the political goal of the project: to voice those whose experiences are analysed and whose everyday lives’ “joys and pains” are mirrored in the 21 articles of this volume illustrating the increasingly conspicuous ways of LGBT existence being specifically characteristic to Belarus, Bulgaria, Croatia, the Czech Republic, East-Germany, Estonia, Hungary, Latvia, Lithuania, Poland, Serbia, Slovakia, and Slovenia.

To order this book, please contact Jasna Babič - jasna.babic@mirovni-institut.si

Price: 15€