Discrimination of homosexuals – research pack

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Note: You are not meant to read the whole pack. Think, use the index and read what you need.

Contents:

Potentially usefull/interesting articles:

1. Introduction

To get the idea ...

Legend

No information

Homosexuality legal

Same sex marriages
Same sex unions
No same sex unions

Homosexuality illegal

Minimal penalty
Large penalty
Life in prison
Death penalty

Prejudice against gay and lesbian people

In many cultures, gay and lesbian people are frequently subject to prejudice and discrimination. Like many other minority groups that are the objects of prejudice, they are also subject to stereotyping. Gay men are seen as effeminate and fashionable, often identified with a lisp or a female-like tone and lilt.[30][31][32] They are stereotyped as being promiscuous and unsuccessful in developing enduring romantic relationships, despite research to the contrary.[33] Gay men are also often alleged as having pedophiliac tendencies and more likely to commit child sexual abuse than the heterosexual male population, a view rejected by mainstream psychiatric groups and contradicted by research.[34][35][36] Lesbians are seen as butch, and sometimes "man-haters"[37] or radical feminists.[38]
Homosexuality has at times been used as a scapegoat by governments facing problems. For example, during the early 14th century, accusations of homosexual behavior were

instrumental in disbanding the Knights Templar under Philip IV of France, who profited greatly from confiscating the Templars' wealth. In the 20th century, Nazi Germany's persecution of homosexual people was based on the proposition that they posed a threat to "normal" masculinity as well as a risk of contamination to the "Aryan race".
In the 1950s, at the height of the red scare in the United States, hundreds of federal and state employees were fired because of their homosexuality in the so-called lavender scare. (Ironically, politicians opposed to the scare tactics of McCarthyism tried to discredit Senator Joseph McCarthy by hinting during a televised Congressional committee meeting that McCarthy's top aide, Roy Cohn, was homosexual, as he in fact was.)
A recent instance of scapegoating is the burning of 6,000 books of homoerotic poetry of 8th c. Persian-Arab poet Abu Nuwas by the Egyptian Ministry of Culture in January 2001, to placate Islamic fundamentalists.[39][40]

Sexual orientation and the law

In some cultures homosexual acts are considered "unnatural" and are outlawed. In some Muslim nations (such as Iran) and African countries it remains a capital crime. In a highly publicized case, two male teenagers, Mahmoud Asgari and Ayaz Marhoni, were hanged in Iran in 2005 reportedly because they had been caught having sex with each other.[41]

Enjoy the sources ...

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• 32. Marech, Rona. "Gay couples can be as stable as straights, evidence suggests", *San Francisco Chronicle*, 2004-02-27. Retrieved on 2007-04-07.
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• 39. *Al-Hayat*, January 13, 2001
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• 41. *Fathi, Nazila (2005-07-29). "Rights Advocates Condemn Iran for Executing 2 Young Men". The New York Times. <http://www.nytimes.com/2005/07/29/international/middleeast/29hangings.html?ex=1180152000&en=b037566b1a39e7ac&ei=5070>. Retrieved on 2007-09-07*

So, the main fields of dicrimination against homosexuals are:

- **marriage/civil union**
- **adoption of children**
- **hate crimes**
- **employment**
- **services**
- **sodomy (prohibition of certain sexual acts)**

2. Same-sex marriage/union

In general
The reasons people marry vary, but usually include one or more of the following: legal, social and economic **stability**; the formation of a **family unit**; procreation and the education and nurturing of **children**; legitimizing **sexual relations**; public **declaration of love**.

If gay people are not allowed to marry, than they are deprived of the listed things ...

Facts:
(All love is equal, isn't it - research: Gay and lesbian rights lobby; February 2007)

1. What is important to you about relationship recognition, regardless of the form it takes?
Results show that legal rights were ranked most important by 51% of respondents, closely followed by "equality – same-sex couples should be able to choose whether they want to marry or not" at 46%. Social acceptance was most important to 23% of respondents, recognition of commitment 21%, acceptance from family 20%, celebration of love 19%, parenting rights 18% and religious significance was most important to 6%.

2. What do you need or want in a legal regime for relationship recognition, regardless of the form it takes?
Survey respondents were asked to rank in order of importance to them the rights that could accompany relationship recognition. This graph indicates that property rights were most important to 38% of respondents. This was followed by superannuation rights at 35%, workplace rights at 27%, tax benefits at 25%, immigration benefits at 22% and health insurance benefits at 22%.

Full marriage is presently available to same-sex couples in seven countries. The Netherlands was the first country to allow same-sex marriage in 2001. Same-sex marriages are also recognized in Belgium, Canada, South Africa, Spain, and the U.S. state of Massachusetts and in dispute in Iowa as of early September 2007 where a district court judge issued a stay of his ruling that Iowa's ban on gay marriage was unconstitutional.

Civil unions, Civil partnership, domestic partnerships, Unregistered partnership or registered partnerships offer varying amounts of the benefits of marriage and are available in: Andorra, Colombia, Croatia, Czech Republic, Denmark, Finland, France, Germany, Hungary, Iceland, Israel, Luxembourg, New Zealand, Norway, Portugal, Slovenia, South Africa, Sweden, Switzerland and the United Kingdom. They are also available in **some parts** of Argentina, Brazil (Rio Grande do Sul), Mexico, the U.S. states of California, Connecticut, Hawaii, Maine, New Hampshire (effective January 1, 2008), New Jersey, Oregon (effective January 1, 2008), Vermont, Washington state, and the District of Columbia (Washington, D.C.); Uruguay (effective November 1, 2007).

In the United Kingdom, civil partnerships have identical legal status to a marriage, and partners gain all the same benefits and associated legal rights; ranging from tax exemptions and joint property rights, to next-of-kin status and shared parenting responsibilities. Partnership ceremonies are performed by a marriage registrar in exactly the same manner as a secular civil marriage.

In some countries with legal recognition the actual benefits are minimal. Many people consider civil unions, even those which grant equal rights, inadequate, as they create a separate status, and think they should be replaced by gender-neutral marriage.[144]
14. John R. Bohrer (14 Dec 2006). NJ Civil Unions: Nothing to Celebrate. The Huffington Post. Retrieved on 2007-03-08
In the United States, there are at least 1,138 federal laws "in which marital status is a factor."[137] (See Rights and responsibilities of marriages in the United States for a partial list) A denial of rights or benefits without substantive due process, assert the proponents of same-sex marriage, directly contradicts the Fourteenth Amendment to the United States Constitution which provides for equal protection of all citizens. **Nice example →** For instance, a heterosexual US citizen who marries a foreign partner immediately qualifies to

bring that person to the United States, while long-term gay and lesbian binational partners who have spent decades together are denied the same rights, forcing foreign gay partners to seek expensive temporary employer or school-sponsored visas or face separation.

37. (2004). "*Defense of Marriage Act: Update to Prior Report*". United States General Accounting Office. Retrieved on 2007-03-08

Civil unions are a separate form of legal union open to couples of the same sex. Many more countries have legalized civil unions than those which have legalized same-sex marriage. Some religious denominations ceremonially perform civil unions, and recognize them as essentially equivalent to marriage.

Same sex marriage recognised
Civil unions recognised
Unregistered cohabitation recognised
Issue under political consideration
Unrecognised or unknown
Same sex marriage banned

Examples of same-sex union jurisdiction

Denmark

Civil unions were introduced in Denmark by law on June 7, 1989, the world's first such law. It has the name of a registered partnership (Danish: "registreret partnerskab"), but has almost all the same qualities as marriage. It provides all the same legal and fiscal rights and obligations that come with a heterosexual marriage, with four exceptions:

- registered partners cannot adopt, with the exception that one party can adopt the biological children of the other
- registered partners cannot have joint custody of a child, except by adoption
- laws making explicit reference to the sexes of a married couple don't apply to registered partnerships
- regulations by international treaties do not apply unless all signatories agree.

Registered partnership is by civil ceremony only. The Church of Denmark has yet to decide how to handle the issue, but the general attitude of the church seems positive but hesitant. Some priests perform blessings of gay couples, and this is accepted by the church, which states that the church blesses people, not institutions.
Divorce for registered partners follows the same rules as ordinary divorces.
Only citizens of Denmark, the Netherlands, Sweden, Norway and Iceland can enter into a registered partnership in Denmark. This list is adjusted whenever a new country legalizes same-sex unions. This rule excludes foreigners from gaining a registered partnership status that would not be legally recognised in their home country or state.
As of January 1, 2002, there were more than 2,000 registered partnerships in Denmark, of which 220 had children.

France
The French law providing benefits to same-sex couples also applies to opposite-sex couples who choose this form of partnership over marriage. Known as the "Pacte civil de solidarité" (PACS), it is more easily dissolved than the divorce process applying to marriage. Tax benefits accrue immediately, while immigration benefits accrue only after the contract has been in effect for one year. The partners are required to have a common address, making it difficult for foreigners to use this law as a means to a residence permit, and difficult for French citizens to gain the right to live with a foreign partner - especially since the contract does not automatically give immigration rights, as does marriage.

Switzerland
The Canton of Geneva has had a law on cantonal level, "Registered Partnership" or "PACS" (Pacte civil de solidarité), since 2001. It grants unmarried couples, whether same-sex or opposite-sex, many rights, responsibilities and protections that married couples have. However, it does not allow benefits in taxation, social security, or health insurance premiums (unlike the federal law).
On September 22, 2002, voters in the Swiss canton of Zürich voted to extend a number of marriage rights to same-sex partners, including tax, inheritance, and social security benefits.[25] Partners must both live in the canton and formally commit themselves six months in advance to running a household and supporting and aiding one another.
On June 5, 2005 voters extended this right to the whole of Switzerland, through a federal referendum. This was the first time that the civil union laws were affirmed in a nationwide referendum in any country.
25 http://www.planetout.com/news/article.html?2002/09/23/4

Vermont

The controversial civil unions law [29] passed in the Vermont General Assembly in 2000 was passed as a response to the Vermont Supreme Court ruling in *Baker v. Vermont* requiring that the state grant same-sex couples the same rights and privileges accorded to married couples under the law. There were still many people who were strongly opposed to the idea of same-sex marriage, so the legislature enacted civil unions as a compromise between groups seeking identical rights for homosexual couples, and groups objecting to same-sex marriage.
A Vermont civil union is nearly identical to a legal marriage, as far as the rights and responsibilities for which state law, not federal law, is responsible are concerned. [30] It grants partners next-of-kin rights and other protections that heterosexual married couples also receive.

Fact:
(All love is equal, isn't it - research; Gay and lesbian rights lobby; February 2007)
Assume that all of these forms of relationship recognition were available. If you are, or were to be, in a committed relationship, which one model would you choose for your relationship to be legally recognised?

The results indicate that of the 1,260 respondents:
__ 42% would choose marriage;
__ 33% would choose civil union;
__ 17% would choose de facto;
__ 5% indicated that they didn't care;
__ 2% selected "none of the above"; and
__ 2% nominated "other"

Fact:
Leta 2003 so pri lezbi_ni organizaciji _kuc LL izvedli anketno raziskavo o registriranem partnerstvu med zainteresirano populacijo. Rezultati ka_ejo, da je med vpra_animi preko 77 % tak_nih, ki si _elijo pravne ureditve svoje partnerske skupnosti.
Tudi zadnja raziskava Mirovnega in_tituta – Vsakdanje _ivljenje lezbijk in gejev, ki je vklju_evala ve_ kot 400 istospolno usmerjenih iz vse Slovenije je pokazala, da bi se 61 % vpra_anih odlo_ilo za sklenitev partnerske skupnosti.

3. LGBT adoption

In general
Adoption by same-sex couples is legal in Guam, Andorra, Belgium, Iceland [1], the Netherlands, Sweden, South Africa, Spain, the United Kingdom and some parts of Canada and the United States. In Denmark, Germany [2], Israel and Norway "stepchild-adoption" is permitted, so that the partner in a civil union can adopt the natural (or sometimes even adopted) child of his or her partner. In the Republic of Ireland, Hungary and some other countries, individual persons, whether heterosexual/homosexual, cohabiting/single may apply for adoption.

Example of France
In February 2006, France's Court of Cassation ruled that both partners in a same-sex relationship can have parental rights over one partner's biological child. The result came from a case where a woman tried to give parental rights of her two daughters to her partner whom she was in a civil union with.[3]
(http://www.cbsnews.com/stories/2006/02/25/ap/world/mainD8FVTSJO0.shtml)

In February 2007, France's highest court ruled against a lesbian couple who tried to adopt a child. The court stated that the woman's partner cannot be recognized unless the birth mother withdraws parental rights. The court ruling dismissed the couple's rights to co-parent the child, and stated the only way it could allow adoption would be to legalize same-sex marriage [4] (http://www.gay.com/news/election/article.html?2007/02/22/6)

"Second-parent adoption" is a process by which a same-sex partner can adopt her or his partner's biological or adoptive child without terminating the first legal parent's rights. Second-parent adoption was started by the National Center for Lesbian Rights (formerly the Lesbian Rights Project) in the mid-1980s. (http://www.nclrights.org/publications/adptn0204.htm) California, Connecticut, Illinois, Maine [6], Massachusetts, New Jersey, New York, Pennsylvania, Vermont, Washington State and Washington, D.C. explicitly allow second-parent adoption by same-sex couples statewide, either by statute or court ruling. [7] As of May 2007, Colorado allows second-parent adoption by same-sex couples. [8] Courts in many other states have also granted second-parent adoptions to same-sex couples, though there is no statewide law or court decision that guarantees this. In fact, courts within the same state but in different jurisdictions often contradict each other in practice. Single parent adoption by lesbian, gay, and bisexual individuals is legal in every state except Florida, which prohibits anyone who is "homosexual" from adopting. [9] Additionally, Utah prohibits adoption by "a person who is cohabiting in a relationship that is not a legally valid and binding marriage," [10] making it legal for single people to adopt, regardless of sexual orientation, so long as they are not co-habitating in non-marital relationships. Critics of such restrictive policies also point out that in many of the states that have bans on second-parent adoption by same-sex couples, these same couples are still able to act as foster parents. [citation needed]
As adoptions are mostly handled by local courts in the United States, some judges and clerks accept or deny petitions to adopt on criteria that vary from other judges and clerks in the same state.[11]

Some more examples of juridiction in ...
In **Canada**, adoption is within provincial/territorial jurisdiction, and thus the law differs from one province or territory to another. Adoption by same-sex couples is legal in British Columbia,[20] Manitoba,[21] Newfoundland and Labrador,[22] Nova Scotia,[23] Ontario,[24] Quebec,[25] Saskatchewan,[26] and the Northwest Territories.[27] In Alberta, stepchild adoption is allowed.[28] Adoption by same-sex couples is illegal in New Brunswick,[citation needed] Prince Edward Island,[citation needed] and Nunavut.[citation needed] In the Yukon, the law regarding adoption is ambiguous. NDP MP Libby Davies, who is in a same-sex relationship, has campaigned for national uniformity when it comes to same-sex adoption.[citation needed]

In **Australia**, same-sex adoption is legal in the Australian Capital Territory and Western Australia [29], while stepchild adoption is possible in Tasmania.[citation needed] The lesbian co-mother or gay co-father(s) can apply to the Family Court of Australia for a parenting order, as 'other people significant to the care, welfare and development' of the child. But the lesbian co-mother and gay co-father(s) will be treated in the same way as a social parent is treated under the law; they will not be treated in the same way as a birth parent. [30] In May 2007, the Victorian Law Reform Commission in Victoria released its final report recommending that the laws be modified to allow more people to use assisted reproductive technologies and to allow same-sex couples to adopt and be recognized as parents to their partner's children. [31] In August 2007, Prime Minister John Howard announced plans to introduce a bill into parliament that would ban the recognition of overseas adoptions by same-sex couples. [32]

The Howard government had unsuccessfully tried to introduce similar laws just before the 2004 election.

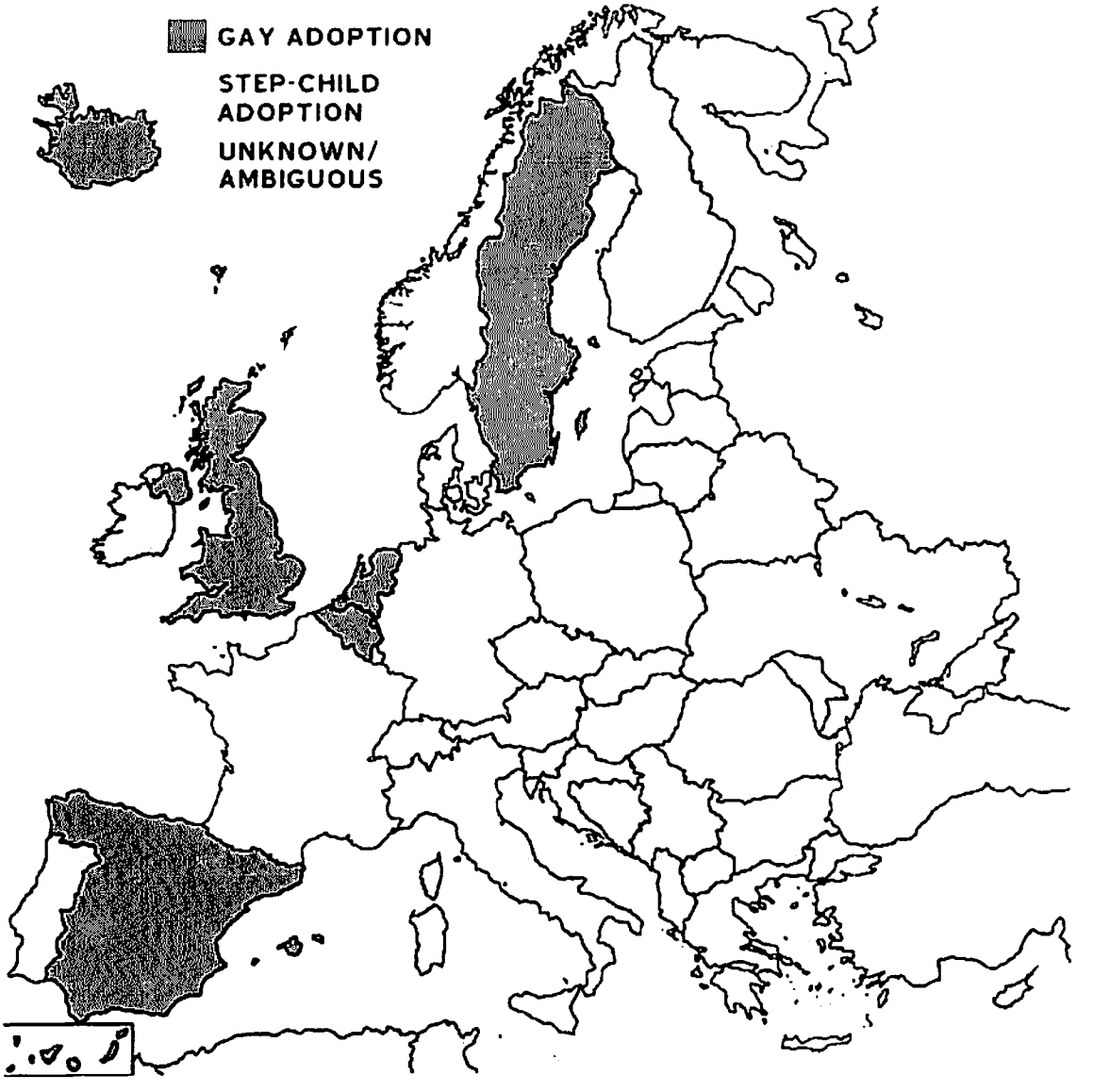
In **New Zealand**, preliminary New Zealand Law Commission Reports and white papers have raised the issue already, while Metiria Turei, a Green Party of New Zealand List MP raised the issue in late May 2006.[*citation needed*] In February 2005, the Greens had suggested that an adoption law reform clause should be added to the Relationships (Statutory References) Act 2005, which equalized heterosexual, lesbian and gay spousal status in New Zealand law and regulatory policy, apart from the Adoption Act 1955.[*citation needed*] While the measure was unsuccessful, it remains to be seen whether a reintroduced adoption law reform bill on its own would fare differently. [34]
A January 2005 ruling of the Israeli Supreme Court allowed step-child adoptions for same-sex couples. Israel previously allowed limited co-guardianship rights for non-biological parents.[35]

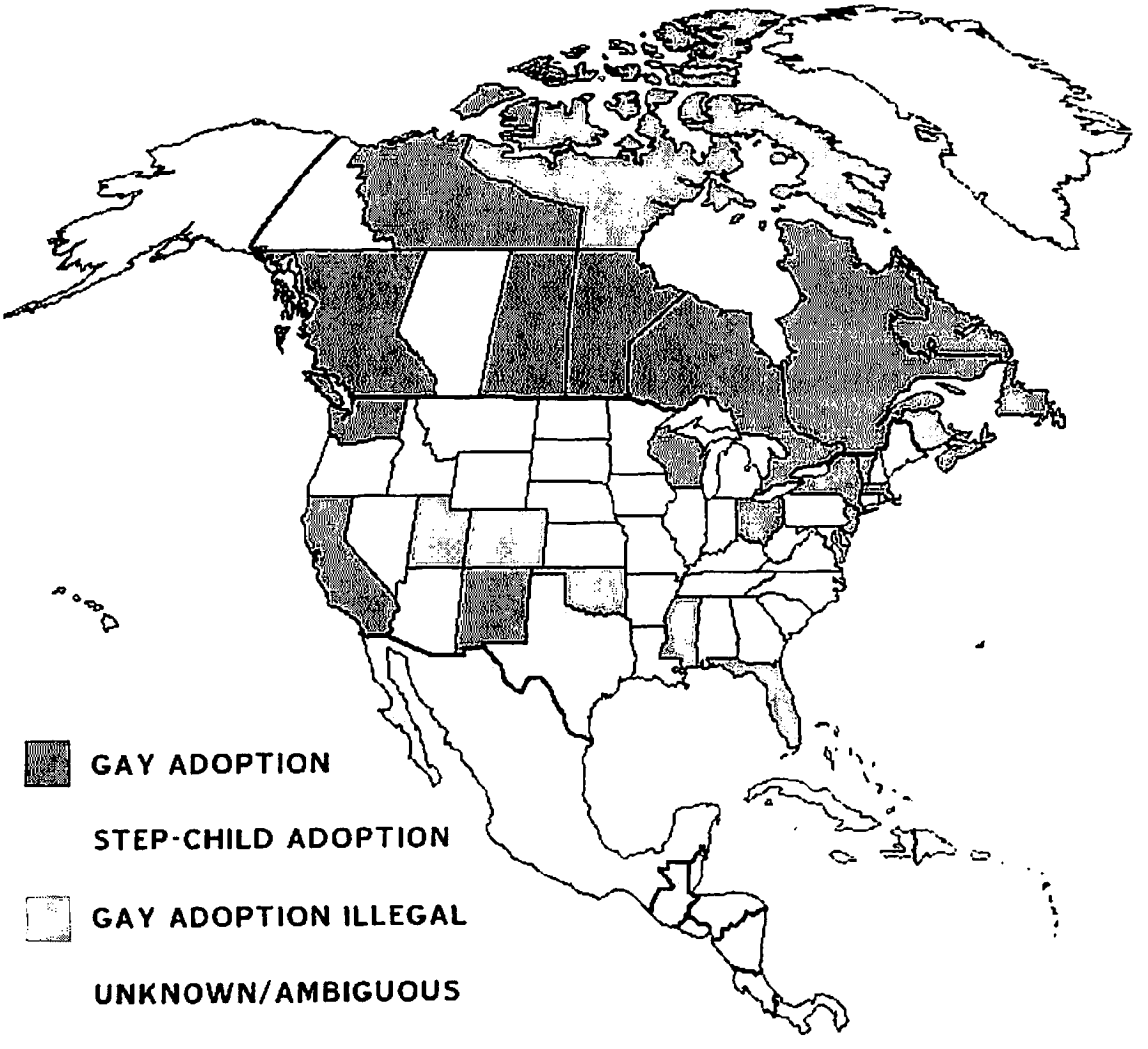
- 20. – 24 http://www.parl.gc.ca/information/library/PRBpubs/921-e.htm
- 24.^ Child and Family Services Act, R.S.O. 1990, CHAPTER C.11, as amended; see also definition of spouse in Human Rights Code, R.S.O. 1990, CHAPTER H.19, as amended.
- 25. – 28.^ http://www.parl.gc.ca/information/library/PRBpubs/921-e.htm
- 29.^ http://www.austlii.edu.au/au/legis/wa/consol_act/adpa1994107/s39.html
- 30.^ http://www.humanrights.gov.au/human_rights/samesex/report/Ch_5.html
- 31. http://www.lawreform.vic.gov.au/CA256A25002C7735/All/E98CC6AE987CD2FB CA2572F4008098E/$DB?OpenDocument&1=30-Current+projects~&2=70-Assisted+Reproduction+and+Adoption~&3=70-Final+Report~
- 32.^ http://www.theage.com.au/news/National/Gay-couples-face-overseas-adoption-ban/2007/08/02/1185648036026.html
- 33.^ http://www.theaustralian.news.com.au/story/0,25197,22176569-601,00.html
- 34.^ http://www.stuff.co.nz/stuff/0,2106,3675250a6160,00.html
- 35.^ http://www.365gay.com/newscon05/01/011005isAdopt.htm

In 2007 **UK** Catholic adoption agencies, comprising around a third of the voluntary sector, have said they will shut if forced to comply with new government legislation requiring them to enlist same-sex couples as potential adoptive parents. The government announced they will have to obey the law, although MP Ruth Kelly allowed them some extra time to comply.
There is some controversy surrounding adoption by same-sex couples. The controversy generally concerns whether or not there will be negative consequences for children raised by same-sex couples. Specific questions include the potential for gender confusion, biased sexual orientation, or the general well-being of such children. Social science research has shown that parents' sexual orientation has no bearing on that of children, and that children of LGBT couples fare as well as other children in many objective measures; the American Psychological Association, Child Welfare League of America, American Academy of Pediatrics, and many other relevant professional organizations believe LGBT parents to be as qualified as heterosexuals. Nevertheless, many object to LGBT parenting on moral or cultural grounds, and the issue is considered a part of the West's culture war. For a brief survey of related arguments and sociological studies, see the main article.

... and a study ...
A study by UCLA Law School's Williams Institute found that **forbidding qualified gays and lesbians from adopting or fostering children could cost the United States between $87 million and $130 million per year**. The study noted that gays and lesbians often take in children heterosexuals do not, including those who are older, disabled, HIV+ from birth, or who have a history of misbehavior; the study claims that finding suitable heterosexual couples willing to care for hard-to-place children would be difficult, a potential problem given the issues faced by children in long-term foster care. (According to the American Academy of

Child & Adolescent Psychiatry, "About 30% of children in foster care have severe emotional, behavioral, or developmental problems."[130])
Many same-sex couples are already coparenting children without legal status for the nonbiological parent; some advocates thus argue that adoption can simply normalize and add stability to an existing arrangement, while opponents of LGBT parenting contend that such arrangements are harmful to children and should not be encouraged.





4. Employment/service

Employment discrimination refers to discriminatory employment practices such as bias in hiring, promotion, job assignment, termination, and compensation, and various types of harassment. In the United States there is "very little statutory, common law, and case law establishing employment discrimination based upon sexual orientation as a legal wrong."[43] Some exceptions and alternative legal strategies are available. President Bill Clinton's Executive Order 13087 (1998) prohibits discrimination based on sexual orientation in the competitive service of the federal civilian workforce,[43] and federal non-civil service employees may have recourse under the due process clause of the U.S. Constitution.[44] Private sector workers may have a Title VII action under a quid pro quo sexual harassment theory,[45] a "hostile work environment" theory,[46] a sexual stereotyping theory,[47] or others.[42]

- 42. ^ a b *Donovan, James M & American Association of Law Libraries Standing Committee on Lesbian and Gay Issues (2007), Sexual Orientation and the Law, William S. Hein & Co., ISBN 0837701663* § 5.17
- 43. ^ *"Executive Order 13087 of May 28, 1998"*. *Federal Register* **63** *(105)*. *1998-06-02*. *http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=1998_register&docid=fr02jn98-135.pdf* Retrieved on *2007-09-07*
- 44. ^ Ashton v. Civiletti, 613 F.2d 923, 20 Fair Empl. Prac. Cas. (BNA) 1601, 21 Empl. Prac. Dec. (CCH) P 30297 (D.C. Cir. 1979)

• 45.^ Kelly v. City of Oakland, 198 F.3d 779, 81 Fair Empl. Prac. Cas. (BNA) 1455, 77 Empl. Prac. Dec. (CCH) P 46281 (9th Cir. 1999)
• 46.^ Oncale v. Sundowner Offshore Services, Inc., 523 U.S. 75, 118 S. Ct. 998, 1002 (1998)
• 47.^ Price Waterhouse v. Hopkins, 490 U.S. 228 (1989)

Army:

Nations that do not ban openly homosexual people from serving in the military. Includes countries where homosexuality is illegal.
Nations with semi-ambiguous policies (don't ask, don't tell, etc.)
Nations with a ban on homosexual people in the military.

Other possible forms of employment discrimination:
(Discrimination against LGBT individuals in Maine: Centre for the prevention of Hate violance; October 2005)

Discriminatory firing
For more than three years, Susan, a lesbian woman in her thirties, had worked as a department manager at a large retail store in York County. Shortly before her partner was to give birth, Susan requested leave. In the process of making the request, she revealed to her supervisor that her partner was a woman. Some co-workers subsequently learned that she was a lesbian and began harassing her in the break room. A particular group of male employees began making offensive gestures and comments referring to Susan's sexual orientation. The harassment escalated until she began spending her breaks in her car. Sometime after the harassment began, she ran into her district manager. When he saw that Susan was wearing a "pride" pin, which she wore in support of gay civil rights, he remarked, "You better take that off. Don't you know what that's for? Gay people! Why would you want to wear something supporting fags?" The following Monday, the district manager called Susan into his office and told her that she either needed to quit or she would be fired. The reason given was that she had mailed an item to a customer without getting prior authorization for the 50 cents postage. Susan decided to quit rather than be fired.

Harassment creating hostile work environment
Sandra, a transgender woman in her twenties, worked at a restaurant in southern Maine. When she began transitioning from male to female, she became subject to extensive verbal harassment and was given additional job duties. On one occasion co-workers put bleach on the sandwich Sandra was eating for lunch. The harassment caused her to feel unsafe at work.

She complained to her supervisor who took no action. She was ultimately fired from her job for "being a distraction." Sandra believes the "distraction" referred to her gender identity and her willingness to speak up against the ongoing harassment. Unable to find work for over 6 months, she decided that Maine was an unsafe place to work and moved to another New England state.

Discrimination in hiring
After a successful interview for a telemarketing job at a company in Kennebec County, James, a gay man in his forties, was told the job was his. As a matter of routine, however, a second interview was required. Scheduled the very next day, the second interview went equally as well until James disclosed that he had left a previous job because of harassment based on sexual orientation. The interviewer immediately responded by pushing back his chair and directing James out the door. James did not get the job. Frustrated by his experience, James remarked, "Because of the unfair treatment of me at my various jobs, I've had a very hard time getting on my feet. The economy is not great, and I've gone as long as 7 months between jobs at times. I've slept in my car for weeks at a time...because I could not afford any rent. I am a hard worker...I don't think its right to fire a person just because they're gay."

Discimination in terms of employment
Dorothy, a lesbian woman in her forties, worked in a financial services business in southern Maine. Because she was open about her sexual orientation, her manager treated her differently than her co-workers, requiring her to unnecessarily rework written material. Finally, her manager transferred her to a less prestigious position in the company. Soon thereafter, a colleague shared with Dorothy a conversation that he had had with the manager, in which the manager had said that he transferred Dorothy because she was "too out." The change in her position has cost Dorothy a raise and the possibility of promotion. Her career at the company has become "stagnant."

Government service
Diane, a lesbian teenager was arrested by a police officer. When she was processed at the County Jail, the officer handling intake duties repeatedly referred to her sexual orientation, asking her, "Why do you like girls?" and "Have you ever been with a guy?" When she asked him questions about the intake process and why it was taking so long, he responded each time by saying, "Because you're a lesbian." The experience made Diane "feel horrible." She felt that the officer thought she was weird and believed it was wrong that she was a lesbian. His comments scared her because they were made in an open room with other people who were being booked. She was worried that he might out her to other teenagers in the room, which could place her at risk of violence.

And the list could go on ... including similar examples of discimination in fields of **education, health care, recreational services, lodging, housing and credit ...**

5. Hate crimes

(also known as **bias crimes**) are crimes motivated by bias against an identifiable social group, usually groups defined by race, religion, sexual orientation, disability, ethnicity, nationality, age, gender, gender identity, or political affiliation. In the United States, 45 states and the District of Columbia have statutes criminalizing various types of bias-motivated violence or intimidation (the exceptions are AZ, GA, IN, SC, and WY). Each of these statutes covers bias on the basis of race, religion, and ethnicity; 32 of them cover sexual orientation, 28 cover gender, and 11 cover transgender/gender-identity.[151]

"Sexual orientation remains the third-highest recorded bias crime in our country, which underscores that anti-gay hate crimes are a very real problem [in the US]," state Joe Solmonese (President of Human Rights Campaign).

Violence targeted at people because of their perceived sexuality may include threats, physical assault, battery, sexual assault, rape, torture, attempted murder and murder. These actions may be caused by cultural, religious, or political mores and biases, though the extent to which these groups influence violence against lesbian, gay and bisexual individuals is debated.

Facts:
In the United States, the FBI reported that 15.6% of hate crimes reported to police in 2004 were founded on perceived sexual orientation. 61% of these attacks were against gay men, 14% against lesbians, 2% against heterosexuals and 1% against bisexuals, while attacks against GLBT people at large made up 20%.[1] Violence based on perceived gender identity was not recorded in the report.
The 1998 murder of Matthew Shepard, a gay student, is the most famous incident in the United States
Homosexual acts are punishable by death in some present-day countries including Iran, Mauritania, Nigeria, Pakistan, Saudi Arabia, Sudan, United Arab Emirates, and Yemen.[53]
53. *Ottosson, Daniel (November, 2006), LGBT world legal wrap up survey, ILGA, http://www.ilga.org/statehomophobia/World_legal_wrap_up_survey_November2006.pdf. Retrieved on 2007-09-21*

... and some examples ...

- Tennessee Williams was the victim of an assault in January 1979 in Key West, being beaten by five teenage boys. He escaped serious injury. The episode was part of a spate of anti-gay violence inspired by an anti-gay newspaper ad run by a local Baptist minister.[52]
- On May 13, 1988, Rebecca Wight was killed when she and her partner, Claudia Brenner, were shot by Stephen Roy Carr while hiking and camping along the Appalachian Trail. Carr later claimed that he became enraged by the couple's lesbianism when he saw them having sex. Carr claimed the woman taunted him by having sex in front of him.
- The fatal stabbing of James Zappalorti, a gay Vietnam veteran (1945 – 1990)
- The rape and later murder of Brandon Teena, a transsexual man (1972 – 1993). The events leading to Mr. Teena's death were made into the movie *Boys Don't Cry*.
- The murders of Roxanne Ellis and Michelle Abdill, a lesbian couple in Medford, Oregon in 1995, by a man who said he thought their "lifestyle" was "sick."
- The bombing of the Otherside Lounge, a lesbian nightclub in Atlanta, by Eric Robert Rudolph, the "Olympic Park Bomber," on February 21, 1997; five bar patrons were injured.
- The death by beating and exposure of Matthew Shepard, a gay student (1976 – 1998)
- The murder of Pfc Barry Winchell on July 6, 1999. He was dating Calpernia Addams, a transgendered author.
- The bombing of the Admiral Duncan pub by David Copeland in 1999John Atherton.
- The July 1, 1999, murders of gay couple Gary Matson and Winfield Mowder by white supremacist brothers Matthew and Tyler Williams. Matthew Williams claimed that by killing the couple he was following "obeying the law of God," because he believed homosexuality violated God's laws. Williams said he hoped his actions would inspire further violence against homosexuals and ethnic minorities.
- The murder of Steen Fenrich by his stepfather, in September 1999. His dismembered remains were found in March 2001, with the phrase "gay nigger number one" scrawled on his skull along with his social security number.
- On July 7, 2007, 30 participants at a gay pride event in Croatia were attacked by multiple assailants. The attackers had also prepared molotov cocktails but were stopped by the police before using them. Many people taking part in Gay Pride marches in Eastern Europe (e.g: Romania, Russia, Serbia) have been beaten after leaving the marches.[citation needed]
- On June 30, 2001, hundreds of soccer hooligans attacked participants of the first Serbian Pride Parade in Belgrade.

- On June 30, 2005, Yishai Shlisel, a Haredi Jew stabbed three marchers in a gay pride parade in Jerusalem, Israel, claiming he acted on behalf of God.[4]
- The murder of Arthur "J.R." Warren by three teenage boys on July 3, 2000, who believed Warren spread a rumor that he and one of the boys had a sexual relationship. Warren's killers ran over his body to disguise the murder as a hit-and-run.
- The gang-rape and murder of Fannyann Eddy in 2004, shortly after giving a speech about the threats of violence faced by lesbians and gays in Sierra Leone.

In order to prevent such crimes, the following regulations were passed ...

Hate crime laws generally fall into one of several categories: (1) laws defining specific bias-motivated acts as distinct crimes; (2) criminal penalty-enhancement laws; (3) laws creating a distinct civil cause of action for hate crimes; and (4) laws requiring administrative agencies to collect hate crime statistics.[5] Sometimes (as in Bosnia and Herzegovina), the laws focus on war crimes, genocide, and crimes against humanity with the prohibition against discriminatory action limited to public officials.[5]

Most of the EU countries, US and Canada have laws stating that discrimination should be taken into account while considering the penalty for a certain crime.

6. Sodomy

A **sodomy law** is a law that defines certain sexual acts as sex crimes. The precise sexual acts meant by the term sodomy are rarely spelled out in the law, but is typically understood by courts to include any sexual act which does not lead to procreation.

While in theory this may include heterosexual oral sex, anal sex, masturbation, and bestiality, in practice such laws are primarily enforced against sex between men (particularly anal sex).[50] In the United States, 47 out of 50 states had repealed any specifically anti-homosexual-conduct laws when the Supreme Court invalidated all sodomy laws in *Lawrence v. Texas*.

7. Number of LGBT people

At least 3 % and up to 7 % gay people in population(% for lesbian twice lower) + 15% or more of bisexuals in population.
Source: Slovenske gejevske strani

8. General declarations concerning homosexuals

Splo_na deklaracija _lovekovih pravic pravi:

1. _len
Vsi ljudje se rodijo svobodni in imajo enako dostojanstvo in enake pravice. /.../

2. _len
Vsakdo je upravi_en do u_ivanja vseh pravic in svobo__in, ki so razgla_ene s to Deklaracijo, ne glede na raso, barvo ko_e, spol, jezik, vero, politi_no ali drugo prepri_anje, narodno ali socialno pripadnost, premo_enje, rojstvo ali kakr_nokoli drugo okoli__ino. /.../

22. _len
Vsakdo ima kot _lan dru_be pravico do socialne varnosti in pravico do u_ivanja. s pomo_jo prizadevanja svojih skupnosti in mednarodnega sodelovanja in v skladu z ureditvijo in sredstvi neke dr_ave. ekonomskih. socialnih in kulturnih pravic. nepogre_ljivih za njegovo dostojanstvo in svoboden razvoj njegove osebnosti.

V varstvo _lovekovih pravic zagotavljajo _e Evropska konvencija o varstvu _lovekovih pravic in temeljnih svobo__in. ki jo je leta 1950 sprejel Svet Evrope. Slovenija je listino ratificirala. zato velja kot del nacionalne zakonodaje.

2. Partnerska skupnost oseb istega spola je ustavno zagotovljena pravica.

14. _len
(enakost pred zakonom)
V Sloveniji so vsakomur zagotovljene enake _lovekove pravice in temeljne svobo__ine. ne glede na narodnost. raso spol. jezik. vero. politi_no ali drugo prepri_anje. gmotno stanje. rojstvo. izobrazbo. dru_beni polo_aj ali katerokoli drugo osebno okoli__ino.
Vsi so pred zakonom enaki.

9. Discrimination in the EU – public views

Eurobarometer; January 2007

A very varied picture is found to exist across the European Union when it comes to the extent to which people perceive discrimination on the basis of sexual orientation. Although on average, the difference between the former EU15 countries and the 10 new Member States is small (51% and 48%, respectively) the differences between individual nations are quite large. The view that discrimination on the basis of sexual orientation is widespread in their country is most widely held by people in Italy (73%), Cyprus (72%), Greece (68%) and Portugal (67%) and least so in Estonia (26%) and Denmark (27%).
It can be noted that in all three Baltic States, the proportion of 'don't know' responses is quite high (22% in Estonia, 20% in Lithuania and 14% in Latvia).

An examination of the results in the two acceding countries shows that discrimination on the basis of sexual orientation is more widely perceived in Romania (47%) than it is in Bulgaria (25%).
The analysis of the socio-demographic characteristics of respondents shows that views about the existence of discrimination on the basis of sexual orientation vary most significantly depending on people's age. Young people are far more likely than those aged 55 and over are to feel that this form of discrimination is widespread (59% vs. 45%).

Having homosexual friends[7] is another factor that influences people's views, although it is less important than age is. 56% of people with homosexual friends feel that discrimination is widespread compared to 48% of those who don't have homosexual friends.
We should however note that in the **Southern European countries, and particularly so in Cyprus (86%), Greece (85%) and Portugal (83%), the wide majority of the population feels that homosexuality in their country is still a taboo[8]**. Spanish results differ from this geographical pattern. with 46% of the population stating that they think that homosexuality is still a taboo (2 points below the EU average of 48%).

10. EURO-LETTER – interesting facts/statistics/jurisdition about homosexuals in EU

No. 94 December 2001
http://www.steff.suite.dk/eurolet/eur_94.pdf

IN THIS ISSUE

ILGA-EUROPE CALLS UPON EU TO INSIST ON THE RESPECT OF HUMAN RIGHTS IN EGYPT

ILGA-Europe media release, 29 November 2001

Today, the European Parliament approved, by a great majority (429 to 11), the Association Agreement between the European Union and Egypt. In the run-up to the vote, members of the EP expressed serious concerns regarding the human rights situation in Egypt, notably for Christians, intellectuals and homosexuals. A series of activities to postpone the debate and approval of the Agreement were initiated to leave to the Egyptian authorities the time to inform the Parliament how they would address the problems raised.

Last May, 52 men were arrested in Cairo for alleged homosexuality and tried in a special Emergency State Security Court under fabricated charges for "obscene behaviour" and "contempt of religion" - homosexuality as such is not illegal in Egypt. On 14 November 2001, 23 of them were sentenced despite of massive international protests, including from Amnesty International and the International Lesbian and Gay Association.

"We understand that the majority of EP members wanted to go ahead with the Agreement to honour that Egypt has improved its general human rights record in recent years. The Agreement also contains a human rights clause that, in theory, could be used to further encourage Egypt to comply with its human rights obligations", comments ILGA -Europe co-chair Jackie Lewis. "We therefore urge all EU institutions to closely monitor developments in Egypt and to insist that human rights abuses as described come to an end and the men convicted be pardoned and released from prison."

"If the human rights clause is not used and the EU does not follow-up these cases, the authorities in Egypt will take this as a signal that they could get away with human rights violations and the EU, in reality, is not committed to its own human rights principles", adds ILGA - Europe co-chair Kurt Krickler. "A failure by the EU to live up to the principles would be immensely damaging, not just for the cause of those persecuted, but also for the European Union's entire human rights policies."

BULGARIA

In September 2001 Boyko Boev, a lawyer from the Bulgarian Helsinki Committee completed a research on "Bulgarian and International Legislation About Homosexuals".

The research is the first attempt to analyze Bulgarian legislation regarding homosexuals. It was made possible thanks to the financial assistance of the Dutch Organization St. Fonds de Trut.

One of the main purposes of the research was to identify discrepancies between the domestic law with the international human rights standards and to inspire campaigns for legislative reforms. The research is available in Bulgarian and English on the websites of Bulgarian Helsinki Committee (www.bghelsinki.org) and Bulgarian Gay and Lesbian Organization "Gemini" (www.bgogemini.org). The versions in the two languages are different. The Bulgarian version includes examples of positive solutions in proving equality and fighting against discrimination on the basis of sexual orientation around the world. The English version is shorter because it is intended for foreigners who are interested in the Bulgarian legislation on homosexuals.

The research consists of 3 chapters analyzing Bulgarian criminal law, family and social security law and anti- discrimination

legislation.
Based on the findings the author recommends legislative changes, which should at minimum meet the following requirements:
1. The different approaches to seeking criminal responsibility from heterosexual and homosexual persons for sex crimes should be removed.
1.1.The Criminal Code should be based on orientation-
neutral approaches and should not contain texts that differentiate sex crimes based on whether the perpetrators are homosexual or heterosexual persons.
1.2. The Criminal Code should not contain special texts that refer only to homosexuals. For example, it should not contain a separate text about homosexual prostitution.
1.3. The punishments for the same crimes, committed by homosexual and heterosexual persons, should not be different.
2. Future changes in the Criminal Code, regarding illegal homosexual activities should seek a clearer language, in conformance with the requirements for law of the European Court of Human Rights in Strasbourg.
3
3. The age of legally relevant consent for participation
in sexual acts should be made equal for homosexual and heterosexual acts.
4. Outdated moral texts that are not enforced and insulting language should be repealed.
5. Training courses are necessary for police officers and investigators, to teach them about crimes motivated by homophobia. Police officers must be required to register cases of violence motivated by homophobia and to take measures to protect the victims.
6. Sexual orientation must be recognized as an independent motive, legally equivalent to race, religion, and the other categories, in the hate crime provisions.
7. Legislation should recognize domestic partnership
and ensure protection for the rights of the partners.
8. The anti-discrimination law, presently drafted, and future law on equal opportunities should include prohibition of discrimination on the basis of sexual orientation and provide legal remedies to discriminated homosexuals.
In the beginning of November a delegation from the European Parliament visited Bulgaria in connection with the 2001 Regular Report on Bulgaria's Progress Towards Accession to EU. In their talks with the Government Mr. Michael Cashman and the other MEPs raised the issue of discrimination against homosexuals in Bulgaria. For the first time the European Commission Report of 13 November 2001 regarding
the integration of Bulgaria, makes references to the situation of homosexuals in Bulgaria. The Commission criticizes Bulgaria for its "law which currently discriminates against homosexuals".

HATE CRIME BILL IN SWEDEN

Press release from the Swedish Ministry of Justice

In a bill presented to the Riksdag (the Swedish Parliament) today the Government proposes that agitation against homosexuals as a group be made a criminal offence.
This is to be effected by extending the penal provision for agitation against a national or ethnic group to include threats or expressions of contempt alluding to sexual orientation. Sexual orientation means homosexual, bisexual or heterosexual orientation.
The bill also includes a proposal for a special stiffer scale of punishment for serious cases of agitation against a national or ethnic group: imprisonment for at least six months and at most four years. The stiff scale of punishment will, for example, be applicable to cases of extensive
dissemination of abusive racist material. It will also be applicable to such hate speech alluding to homosexuals.
The Government further proposes that protection of witnesses be strengthened by tightening the penalty for interference in a judicial matter. It is proposed *inter alia* that the scale of punishment for gross offences be raised from imprisonment for at least one year and at most six years to imprisonment for at least two years and at most eight years and that the maximum penalty for average offences be raised from two to four years' imprisonment. The proposal means that the scale of penalties for threatening witnesses will be the same as that applicable today to the offence of perjury.
As far as agitation against a national or ethnic group is concerned, it is proposed the amendments, including the amendments regarding hate speech against homosexuals, enter into force on 1 January 2003. Other amendments are to enter into force on 1 July 2002.

BELGIUM COUNCIL BASES OBJECTION TO SAME-SEX MARRIAGE ON A REPORT FROM 1803

FWH Press Release 30 November 2001

The Council of State bases its objection to same-sex marriage on a report from 1803.
The Federation of GLB groups in Dutchspeaking Belgium (FWH) is astonished by the Council of State's Opinion.
This Opinion [if confirmed] shows how out of touch the Council of State is with contemporary

social attitudes.
The Council of State appears to be unaware that marriage today is above all a public declaration of love, not a commitment to procreation.
Its Opinion states : "A homosexual couple is objectively different from a heterosexual one, because of their inherent nature. Specifically, only heterosexual couples are naturally able to produce babies. They need more stabil4 ity and have a different social utility from homosexual couples."
Nevertheless, in Belgium the law on kinship has been completely independent of the marital status of those concerned since 1987. According to M. Heyvaert, the Professor of family law at Antwerp University : Where marriage has lost its significance for legal kinship, then the different treatment can only be interpreted as reflecting a different attitude to sexuality, and more specifically a discrimatory attitude with regard to sexual relations between adults of the same sex. Such discrimination is no longer permissible."
The Council of State also refers to the European Convention on Human Rights (ECHR), notably to the provision [Art. 12] "Men and women of marriagable age have the right to marry and to found a family, according to the national laws governing the exercise of this right."
There is thus nothing in the ECHR that prevents the national legislation from making provision also for marriage between persons of the same sex.
The Council of State's Opinion also contains the following quotation from the Report of the Gillet Tribunal, dated 23 ventose an XI (1803): "If procreation is not an essential element of marriage, it almost always occurs thereafter, and the institution of marriage provides the strongest and most appropriate framework for the education of children."
The Opinion thus fails to take into account that marriage is primarily a public declaration of a loving relationship, that many children are born outside the marriage relationship and that the families founded by some same-sex couples include children. It argues from no fundamental juridical principles, but clearly reflects an ideological bias. This Opinion indicates the Council of State has gone well beyond its mandate.
Consequently, the FWH urges the Minister of Justice and his parliamentary colleagues to disregard this Opinion [as they are legally entitled to do].

European Court of Human Rights

AGE-OF-CONSENT CASES DECLARED ADMISSIBLE

By Rechtskommitté Lambda

On 22nd November 2001 the First Section of the European Court on Human Rights has declared admissible the first three of the Austrian age-of-consent cases (L. & V. vs. Austria; S.L. vs. Austria). It did so not only under Art. 14 in conjunction with Art. 8 but also under Art. 8 taken alone.
In S.L. vs. Austria the Court held that the fact that the 17 year old applicant is not himself criminally liable does not impair his status as a victim under Art. 34. The contribution of the law "to general stigmatisation of homosexuality, the ensuing reluctance of male adolescents to disclose their sexual orientation, particularly in the rural area where he is living, and the inhibitions imposed on their sexual behaviour", given his attraction to men older than himself the inability to "enter into any sexual relationship corresponding to his disposition without exposing his partner to the risk of criminal prosecution" and without exposing "hims elf to the risk of being involved in criminal investigations and of having to testify as a witness on the most intimate aspects of his private life ... constitutes an interference with the right to respect for one's private life (see the Smith and Grady v. United Kingdom judgement, nos. 33985/96 and 33986/96, § 71, ECHR 1999-VI)".
The decision in L. & V. vs. Austria has been taken unanimously, the decision in S.L. vs. Austria by a majority.
The Court indicated that for the future procedure it would not require any further information or submissions, that it considers it is not necessary to hold a hearing in the case,and it invited the applicants to put forward their claims for just satisfaction.

Background of the cases

S.L. vs. Austria (45330/99)

S.L. is a young gay man of(at the time of application) 17 years who complains that Art. 209 CC violated his rights to respect for private life (Art. 8 ECHR) and to nondiscrimination (Art. 14 ECHR).
The applicant submitted that at about age eleven or twelve he began to be aware of his sexual orientation. While other boys were attracted by women, he realised that he was emotionally and sexually attracted by men, whereby his attraction was directed towards adult men, not boys of his age. At the age of fifteen he was sure of being homosexual. He

lives in a rural area where homosexuality is still a taboo. He suffers from the fact that he

cannot live his homosexuality openly and - until he reached the age of eighteen - could not enter into any fulfilling sexual relationship with an adult partner for fear of exposing that person to criminal prosecution under section 209 of the Criminal Code, of being himself obliged to testify as a witness on the most intimate aspects of his private life and of being stigmatised by society should his sexual orientation become known.

The applicant complains under Art. 8 of the Convention, taken alone and in conjunction with Art. 14, about section 209 of the Criminal Code, penalising homosexual acts between adult men and consenting adolescents between fourteen and eighteen years of age. The applicant points out in particular that in Austria, as in the majority of European countries, heterosexual and lesbian relations between adults and consenting adolescents over fourteen years of age are not punis hable. While not necessary for protecting male adolescents in general, section 209 of the Criminal Code hampers homosexual adolescents like him in their development by attaching a social stigma to their relations with adult men and to their sexual orientation in general.

L. & V. vs. Austria (39392/98, 39829/98)

a. The facts

Both applicants are Austrian nationals born in 1967 and 1968 respectively.

G.L. has been convicted by the Vienna Regional Criminal Court under Art. 209 CC of homosexual acts with adolescents and sentenced to one year imprisonment. During the trial the applicant was questioned in particular in respect of a calendar, which had been seized at his home, and in which he had made diarylike entries about his sexual encounters, usually noting the first name of his partner, his approximate age, the kind of sexual acts performed as well as his sensations and feelings.

This diary has been read out in court. No witnesses were heard. On this basis the Court found it established that, between 1989 and 1994, the applicant had, in Austria and in a number of other countries, had homosexual contacts either by way of oral sex or masturbation with numerous persons between fourteen and eighteen years of age, whose identity could not be established. On 5th November 1996 the Supreme Court, upon the applicant's plea of nullity, quashed the judgment as far as offences committed abroad were concerned.

The applicant had also complained about the use of his calendar-diary, claiming that such use would only be justified in case of a very serious crime but not to provide proof of an offence under Art. 209 CC which itself lacked any justification. In this respect, the Supreme Court found that the Code of Criminal Procedure did not contain any prohibition on using a calendar as evidence - even if it contained diary-like entries - provided that it had been read out at the trial. A diary fell into the category of documents which had to be read out in accordance with Art. 252 (2) CCP. In any case, as the applicant had not objected to the reading out of the calendar, he could not complain about its use as evidence. On 29 January 1997 the Vienna Regional Criminal Court, in renewed proceedings which had been discontinued as far as the offences committed abroad were concerned, fixed the sentence for the offences committed in Austria at eleven months' imprisonment suspended on probation. On 27 May 1997 the Supreme Court dismissed the applicant's plea of nullity. On 31 July 1997 the Vienna Court of Appeal, upon the first applicant's appeal, reduced the sentence to eight month imprisonment suspended on probation.

In 1998 the Austrian Minister of Justice refused to recommend to the President of the Republic the pardoning of the applicant.

A.V. has been convicted by the Vienna Regional Criminal Court on 21 February 1997 under Art. 209 of homosexual acts with adolescents, and one minor count of misappropriation, and sentenced him to six month imprisonment suspended on probation. The Court found it established that on one occasion the applicant had had oral sex with a fifteen year old boy. On 22 May 1997 the Vienna Court of Appeal dismissed the second applicant's appeal on points of law, in which he had complained that Art. 209 CC was discriminatory and violated his right to respect for private life. It also dismissed his appeal against sentence.

b. Austrian law and practice

Any sexual acts with persons under fourteen years of age are punishable under Art. 206 and 207 CC.

Art. 209 CC reads as follows: "A person of the male sex who, after completion of his 19th year, engages in same-sex lewdness with a person, who has completed his 14th but not yet his 18th year shall be sentenced to six months to five years imprisonment."

This provision is aimed at consensual homo6 sexual acts, as any sexual acts of adults with persons of up to 19 years are punishable under Art. 212 CC if the adult abuses a position of authority (parent, employer, teacher, doctor etc.).

Consensual heterosexual or lesbian acts between adults and persons over 14 years of age are not punishable.

Offences under Art. 209 CC are regularly

prosecuted, an average of sixty criminal proceedings
being opened per year, out of which a third result in a conviction. As regards the penalties applied, a term of imprisonment usually exceeding three months is imposed in 65 to 75% of the cases, out of which 15 to 25% are not suspended on probation.
c. Complaints
The applicants complain under Art. 8 of the Convention, taken alone and in conjunction with Art. 14, about Art. 209 of the Criminal Code, penalising homosexual acts between adult men and consenting adolescents between fourteen and eighteen years of age and their respective
convictions. The applicants point out in particular that in Austria, as in the majority of European countries, heterosexual and lesbian relations between adults and consenting adolescents over fourteen years of age are not punishable. They submit that there is nothing to indicate that adolescents need more protection against consensual homosexual relations with adults than against such heterosexual or lesbian relations. While not being necessary for protecting male adolescents in general, section 209 of the Criminal Code hampers homosexual adolescents in their development by attaching a social stigma to their relations with adult men and to their sexual orientation in general.
G.L. also complains under Art. 6 & 8 ECHR that, in the criminal proceedings against him, his diary was used as evidence. He submits that this use amounted to an obligation to incriminate
himself. Moreover, it was an interference with the most intimate sphere of his private life, which was not necessary to prosecute, as the offence itself was contrary to the Convention.

UK NON-DISCRIMINATION LAW CONSULTATION IMMINENT

By Sarah Womack (Daily Telegraph, Filed: 10 Dec. 2001)

http://www.portal.telegraph.co.uk/news/main.jhtml?xml=/news/2001/12/10/ngai10.xml&sSheet=/news/2001/12/10/ixhomef.html

NEW laws banning discrimination against homosexuals
will be outlined this week, risking a new confrontation between Tony Blair and some religious groups.
For the first time, homosexuals rejected for jobs or persecuted in the office because of their sexual orientation will have the right to sue. Partners of homosexuals could win pension rights and other perks previously reserved for heterosexual couples. Churches will be allowed to stipulate behaviour for some religious posts. For example, homosexuals may be hired only if they remain celibate (see www.portal.telegraph.co.uk/news/main.jhtml?xml=/news/2001/08/17/nclerg17.xml).
Campaigners for homosexual rights wanted exemptions limited to jobs with a pastoral function such as vicars. Evangelical groups, however, wanted them to cover anyone working for a religious organisation.
Iain Bainbridge, of the Christian Institute, said: "The janitor might be very important because often he is the first person people meet if they come to a church or school. So we would say a church should be able to have a Christian caretaker if they so wish."
A consultation paper will be published on Thursday by Barbara Roche, the Cabinet Office Equality Minister. MPs have already passed a backbench Bill which would give those who register a homosexual relationship similar inheritance and pension rights as those enjoyed by married couples. But this will not become law unless adopted by the Government.

LIECHENSTEIN TO GET GAY EQUALITY

By www.uk.gay.com

The principality of Liechenstein is drafting legislation which would give same sex couples legal equality.
A bill has been drawn up which is waiting approval by the country's parliament. If it is stamped it will give gay and lesbian couples the same rights as married heterosexual married couples, including tax, inheritance and health benefits.

Same-sex couples, however, will not be given the right to adopt children if the new legislation is passed.

"RAINBOW-FAMILIES" – RELEASE OF A BROCHURE CONCERNING SAMESEX PARENTS

In a press-release from the Berlin Senate administration
for school, youth, sport, work, social affairs and women, the to members of the Berlin senate Mrs. Schoettler and Mr Boeger refer to a 112 pages report on families where the parent are either homo -, bi-, or transsexual and state:
"The way children grow up nowadays has changed a lot. In Berlin, 55% of the children lives together with their married, heterosexual parents – and the remaining 45% of the children live in other, different kinds of families, which f.i. could be single parents, not-married females, step-parents etc." With this booklet the two MES want to help the homosexual parents to be equal with other kinds of parentships

– more information will lead to less discrimination of gays and lesbians – and their children.
And they continue: In Berlin you will find about 20.000 – and in whole Germany about 1 million same-sex parents. A lot of them got their children through their former heterosexual life – but a lot, however, get their children through insemination or as foster-children.
The booklet consists, among other thing, of discussions about ethical questions and democratic family structures. These discussions are a result of inquiries and interviews of the socalled "Rainbow-families". But the most important part of this item is the welfare of the children – in one of the chapters the children themselves get the microphone.
At last the possibilities in the new "Lebenspartnerschaftgesetz" are described.
You can get the booklet "Rainbow-families – when the parents are homo, bi or transsexual" at "Senatsverwaltung Schule, Jugend, und Sport, Fachbereich für gleichgeschlechtliche Lebenweisen, Beuthstrasse 6 – 8, 10117 Berlin.
E-mail:
gleichgeschlechtliche@sensjs.verwaltberlin.de
Internet:
www.Sensjs.berlin.de/gleichgeschlechtliche

DUTCH MARRIAGE STATISTICS
By AP from AOL News December 12, 2001

AMSTERDAM, Netherlands (AP) - Dutch civil servants wed nearly 2,000 same-sex couples in the first six months after gay marriage was legalized this year, a government agency said Wednesday.
The gay marriage law that took effect on April 1 made the Netherlands the first country to grant gay couples the same rights as heterosexual couples, including the right to adopt children.
The Central Bureau of Statistics said 2,100 men and 1,700 women had married someone of the same sex by Sept. 30.
Gay marriages comprised 3.6 percent of all new marriages. In April, this figure was more than 6 percent as gays rushed to take advantage of the new law, but it gradually stabilized at around 3 percent.
Sixteen percent of the people who married someone of the same sex had earlier been in a heterosexual marriage. Most were divorced, and a few were widows or widowers.
http://www.cbs.nl/en/services/pressrelease/2001/pb01e279.pdf

11. WHY THE AGE OF CONSENT SHOULD BE THE SAME FOR HOMOSEXUALS AS FOR HETEROSEXUALS
CHRIS R. TAME

The age of consent for homosexuals, both male and female, to engage in sexual activity, should be exactly the same as for heterosexuals. This is a simple requirement of natural justice and the rule of law. It is to be welcomed that the abolition of this outmoded legal discrimination is now being seriously considered.
The case for treating homosexuals the same as heterosexuals does not depend upon any necessarily favourable view of homosexuality. It is irrelevant whether one believes that a person's sexual tastes are morally no different from their tastes in food, drink, clothes, cars or art, or whether one believes that homosexuality is a perversion, a psychological disturbance, sinful or simply personally disgusting. The position is the same as the classical liberal defence of free speech. People should be free to express their views, no matter how foolish or obnoxious. Believing that Marxists, Fascists, Muslims or Christians should have free speech does not mean that one approves of Marxism, Fascism, Islam or Christianity. It simply means that an open society and natural justice requires that all should be treated equally and that the State has no right to

dictate what is true or false.

SOCIAL APPROVAL?

It has been argued (most recently in *The Daily Telegraph*) that the present legal discrimination should not be abolished since a change would indicate that "Society" approves of homosexuality. It is right, in their view, that "Society" should actively discourage homosexuality. But as Margaret Thatcher correctly observed, "Society" does not exist, only individuals do. The anti-reformist position simply means that some individuals are using the law to impose their personal preferences upon others. It is no different from the view that used to be held that "Society" should discourage Roman Catholicism, or other allegedly heretical or sinful or dangerous religions. It is also no different from the contemporary health fascist assertions that "Society" should discourage such activities as drinking and smoking. The replacement of religious concerns by secular and materialist pieties and fanaticisms has been much noted by both conservative and classical liberal writers. They have rightly rejected the intolerance of the prefects of political and lifestyle "correctness". It is thus paradoxical and unfortunate that some conservatives still wish to engage in the imposition of sexual correctness. Contemporary legal discrimination in sex is no different from the religious paternalism of the past or the schemes of the enlightened inquisitors of political correctness today.

THE RIGHT TO BE WRONG

As with free speech, to grant full legal equality to homosexuals does not mean personal approval of their tastes. Neither does it mean that anyone should be coerced into associating with, employing or approving of homosexuality. Those who wish to express their distaste for, and discouragement of, homosexuality are, and should be, free to do so. In fact it is ironic that those who would wish to use the law, in the name of "Society", to discourage homosexuality can offer no objection of principle to the multitude of crackpots who also wish to use the law to coerce others into *their* versions of morally and politically correct behaviour or opinions. The anti-reformists are the mirror image of those foolish gay activists whose attempt to use compulsory state education and local ratepayers' money to propagandise and inculcate their views so angered many parents. The answer to those gay activists who wish to make private discrimination against, or the expression of any criticism or disapproval of, homosexuals and homosexuality illegal is to establish the clear boundaries between legal equality and the free choices and free expression of all citizens. "A fair field and no favour", as the old liberal slogan put it, is what the State owes all its citizens, whatever social, sexual, ethnic or economic group they belong to.

MORALITY

Some conservatives argue that the case for equalising the age of consent necessarily rests upon an inherently skeptical view of the nature of morality, a view that no rational or universal moral judgements can be made. But this is not so. Even if we are sure of the correctness of any particular moral position (and as an exponent of Natural Law I believe that true knowledge *is* accessible in the moral as well as the physical realm) it does not follow that the law should somehow dictate or impose personal or sexual morality. The idea that the State can or should dictate morality fundamentally misunderstands the nature of morality itself. The condition of genuine moral choice is precisely freedom and free choice. Coerced or constrained behaviour does not achieve true morality any more than religious persecution achieved true belief on the part of those coerced or constrained. Freedom and free choice (including the freedom to act immorally but non-coercively) is not only a moral right in itself but is the *essential precondition* of an act being moral.

PROTECTING THE YOUNG?

It is sometimes argued that young people deserve special protection against so-called sexual corruption. While the law lays down a period of protection in many matters for minors, there can be no case for the age of consent in either sexual or other areas to discriminate as it now does. It is absurd that a young man should be forbidden to engage in homosexual activity when he can vote, serve in the armed forces, smoke, drink, drive, get a mortgage, get married, become bankrupt and be held fully liable for criminal or civil offences.

It is also sometimes argued that young men go through a potentially bisexual period when they are allegedly vulnerable to homosexual seduction. Homosexual experience at this age will supposedly dictate one's sexual preferences forever (and hence blight one's life, in the view of the proponents of this view). But this is a piece of nonsense from the Freudian fantasy factory that has no objective support. There is no evidence that "natural" heterosexuals will have their potential or propensities for heterosexuality eradicated by homosexual experimentation or experience at any age.

The fear – which seems to haunt the advocates of discrimination – that large numbers of people are going to desert heterosexuality should "Society" or the law relax its discouragement is a patent nonsense that barely needs a refutation. (And it also undermines their other assertion that heterosexuality is inherently "natural" and homosexuality inherently "abnormal"). Certainly this does not seem to have happened in France, Greece, Poland, or Czechoslovakia where the age of consent for both heterosexuals and homosexuals is 15, or in Italy and Albania where it is 14, or in

Spain where it is (since 1822!) 12, or in Holland where it has recently been made 12. Moreover, that it is actually possible for the law to prevent young men at the peak of their virility and sexual interest from engaging in the sexual behaviour of their choice is also patently absurd – and an unenforceable law has always been recognised as a bad law. It is also a law so obviously inhumane and vicious in its effects on individual happiness that it is hard to see how any reasonable or well-intentioned person can countenance it.

THE BRITISH TRADITION

It is fitting that growing numbers of Conservative politicians now favour the equalisation of the age of consent. This is actually a return to the older British tradition in such matters. It is not widely appreciated how in most spheres of personal and sexual morality (including prostitution, alcohol, drugs, pornography and so on) the letter and practice of older British law was generally tolerant and laissez faire. It was only in the approximate period 1859 to 1920 that the sorts of restrictions with which we are now familiar were introduced. This was a result of an unholy alliance of statists and authoritarians of both "left" and "right": the "social hygiene" movement, authoritarian "feminists", a paternalist medical profession, and assorted social engineers and middle class busybodies. They achieved the abandonment of traditional British practice against the opposition of libertarians of many stripes: classical liberals, traditional Tories and socialist defenders of the freedom of the workers against what they correctly saw as middle class coercion. It was a 19th century Tory Bishop who opposed the alcohol prohibitionists with the words "Better a Britain drunk and free than a Britain sober and unfree". Modern Tories should indeed return to such traditional wisdom. There is simply no case on either grounds of morality, justice or prudence for maintaining the current legal discrimination against homosexuals.

12. Sodomy laws and the Supreme Court

Sodomy laws

Mar 27th 2003
From *The Economist* print edition

HOUSTON's police were taking no chances. A panicky neighbour had just called to say that a man with a gun was going crazy in John Lawrence's apartment. But when police burst in they found, not a crazed gunman, but Mr Lawrence and his friend Tyron Garner having sex. Relieved and no doubt red-faced, the cops might have slipped away. Instead, they arrested the two men under Texas's rarely-enforced Homosexual Conduct Law and held them overnight in jail. A judge later fined them $200 each.

More than four years later, this sorry little incident has become one of the most important anti-discrimination cases to be brought to the Supreme Court for decades. In a hearing before the court this week, the state of Texas defended its law against a powerful challenge from lawyers for the Lambda Legal Defence and Education Fund, a gay-rights group which has taken up Mr Lawrence's and Mr Garner's case. The outcome will decide the fate of similar laws in 12 other states, but will also have wider effects. If the court rules broadly against the law, it could establish a basis to challenge bans on same-sex marriage (which exist everywhere except Vermont), and to make illegal most other kinds of discrimination against gays.

13. Same-sex marriage

Another victory for same-sex marriage?

Mar 17th 2005
From *The Economist* print edition

SIMPLY put, said the judge, same-sex marriage cannot be prohibited solely because California has always done so before. Cue for statewide gay and lesbian jubilation, be it an impromptu rally in San Francisco's Castro district or West Hollywood's official city celebration, complete with a wedding-cake and champagne reception. In a 27-page decision Richard Kramer, a San Francisco Superior Court judge, had ruled on March 14th that California's statutory ban on same-sex marriage was a violation of the civil rights guaranteed by its constitution.

Put equally simply, Gavin Newsom, who as mayor of San Francisco authorised some 4,000 same-sex marriages just over a year ago, was right and the attorney-general of California, Bill Lockyer, defending state law, was wrong. No rational basis, said Judge Kramer, exists for limiting marriage in this state to opposite-sex partners.

14. US shelves "gay discrimination" plan
Wednesday, 11 July, 2001, 14:04 GMT 15:04 UK: BBC

The United States government has dropped proposals that would allow religious charities to discriminate against homosexuals.

The move followed a newspaper report in the Washington Post that religious groups would be exempted from anti-discrimination laws in exchange for supporting government welfare projects.

America's biggest religious charity, the Salvation Army, had requested the exemption, saying such legal restrictions stopped them providing services.

Gay rights activists had called the faith-based proposals a threat to the fundamental rights of Americans.

The faith-based initiative is a key plank in President Bush's legislative plans enabling religious groups to compete for federal cash to fund social programmes.

15. Lawyer slams gay 'discrimination'

Last Updated: Friday, 31 March 2006, 11:10 GMT 12:10 UK: BBC

A Jersey family law specialist says the States must end discrimination and lower the gay age of consent.

States members were asked in January to approve a reduction in the gay age of consent from 18 to 16, the same as the age for heterosexual people.

They decided to delay a decision until a review was carried out into whether Jersey needed to change laws under the European Convention of Human Rights.

But advocate Rose Colley says it shows some deputies are stuck in the past.

She says in a letter to the Home Affairs Minister Senator Wendy Kinnard that there is no reason for Jersey to keep the homosexual age of consent higher than that for heterosexuals.

And claims by some deputies that young people would be made vulnerable were no reason for not changing the law.

She said: "I think it is just an excuse to delay things and prevaricate and perhaps keep away the evil day when someone will challenge the law in the island.

"All the statistics show that young men and girls have formed their sexuality probably long before they are 16 and there is no evidence at all to show that they are going to be more vulnerable if the age of consent is lowered."

She said she was sure the law as it stood was discriminatory.

"It will potentially affect the individuals concerned all the way through their life because they will think they are being undermined and that will have an impact on their employment and relations later in their life."

16. Plans to end gay discrimination

Government plans to end discrimination based on sexual orientation in NI have been praised by gay and lesbian groups.

Anti-discrimination legislation is already in place, but the goods and services proposals up for an eight-week consultation would close a loophole.

They include measures to prevent gays or lesbians being turned away from hotels or being denied house tenancies.

NI Secretary Peter Hain said everybody must enjoy "the same access to goods, facilities, services and education".

Mr Hain said fresh financial backing was also planned for organisations who support the gay community.

"The government's vision is for a fair society founded on equal opportunities for all, respect for the dignity and worth of each person and mutual respect between communities.

"Since 1997, this government has taken steps UK-wide to achieve that goal and these new proposals are a further step along that road."

Similar proposals on goods and services are currently being consulted on in Great Britain.

A draft sexual orientation strategy is also being published, with responses studied over the next 12 weeks.

Mr Hain said the government had "worked closely with the sector to produce the strategy which endorses government's commitment to ensuring equality of opportunity for lesbian, gay and bisexual people".

He added: "Through its three-year action plan, we will tackle issues of concern such as health and suicide, as well as education issues and homophobic bullying."

Coalition on Sexual Orientation spokesman James Knox said the proposals were "another small step towards ensuring that lesbian, gay, bisexual and transgendered people are equal and valued citizens in a modern Northern Irish society".

17. Adoption decision 'due next week'

Last Updated: Thursday, 25 January 2007, 15:41 GMT: BBC

Prime Minister Tony Blair has promised a decision next week on whether Catholic adoption agencies will be able to opt out of gay discrimination laws.

He said there could be a Commons vote, saying it was important to find "a way through this sensitive...issue".

Earlier, Education Secretary Alan Johnson said any opt-out would mean "plain, simple discrimination".

But Cardinal Cormac Murphy O'Connor said the rules went against Catholic teachings and agencies would close.

'Good record'

In a statement, Mr Blair said: "Both gay couples and the Catholic agencies have high levels of success in adopting hard-to-place children.

"It is for that reason we have taken time to ensure we get these regulations right.

"How do we protect the principle of ending discrimination against gay people and at the same time protect those vulnerable children who are at the present time being placed through - and after care provided by - Catholic agencies who everyone accepts do a great job with some of the most disturbed youngsters?"

The agencies say they will close if not given an opt-out from having to place children with gay couples, which they say goes against their beliefs.

The Equality Act, due to come into effect in England, Wales and Scotland in April, outlaws discrimination in the provision of goods, facilities and services on the basis of sexual orientation.

Mr Blair said: "The new regulations provide a massive step forward in ending discrimination against gay people."

'Last aspect'

He added: "These regulations will extend further anti-discrimination legislation. We are clear about what we want to do.

"There is one last aspect within the new regulations to resolve and it concerns adoption."

Ahead of the Thursday Cabinet meeting Mr Johnson told BBC Radio 4's Today programme: "I don't think there's a way through that allows any exemption."

Newspaper reports that Tony Blair had "caved in" to Cabinet members against an exemption have been described as "ridiculous" by Downing Street.

When asked if Communities Secretary Ruth Kelly, herself a Catholic, might see a case for an exemption, Mr Johnson said: "No... Ruth has tried very hard to find a way through this and that's her job to do that."

Ms Kelly has previously said her own religion would not prevent her from doing her job of tackling discrimination of all types, including that against homosexuals.

Mr Johnson said: "I'm convinced that I don't see a case for exemption and I don't think the prime minister does."

Harman

The Church of England has backed the Catholic Church.

Archbishop of Canterbury Rowan Williams and the Archbishop of York, John Sentamu, have written to Tony Blair to argue that "rights of conscience cannot be made subject to legislation, however well-meaning".

The Muslim Council of Great Britain also declared its support for the Catholic position, with secretary general Muhammad Abdul Bari saying: "As Muslims we are obliged to uphold the moral standards and codes of conduct dictated by our faith."

But Constitutional Affairs Minister Harriet Harman said there was no scope for exemptions to the legislation.

"You can either be against discrimination or you can allow for it. You can't be a little bit against discrimination," she told the New Statesman magazine.

The Catholic Church's agencies are said to handle 4%, or about 200, of all adoptions a year. However they handle about a third of those children judged difficult to place.

18. Blair proud of gay rights record

Tony Blair has said he is proud of his achievements on gay rights while prime minister, and that Britain has had a cultural change since 1997.

Addressing campaign group Stonewall, Mr Blair said civil partnerships had had a "civilising effect" which reached beyond the gay community.

He said the first civil partnerships had given him a lot of pride and joy.

It comes after the House of Lords backed new gay equality laws at the centre of a row with Roman Catholics.

The prime minister said people could now take for granted things like civil partnerships, which they could not a decade ago when Labour came to power.

Referring to the first civil partnerships, Mr Blair said: "It's a thing that doesn't just give me a lot of pride, but it has actually brought a lot of joy."

'Civilising effect'

He admitted doing "a little skip" when he saw the first partnership ceremonies on television.

"What has happened is that the culture of the country has changed in a definable way as a result of it. This is what I think is really interesting," he said.

"The change in culture and the civilising effect of it has gone far greater than the gay and lesbian community."

He added that allowing discrimination "to fester" was against everything a modernising nation stood for.

Mr Blair was praised by Stonewall chief executive Ben Summerskill who said: "I do remember thinking at the time this is a guy who takes equality seriously and I think there has been plenty of evidence of that in the intervening years."

The government's attempts to introduce the Equality Act (Sexual Orientation) Regulations - outlawing discrimination against gay people by businesses or service providers - have met some controversy.

Mr Blair refused to give the Catholic Church's adoption agencies an opt-out of the rules requiring them to consider gay couples as prospective parents.

But the Church says it will have to shut its agencies, which handle some of the hardest-to-place children, rather than go against its beliefs.

The Bishop of Winchester, the Rt Rev Michael Scott-Joynt, was among critics who said the situation was now that gay rights appeared to "trump" everyone else's.

But Communities Secretary Ruth Kelly, herself a Catholic, said the laws were a "major step forward" which would deliver "dignity, respect and fairness for all".

Story from BBC NEWS:
http://news.bbc.co.uk/go/pr/fr/-/2/hi/uk_news/politics/6482891.stm

Published: 2007/03/22 22:50:29 GMT

19. Gay laws 'a major step forward'

New gay equality laws which are opposed by the Roman Catholic Church are a "major step forward", the Communities Secretary Ruth Kelly has said.

Peers voted against an amendment to throw out the Equality Act (Sexual Orientation) Regulations, brought by Tory peer Baroness O'Cathain.

Ms Kelly, herself a Catholic, said the measures would deliver "dignity, respect and fairness for all".

The Catholic Church argues the move may lead it to close its adoption agencies.

However the vote, which saw the amendment defeated by 168 votes to 122 in the House of Lords on Wednesday, was hailed by Ms Kelly.

Tackling prejudice

She said afterwards: "This is a major step forward in ensuring dignity, respect and fairness for all.

"These measures will help tackle the practical barriers and real, every day problems faced by lesbian, gay and bisexual people."

Ms Kelly added: "It cannot be right in a decent, tolerant society that a shopkeeper or restaurant can refuse to serve a customer because they are gay.

"It cannot be right for a school to discriminate against a child because of their parents' sexuality or not to take homophobic bullying as seriously as they should."

'Unseemly haste'

Among implications of the new laws are that Catholic adoption agencies would be forced to place children with gay couples.

The Catholic Church has said it will be forced to shut its adoption agencies, which handle some of the most difficult-to-place children, rather than act against church teachings.

Some backbench Tory MPs have complained that the draft regulations were being "rail-roaded" through Parliament with "unseemly haste".

Several hundred peers attended the debate. Conservative peers were allowed a free vote as it was an "issue of conscience".

At prime minister's questions earlier, Tony Blair said critics were effectively backing discrimination.

Tory MP Bill Cash told him: "You have given more preference to those who stand for gay rights than those who are concerned with conscience, with family and with religion."

But Mr Blair denied the equality laws were being "rail-roaded" through Parliament, saying there had already been much debate.

Waiting game

The government has refused to grant Catholic agencies an opt-out, but will give them a 21-month transitional period to prepare for the new laws.

The hope is that extra time would allow expertise and knowledge to be passed onto the secular sector, rather than being lost altogether.

Cardinal Cormac Murphy-O'Connor, the most senior Catholic in England and Wales, has said it "remains to be seen" whether the church will cooperate.

Some members of the Church of England's General Synod had written to bishops in the Lords asking them to oppose the measures in Wednesday's debate.

The Equality Act is due to come into effect in England, Wales and Scotland in April.

Story from BBC NEWS:
http://news.bbc.co.uk/go/pr/fr/-/2/hi/uk_news/politics/6478191.stm

Published: 2007/03/22 10:41:10 GMT

20. No exemption from gay rights law

Downing Street has said there will be no exemption from anti-discrimination laws for Catholic adoption agencies.

But Tony Blair said they would get 21 months to prepare for change, calling this a "sensible compromise".

Adoption agencies had warned they would close rather than place children with gay couples, saying that went against their beliefs.

The Catholic Church in England and Wales said it was "deeply disappointed" that no exemption had been offered.

'Way through'

The proposed measures are likely to face a vote in Parliament next month before coming into effect on 6 April.

Mr Blair said he believed ministers had found a "way through" to prevent discrimination and protect the interests of children, which all "reasonable people" should be able to accept.

"There is no place in our society for discrimination. That's why I support the right of gay couples to apply to adopt like any other couple.

"And that way there can be no exemptions for faith-based adoption agencies offering public funded services from regulations that prevent discrimination."

Education Secretary Alan Johnson and Labour MP Angela Eagle, who had both opposed an exemption, welcomed the announcement.

He added: "It's a difficult situation but I think we have found the right balance and a sensible compromise."

If the plan is approved, religious agencies will have a "statutory duty" to refer gay couples to other agencies until the end of 2008.

The government hopes the extra time will allow expertise and knowledge to be passed onto the secular sector, rather than being lost altogether.

Cardinal Cormac Murphy-O'Connor, head of Catholics in England and Wales, said: "It is clear from the prime minister's statement that he has listened to some of the concerns of the Catholic Church in regard to its adoption agencies.

"We are, of course, deeply disappointed that no exemption will be granted to our agencies on the grounds of widely held religious conviction and conscience."

He added: "We note and welcome, however, the government's expressed desire that the experience and excellent work of our agencies is not lost, especially for the benefit of needy children."

'Crucial issues'

Cardinal Murphy-O'Connor also said: "This debate has raised crucial issues for the common good of our society.

"We believe there is an urgent task to reach a new consensus on how best the public role of religious organisations can be safeguarded and their rights upheld."

The Equality Act, due to come into effect in England, Wales and Scotland in April, outlaws discrimination in the provision of goods, facilities and services on the basis of sexual orientation.

Gay groups and some MPs had argued that there could be no exemption on faith grounds.

The row was said to have split the Cabinet.

Communities Secretary Ruth Kelly said government was about "robust debate and finding solutions that meet our principles".

She described the announcement as a "breakthrough" on what had been an "extremely complex issue".

For the Lib Dems, Lorely Burt said a transition period of almost two years seemed "unnecessarily long".

"The wishes of Catholic adoption agencies should not be elevated above the rest of society," she said.

Earlier Conservative leader David Cameron said he would vote for the regulations, if a compromise could not be reached.

He has promised Tory MPs a free vote on what he see as an issue of conscience.

Story from BBC NEWS:
http://news.bbc.co.uk/go/pr/fr/-/2/hi/uk_news/politics/6311097.stm

Published: 2007/01/29 19:02:00 GMT

21. Discrimination law controversy

It will come as little surprise to ministers that the issue of discrimination is the focus for one of the first political controversies of the New Year.

The regulations which have already provoked a furore in Northern Ireland are the same as those which the government planned to introduce in England and Wales last autumn under the Equality Act 2006.

But a row in Cabinet caused a postponement. Now, the stage is set for a battle in which some parliamentarians, backed by religious groups, will try to amend the rules so that there is no automatic protection on grounds of sexual orientation.

Discrimination prohibited

Following a key European Union Framework Directive in 2000, the government was obliged to bring in rules outlawing discrimination on a range of issues in employment.

So, it is unlawful to sack someone because they are gay, lesbian or bisexual or because of their religious beliefs.

But this left a range of goods and services, such as the provision of hotel accommodation or the renting out of premises, unregulated.

This gap has been filled by the Equality Act. It prohibits discrimination on grounds of age, disability, gender, race, religion or belief and sexual orientation, though with a small number of clearly-defined exemptions.

Ironically, most are for the protection of religious groups, faith schools and faith-based charities.

So, will the regulations enable a gay couple to demand the right to stay in a B&B, despite the owner's strong religious beliefs against homosexuality?

"This is a classic case of competing equalities," said Gary Bowker, a discrimination and diversity specialist with Incomes Data Services.

"I can easily see this issue going to court where the issue will be, 'which right trumps the other?' And I imagine the Human Rights Act will be invoked as part of the argument."

Religious concerns

Indeed, Section 13 of the Human Rights Act was inserted specifically to assuage the anxieties of religious groups.

So, it is by no means certain that some of the claims being made by opponents of the regulations, either in Northern Ireland or in the rest of the United Kingdom, have any legal weight to them.

In Northern Ireland, the government's more immediate concern is to fight off a judicial review which has been brought by a number of Christian organisations.

This argues that the introduction of the regulations was unlawful because the consultation period was unreasonably short.

But ministers know that the mixture of religion, sexual orientation and legal compulsion is a combustible one and the consequences of an emotive campaign highly unpredictable.

Story from BBC NEWS:
http://news.bbc.co.uk/go/pr/fr/-/2/hi/uk_news/politics/6245111.stm

Published: 2007/01/09 15:49:41 GMT