



**RAINBOW ROSE - ACTIVITY REPORT**

**FROM PORTO TO PRAGUE:**

**WITH THE PES TOWARDS EQUALITY FOR ALL**

## Executive summary

In the late 90s and in the first half of the current decade, several groups of lesbian, gay, bisexual and transgender (LGBT) leftwing activists started to cooperate, while the first civil partnership and marriage laws were adopted throughout Europe. It was in 2006 that the existence of this network was formally recognised by the PES, Rainbow Rose being granted the statute of an observer member of our political family.

Since then, progresses have been achieved in many countries in Europe, always with the participation of the Socialists, if not under their leadership. Same-sex couples are now fully equal in Spain, the Netherlands, Belgium, Sweden, Norway, Denmark and the UK, and they can achieve a form of recognition in almost all western European countries but Italy. From 2006 on, the movement shows that the new EU Member States are also part of the movement, since the Czech Republic, Hungary, Slovenia also have recognised partnerships. At the same time, Rainbow Rose and its members help raising awareness on other crucial issues such as the right of transgender people to be free from medical harassment and to see their gender transition recognised by the States.

The 2009 European election campaign was a step in the long road towards equality. Rainbow Rose began preparing it in September 2007, with a contribution being submitted in the frame of the PES activists' consultation. Our text obtained the support of tens of incumbent MEPs and a lot of activists, and inspired proposals 26 and 27 of the PES Manifesto.

Rainbow Rose played a major role in raising awareness on the shadow directive against discrimination. Each Rainbow Rose member contacted their respective national party and MEP to make sure that the Socialist Group as a whole would defend the horizontal directive. The PES clearly confirmed its unanimous support to a directive against all discrimination in all sectors of social and economic life, and committed to improve the mutual recognition of all kinds of registered couples and families in Europe.

During the campaign itself, Rainbow Rose had a common flyer translated in many languages, and encouraged its members to participate to cross-European initiatives. On 24 May 2009, we organised a meeting in Rome, with activists from more than 11 countries among the speakers, including national MPs and MEPs. The PES supported this initiative, and sent us a statement by Poul Nyrup Rasmussen and Zita Gurmai.

Several Rainbow Rose national members are also parts of ILGA-Europe, the widest LGBT civil society organisation in Europe. Rainbow Rose was thus represented at ILGA-Europe's yearly conferences in Paris (2005), Sofia (2006), Vilnius (2007), Vienna (2008) and Malta (2009). As we believe in fruitful exchanges between political parties and the civil society, these meetings are of capital importance.

*The Rainbow Rose members in 2009: SoHo (Austria), PS (Belgium), SP.a (Belgium), SD (Denmark), SDE (Estonia), SDP (Finland), HES (France), Schwusos (Germany), PASOK (Greece), Labour LGBT (Ireland), Rosa Arcobaleno (Italy), LGBT Labour (Malta), PvdA Homo Emancipatie Netwerk (Netherlands), DNA (Norway), SDPL (Poland), Rainbow Rose Portugal (Portugal), PSOE (Spain), Hbt(s) (Sweden), PS (Switzerland), LGBT Labour (UK), and individual activists or officials of the PD (Italy).*

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# 1. WHAT IS RAINBOW ROSE?

## **RAINBOW ROSE, THE NETWORK OF LGBT SOCIALIST, SOCIAL-DEMOCRATIC AND LABOUR ACTIVISTS IN EUROPE**

### **The LGBT network of the Party of European Socialists**

Rainbow Rose is a network working within the Party of European Socialists (PES). It was created in 2005-2006, after contacts were established years before between its current members.

Rainbow Rose's membership is composed of all the groups of LGBT activists working within PES member parties in Europe. It was recognized by the PES Congress as an observer member in Porto (December 2006)

Our current membership is composed of:

- ▀ SoHo (Austria)
- ▀ LGBT delegates of PS (Belgium)
- ▀ LGBT delegates of SP.a (Belgium)
- ▀ LGBT delegates of SD (Denmark)
- ▀ Vikerroos (Estonia)
- ▀ Pinkkiruusu (Finland)
- ▀ Homosexualités et Socialisme (France)
- ▀ Schwusos (Germany)
- ▀ LGBT delegates of the PASOK (Greece)
- ▀ Labour LGBT (Ireland)
- ▀ Delegati LGBT del PD (Italy)
- ▀ Rosa Arcobaleno (Italy)
- ▀ PvdA Netwerk Homo Emancipatie (Netherlands)
- ▀ LGBT delegates of SDPL (Poland)
- ▀ Grupo LBGT del PSOE (Spain)
- ▀ Hbt(s) (Sweden)
- ▀ Commission LGBT du PSS (Switzerland)
- ▀ LGBT Labour (United Kingdom)
- ▀ Rainbow Rose Portugal (Portugal)
- ▀ LGBT section, Malta Labour Party (Malta)

Rainbow Rose considers the following groups as natural partners: the Queer network of ECOSY, the PES MEPs from the EP Intergroup on Gay, Lesbian, Bisexual and Transgender Rights.

Rainbow Rose intends to work in cooperation with: the LGBT socialist groups among the observer parties of the PES, the PES Women Standing Committee, ILGA Europe, the Parliamentary Group of the PES, the LGBT coordination of the International Socialist.

Rainbow Rose also welcomes individual PES members to participate in activities and support our network.

### **Grounds of our activities**

Rainbow Rose aims to promote LGBT rights, equality and diversity throughout Europe and within the PES and PES member parties. We will seek to fulfill our objective essentially through three means:

We look into the positions, policies and activities of all PES member parties in implementing LGBT-friendly legislation, fighting homophobia and trans-phobia and promoting equality and diversity. We will closely monitor the implementing of EU directives. The network will present an overview of policies and experiences within the PES member parties.

Rainbow Rose uses joint communication activities to raise awareness of the actions and positions of the network, the PES, and national member parties in the fight against homophobia and transphobia and for the promotion of equality and diversity.

The network aims whenever possible at adopting common positions on European and national policies, legislation and events related to LGBT issues, and at developing joint policies and trans-national campaigns together with PES, ECOSY and others.

We regard the differences between national laws as an opportunity to move towards higher European common standards. Family law remains of national competence, but our concern is to give its true dimension to the free movement of European citizens, of workers and their families. The national standards of certain member states need to be adapted so that they will not discriminate against LGBT people and deny them their family rights nor discriminate against children because of the family they live in.

### **Rainbow Rose and the PES**

As equality and diversity have always been at the heart of the European socialist movement, the recognition of Rainbow Rose within the European Socialist family can prove a good opportunity for the PES to strengthen its position within the current debate on LGBT rights.

Rainbow Rose want to provide the PES with the basis for an action and communication strategy concerning LGBT equality, rights and recognition.

We mean to use seminars, conferences, e.mail mailing lists, and our web page, to communicate with network members, PES activists, parties, politicians and representatives.

## **2. RAINBOW ROSE ACTIONS AND SOCIALISTS FOR LGBT RIGHTS AT EUROPEAN LEVEL**

### **NOVEMBER 2009: RAINBOW ROSE IN MALTA FOR THE ILGA-EUROPE CONFERENCE : THE MALTESE LBGT LABOUR JOINS US !**

From 29 October to 2 November 2009, ILGA-Europe, the European region of the International lesbian, gay, bisexual, transgender and intersex association, held its 13th annual conference in Malta. Rainbow Rose social-democratic activists coming from various EU member States participated to this event, which was a great opportunity to push forward the debate on "Overcoming Cultural and religious barriers to LGBT equality", the theme chosen by ILGA-Europe. A pre-conference on the rights of transgender persons was also organised on 28 October 2009.

A delegation of Rainbow Rose and ILGA-Europe, led by Louise Ashworth from the British LGBT Labour, had the opportunity to meet with Joseph Muscat, the leader of the Maltese Labour Party (PL). Mr. Muscat made clear that the MLP would be committed to achieving new steps towards equality, and mentioned the adoption of a civil partnership law, should the Labour win the next general election. These announcements were made in the presence of the Malta Gay Rights Movement (MGRM), which participated to the interview.

The PL also confirmed the creation of a LGBT group within the organisation. The newly created Maltese LGBT Labour will join Rainbow Rose in order to bring a quality contribution to our work in Europe. The PL currently has 3 MEPs, after being successful in the last European election. All of them signed the ILGA-Europe electoral pledge and support the adoption of a directive against all discrimination, as well as new steps towards mutual recognition of civil partnerships in Europe, and towards more protection against hate crime.

### **SUMMER 2009: WHO IS JERZY BUZEK? EPP CANDIDATE TO THE PARLIAMENT'S PRESIDENCY HAS A COMPLETELY CONSERVATIVE BACKGROUND**

The main right-wing European Parliamentary Group, the European Popular Party, is about to appoint Jerzy Buzek MEP as candidate to the European Parliament Presidency.

Jerzy Buzek, elected in the list of the governing Civic Platform (PO) party in Poland, is a former Prime Minister (1997-2001). He is also a deeply conservative, christian traditionalist.

In his past mandates, both at national level and the European Parliament, he proved many times that his values are highly compatibles with conservative, anti-LGBT-rights policies.



## **MEETING FOR THE EUROPEAN ELECTION OF JUNE 7TH: A LEFT-WING MAJORITY IN EUROPE TO PROTECT LESBIANS, GAYS, BISEXUALS AND TRANS RIGHTS**

On Sunday, May 24th, the European Socialists gathered in Rome. Activists and Parliament members came from Belarus, Denmark, France, Germany, Greece, Italy, Poland, Portugal, Romania, Spain and the United Kingdom to participate to a meeting dedicated to the Rights of Lesbian, Gay, Bisexual and Transgender in Europe.

The President of the Party of European Socialists (PES), Poul Nyrup Rasmussen, together with Zita Gurmai, the President of PES-Women, released a statement to reaffirm the commitment of the Socialists to full equality for LGBT persons.

Several political issues will be at stake during the next European Parliament mandate. The European Socialists support the project of a new directive to protect all the citizens against discriminations. They are fighting to achieve the mutual recognition, between all Member States, of all same-sex marriages, civil partnerships and LGBT families. They are mobilised against homophobic and transphobic hate crimes and violences, inside the European Union and in the frame of its foreign policies.

In the last terms, the European Parliament has been, among the European institutions, the more committed to the protection of LGBT Rights. Rainbow Rose stands for a left-wing majority in the European Parliament to achieve new progresses of Fundamental Rights in all Europe, and in all the fields of social life. In the national Parliaments as well as in Europe, all the LGBT Rights-friendly policies have been adopted thanks to the Commitments of the Socialists.

## **ROME, MAY 24TH: A PROGRESSIVE MAJORITY FOR LGBT FUNDAMENTAL RIGHTS! PES/RAINBOW ROSE MEETING FOR RIGHTS AND SECULARISM**

On Sunday, May 24th, 2009, Rainbow Rose, Rosa Arcobaleno, Anna Paola Concia MP and the Italian Socialist delegation in the European Parliament organize together, with the support of the Party of European Socialist, a meeting in Rome, at the Women International House, in the beautiful quarter of Trastevere.

LGBT Activists and social-democratic speakers from many European countries (Greece, Denmark, Germany, United Kingdom, Poland, Romania, Portugal, Spain, France, Belarus) will gather to deliver a message of equality and commitment to the promotion of LGBT Fundamental Rights, and to secular politics.

*- LGBT Rights at stake in Europe!*

The European election is a crucial time for the improvement of LGBT Fundamental Rights in Europe. The European Parliament has been, in the last years, a Human Rights-friendly institution, as well as a LGBT-rights watchdog. It is extremely important that the political direction of the EU remains as progressive as possible, since it is the greatest help for LGBT-rights activists in many policy fields and in many Member States.

*- Tackling discrimination: Let the European Union deliver!*

Many political issues will be decided during the next term of the European Parliament and of the new European Commission. The Council will have to adopt a new directive to deliver

equal protection against all discriminations. Progresses must be made to achieve mutual recognition of registered same-sex marriages, partnerships and LGBT families in all Member States – as a condition for EU-wide free movement. New policies should be implemented to tackle homophobic and transphobic violence and hate crimes. The EU foreign and neighborhood policies should include means to improve rights standards.

*- Socialists in Europe, the backbone of progressive majorities!*

In national Parliaments as well as in the European institutions, no progressive policies and no LGBT-friendly legislation have been adopted without the commitment of the Socialists. Steps in the promotion of equal rights for LGBT people are always and everywhere the result of coalitions where the PES member parties are central in building successful coalitions.

### **SPRING 2009: RAINBOW ROSE CAMPAIGNS FOR A LEFT-WING MAJORITY IN THE EUROPEAN PARLIAMENT!**

On June 7th, all European citizens will have to elect the new European Parliament. In the last terms, the European Parliament gave a decisive political momentum to LGBT rights progresses.

Rainbow Rose believes that only a left-wing majority can further strengthen the role of the Parliament. This is why we call on voters to choose the Party of European Socialists (PES) and its member parties, in all EU member States.

The PES Manifesto brings to European politics clear commitments to equality. Rainbow Rose especially supports its proposals 26 and 27, to support in all EU institutions a legislation against all discriminations, and to open the way to mutual recognition of all registered civil partnerships, marriages and parenthood rights by the Member States!

Rainbow Rose will campaign hard. A Campaign meeting for LGBT rights and secularism is scheduled in Rome, May 24th, at the International Women's House

### **MAY 2009: SOCIALIST MP CALLS FOR CAREFUL MONITORING OF HOMOPHOBIA BY PUBLIC AUTHORITIES IN RUSSIA AND LATVIA BY THE COUNCIL OF EUROPE**

On May the 19th, following the ban by the Russian authorities of a demonstration on antidiscrimination organized by LGBT activists, and the dissolution of the demonstration by the police, Mogens Jensen MP, a member of Rainbow Rose and a representative of the Danish Social-Democrats in the Parliamentary Assembly of the Council of Europe (COE), asked the Committee of Ministers of the COE to closely monitor the situation. He also insisted on the full respect of the Human Rights Convention by Russian authorities, and condemned the homophobic statements of Moscow's mayor, Mr Lusjkov.

The same day, after a majority of the Riga local Council tried unsuccessfully to ban the Baltic Pride Parade of May 16th, Mogens Jensen MP also asked the Committee of Ministers to address the Latvian government in order to condemn the violation of the Human Rights Convention.

## **APRIL 2009: TWO LEFT-WING VICTORIES IN THE EUROPEAN PARLIAMENT: AGAINST DISCRIMINATIONS AND FOR FREE MOVEMENT!**

On Thursday, April 2nd 2009, the European Parliament voted on two important reports, thanks to the commitment of the Party of European Socialists and the other left-wing and liberal parties.

### **- AGAINST DISCRIMINATIONS!**

**The Parliament adopted the report of the Green MEP Kathalijne BUITENWEG on the proposal for a Council directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation.**

The Parliament supports the proposal of the European Commission of a new horizontal directive against all the discriminations mentioned in Article 13 of the EC Treaty. It proposes several amendments that would improve the initial proposal of the Commission.

The Parliament clearly said that the situation of multiple discriminations must be addressed; the MEPs also called EU institutions and Member States to take account, in all their equal treatment and equal opportunities policies, of the gender dimension; they asked the Churches to be subject to the EU non discrimination provisions where their activities fall within EU competence.

The European assembly also proposed to make clear that the new directive will not alter the division of competences between the EU and its Member States, while the European Commission has proposed a narrower redaction, stating that is was "without prejudice to national laws on marital or family status and reproductive rights".

The Parliaments proposed a comprehensive Community legal framework relating to non-discrimination, in the form of a single Directive consolidating and replacing all existing Directives based on Article 13 of the EC Treaty and providing for an equal level of protection for each ground for discrimination.

Rainbow Rose welcomes the Buitenweg reports, and hopes the Council will take it into consideration in its debates, and adopt soon the directive against discriminations.

### **- FOR FREE MOVEMENT!**

**The European Parliament also adopted the report of the Liberal MEP Adina-Ioana VALEAN on the application of Directive 2004/38/EC on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States.**

*In the 2nd point of its report, the Parliament "calls on Member States to fully implement the rights granted under Article 2 and Article 3 of Directive 2004/38/EC not only to different sex spouses, but also to the registered partner, member of the household and the partner, including same-sex couples recognized by a Member State, irrespective of nationality and without prejudice to their non-recognition in civil law by another Member State, on the basis of the principles of mutual recognition, equality, non-discrimination, dignity, private and family life; calls on Member States to bear in mind that the Directive imposes an obligation to recognize freedom of movement to all Union citizens (including same-sex partners) without imposing the recognition of same-sex marriages; in this regard, calls on the Commission to issue strict guidelines, drawing on the analysis and conclusions contained in the Fundamental Rights Agency report and to monitor these issues;"*

## - EUROPEAN SOCIALISTS BUILD MAJORITIES

Once again, Human Rights and LGBT-friendly amendments were voted thanks to a center-left majority. The BUITENWEG report in particular was voted with a 363-votes majority, while 226 MEPs opposed the report, and 64 abstained.

All the European Socialists (but one) voted the report, and became once again the backbone of progressive majorities in the European Parliament. In contrast, only 33 of the 288 MEPs of the rights-wing Popular Group (EPP) voted the report, and a majority of the Group voted against it.

The VALEAN report was voted by a broader 500-votes majority, but, again, most of the MEPs who refused it came from the right-wing Groups.

## **DECEMBER 2008, MADRID: PES WOMEN, RAINBOW ROSE: THE FIGHT AGAINST HIV/AIDS, OUR COMMON COMMITMENT**

On Monday, December 1st, the PES Women, Rainbow Rose and the Foundation for European Progressive Studies (FEPS) organized together a meeting during a session of the yearly Council of the Party of European Socialists.

To celebrate the 20th International Day against AIDS, we choose to emphasize the need to maintain and improve our common commitment to the fight against HIV/AIDS.

The fringe meeting was introduced by the President of the PES Women, MEP Zita Gurmai, and moderated by Rodrigo Martin Galan and Joël Le Deroff, from Rainbow Rose.

▀ *Socialist women, homosexuals and transsexuals considered of crucial relevance to speak together, as **women and LGBT people are among the most vulnerable groups** of the epidemic in the world. And also, as a consequence, among the main HIV fighters.*

▀ *We also share the deep conviction that **HIV fighting is an issue closely linked to non-discrimination, non-stigmatization, and shared responsibility**. That is why it is so important to define a Socialist strategy in this field.*

### **The following speakers were invited to explain their associative, medical and political experience**

▀ Florence MANGUYU, a paediatrician, represented the International AIDS Vaccine Initiative (IAVI), a NGO based in Nairobi, Kenya.

▀ Anna ZAKOWICZ, an academic and a writer, represented the European Aids Treatment Group (EATG), an advocacy organization based in Brussels.

▀ Arwa MEIJER represented the European Programme Associate GCM - Global Campaign for Microbiocides, an organization based in Brussels.

▀ Pilar ESTEBAN represented the HIV/AIDS Group of the Spanish Socialist Party PSOE.

## **NOVEMBER 2007: RAINBOW ROSE AT THE PES COUNCIL IN SOFIA: QUICK REPORT**

A delegation of Rainbow Rose was present at the Sofia PES Council on November 22nd and 23rd in Sofia (see articles on the "*European Union*" part of this website).

It was composed of Rodrigo MARTÍN GALÁN, the official delegate of the network, who attended the Council plenaries on behalf of Rainbow Rose, and of PES activists: Eduard ODINETS (SDE and Vikerroos, Estonia) and Joël LE DEROFF (HES and PS, France). Rainbow Rose were able to meet the direction of socialist organisations such as the PES Women and ECOSY. The network also met individual members of the Bulgarian socialist party (BSP) and of its youth organisation (BSY), and had a work lunch with LGBT NGO Gemini, that had organized the ILGA-Europe yearly conference in 2006.

## **2007 - 2008 : PES 2009 MANIFESTO: SUPPORTS FOR RAINBOW ROSE CONTRIBUTION**

From the end of 2007 to February 2008, the following MEPs were the first to give their support to our contribution to the PES consultation on the 2009 electoral European manifesto. Our contribution will be sent to the PES, with the mention of all supports, at the end of the consultation in the Spring 2008.

- ▀ Kader ARIF (PS, France)
- ▀ Ines AYALA SENDER (PSOE, Spain)
- ▀ Maria BADIA I CUTCHET (PSOE, Spain)
- ▀ Enrique BARON CRESPO (PSOE, Spain)
- ▀ Pervenche BERES (PS, France)
- ▀ Josep BORRELL (PSOE, Spain), former president of the European Parliament
- ▀ Emine BOZKURT (PvdA, Netherlands), on behalf of the Dutch social-democratic delegation (the 7 Dutch PES MEPs)
- ▀ Marie-Arlette CARLOTTI (PS, France)
- ▀ Carlos CARNERO (PSOE, Spain)
- ▀ Paulo CASACA (PS, Portugal)
- ▀ Michael CASHMAN (Labour, UK)
- ▀ Francoise CASTEX (PS, France)
- ▀ Ole CHRISTENSEN (SD, Denmark)
- ▀ Harlem DESIR, vice-president of the PES Group in the European Parliament (PS, France)
- ▀ Edite ESTRELA (PS, Portugal)
- ▀ Vicente Miguel GARCES RAMON (PSOE, Spain)
- ▀ Iratxe GARCIA PEREZ (PSOE, Spain)
- ▀ Ana GOMES (PS, Portugal)
- ▀ Genowefa GRABOWSKA (SDPL, Poland)
- ▀ Lissy GRÖNER (SPD, Germany)
- ▀ Catherine GUY-QUINT (PS, France)
- ▀ Adeline HAZAN (PS, France)
- ▀ Pia Elda LOCATELLI (SDI, Italy)
- ▀ Miguel Angel MARTINEZ (PSOE, Spain)
- ▀ Antonio MASIP (PSOE, Spain)
- ▀ Emilio MENENDEZ DEL VALLE (PSOE, Spain)

- Javier MORENO SANCHEZ (PSOE, Spain)
- Teresa RIERA MADURELL (PSOE, Spain)
- Vincent PEILLON (PS, France)
- Josef PINIOR (SDPL, Poland)
- Francisca PLEGUEZUELOS AGUILAR (PSOE, Spain)
- Pierre PRIBETICH (PS, France)
- Martine ROURE, vice-president of the European Parliament (PS, France)
- Maria Isabel SALINAS GARCIA (PSOE, Spain)
- Antolin SANCHEZ PRESEDO (PSOE, Spain)
- Pierre SCHAPIRA (PS, France)
- Maria SORNOSA MARTINEZ (PSOE, Spain)
- Marek SIWIEC (SLD, Poland)
- Britta THOMSEN (SD, Denmark)
- Catherine TRAUTMANN (PS, France)
- Elena VALENCIANO (PSOE, Spain)
- Anne VAN LANCKER (SPA, Belgium)
- Luís YANEZ-BARNUEVO (PSOE, Spain)

**PROPOSING AND CAMPAIGNING WITH THE EUROPEAN SOCIALISTS! RAINBOW ROSE'S  
ELECTION CAMPAIGN – EUROPEAN PARLIAMENT 2009**

**A LGBT friendly PES Manifesto for the next European elections (6th-7th June)**

On December 1st and 2nd, 2008, the Council of the Party of European Socialists (PES) gathered in Madrid. As an observer member organisation, Rainbow Rose was represented by one delegate and by activists coming from many countries of the European Union.

The PES Council adopted the Socialist Manifesto for the 2009 elections to the European Parliament: “People First, a New Direction for Europe”. Starting from October 2007, Rainbow Rose had been proactive during the months of consultation and preparation of this political programme for the European Union. We are glad to see that our voice was heard, and that the PES, conform to its historical commitments, is fighting in 2009 for equality and diversity!

Rainbow Rose members campaigned hard in their home countries, and travelled to support other initiatives of the campaign. There main initiatives are listed below.

**Rainbow Rose campaigning with a common campaign tract all over Europe**

In the last terms, the European Parliament gave a decisive political momentum to LGBT rights progresses. Rainbow Rose believes that only a left-wing majority can further strenghten the role of the Parliament, and considered it is necessary to increase awareness among the LGBT communities in Europe.

The PES Manifesto brings to European politics clear commitments to equality. Rainbow Rose especially supports its proposals 26 and 27, to support in all EU institutions a legislation against all discriminations, and to open the way to mutual recognition of all registered civil partnerships, marriages and parenthood rights by the Member States! European Socialists are

mobilised against homophobic and transphobic hate crimes and violence, inside the European Union and in the frame of its foreign policies.

During the 2009 campaign, we used a common bilingual campaign document, in order to promote the progressive commitments of the European Socialists.

### **European election 2009: A progressive majority for LGBT fundamental rights!**

On Sunday, May 24th, the European Socialists gathered in Rome. Activists and Parliament members came from Belarus, Denmark, France, Germany, Greece, Italy, Poland, Portugal, Romania, Spain and the United Kingdom to participate to a meeting dedicated to the Rights of Lesbian, Gay, Bisexual and Transgender in Europe.

Rainbow Rose, Rosa Arcobaleno, Anna Paola Concia MP and the Italian Socialist delegation in the European Parliament organize together, with the support of the Party of European Socialist, this meeting in Italy.

- ▶ The President of the Party of European Socialists (PES), Poul Nyrup Rasmussen, together with Zita Gurmai, the President of PES-Women, released a statement to reaffirm the commitment of the Socialists to full equality for LGBT persons.

- ▶ Lire la Déclaration des Présidents du PSE en Français

Our meeting was an opportunity to spread the message about the European Socialists' commitments to equality and diversity. The Italian main news agency and some other media – mainly LGBT media - in several European countries published articles on this initiative.

- ▶ Campaign video produced by HES-France following the meeting (on YouTube)

- ▶ Video Statement of support by Pia Locatelli, President of the International Socialist Women

- ▶ ANSA press release (Italy)

- ▶ Article 1 on gaynews.it (Italy)

- ▶ Article 2 on gaynews.it (Italy)

- ▶ Article 1 on Têtu's website (France)

- ▶ Article 2 on Têtu's website (France)

- ▶ Article on E-llico's website (France)

- ▶ Press release on HES's website (Rainbow Rose member, France)

- ▶ Press release on the Danish LGBT Social-Democrats (Denmark)

- ▶ Press release of the LGBT Labour (United Kingdom)

- ▶ Article on gay.pl (Poland)

- ▶ Article on polgej.pl (Poland)

- ▶ Article on gejowo.pl (Poland)

### **Queermatters2009.eu: Rainbow Rose campaigning on the internet**

Rainbow Rose created a common website to campaign for the EU elections.

www.queermatters2009.eu is an idea of Rainbow Rose's Austrian member SoHo. HES from France and the Spanish socialist party (PSOE) gave their contribution to this project.

The website has been running since May 20th with articles in English, German, French, Spanish and German. To open queermatters2009.eu, Zita Gurmai, the President of the PES Women, sent us a video message.

On queermatters2009.eu, many news about Rainbow Rose's campaign and the Socialists' commitments, as well as the list of PES candidates who supported ILGA-Europe's pledge (ILGA-Europe is the main LGBT NGOs federation in the European Union), were available.

The German LGBT Channel TIMM published a video on queermatters2009.eu



### **3. LGBT RIGHTS IN EU INSTITUTIONS: BUILDING SUCCESSFUL COALITIONS**

#### **THE EU FUNDAMENTAL RIGHTS AGENCY PUBLISHES A NEW REPORT ON HOMOPHOBIA AND TRANSPHOBIA, AND OFFERS A BROAD SOCIAL AND LEGAL ANALYSIS**

On March 31st, 2009, the European Union Agency for Fundamental Rights published its second report on homophobia and transphobia in Europe.

This work is grounded on the analysis of data provided by NGOs and Equality Bodies, a questionnaire survey of relevant stakeholders, and public authorities in the member States, combined with existing academic literature. The Danish Institute for Human Rights carried out the research.

Once again, FRA confirms it develops a serious and reliable work. Rainbow Rose acknowledges the fact that FRA is the first EU institution to include in its publications relevant and consistent developments about the situation of transgender people.

Morten Kjaerum, FRA's director, noticed: "Many LGBT persons experience discrimination, bullying and harassment. There have been physical attacks and even deadly assaults against LGBT persons in some countries. These are alarming signals in an EU that prides itself on its principles of equal treatment and non-discrimination".

On June 30th, 2008, FRA had published its first report on discriminations on the ground of sexual orientation in Europe. This report, dedicated to legal analysis, gives a very precise overview of the state of LGBT rights all over the European Union.

Morten Kjaerum said "the fact that Lesbians, Gays, Bisexuals and Transsexuals are not treated equally in some aspects of EU legislation, particularly concerning same sex couples should be a cause of concern for us all. More comprehensive legal protection, as well as wider powers and resources for equality bodies are required, and I urge that the new measures on non-discrimination discussed by the EU will ensure this."

#### **RAINBOW ROSE SENDS ITS CONTRIBUTION TO THE 2010 WORK PROGRAMME OF FRA, THE AGENCY FOR FUNDAMENTAL RIGHTS OF THE EUROPEAN UNION**

On February 10th, Rainbow Rose sent to the Fundamental Rights Agency of the European Union (FRA) its contribution to the consultation on its 2010 Work Programme.

Rainbow Rose is a member of the newly created Fundamental Rights Platform, that was created by FRA in the Summer 2008.

#### **THE FUNDAMENTAL RIGHTS PLATFORM**

This summer, FRA, the European Union Agency for Fundamental Rights invited non-governmental organisations and other institutions of civil society, active in the field of fundamental rights at national, European or international level, to participate in the Fundamental Rights Platform.

The statutes of FRA provided for the creation of such a Platform, as a network for cooperation and information exchange. It will act as the main channel for FRA's cooperation with civil

society and intends to ensure close cooperation between the Agency and relevant stakeholders.

At the same time, FRA launched a consultation on its Annual Report 2008 and its Work Programme 2009. As the Annual Reports is the last one established conform to the missions of the later European Monitoring Centre on Racism and Xenophobia (EUMC), it does not mention discriminations on the ground of sexual orientation or gender identity. On the contrary, LGBT rights will be relevant in the Work Programme 2009.

Rainbow Rose thus sent FRA an application to participate to the Fundamental Rights Platform, and a contribution to the consultation on the 2009 Work Programme.

#### **PREVIOUS PUBLICATIONS OF FRA ON LGBT RIGHTS**

On Monday, June 30th, the director of the European Union's Fundamental Rights Agency (FRA), Morten Kjaerum, announced the publication of a report on discriminations on the ground of sexual orientation in Europe. This report gives a very precise overview of the state of LGBT rights all over the European Union.

Morten Kjaerum said *"the fact that Lesbians, Gays, Bisexuals and Transsexuals are not treated equally in some aspects of EU legislation, particularly concerning same sex couples should be a cause of concern for us all. More comprehensive legal protection, as well as wider powers and resources for equality bodies are required, and I urge that the new measures on non-discrimination discussed by the EU will ensure this."*

#### **14 JANUARY 2009: LGBT RIGHTS STRONGLY MENTIONNED IN MEP GIUSTO CATANIA'S REPORT ON FUNDAMENTAL RIGHTS IN THE EU, VOTED BY THE EUROPEAN PARLIAMENT**

On Wednesday, January 14th, the European Parliament adopted Giusto Catania's report on the situation of fundamental rights in the European Union by a decisive majority of 401 votes. 220 MEPs voted against the report, and 67 abstained.

This report includes various recommendations to EU institutions and the member States. Eight of these recommendations are aimed at improving gay and lesbian rights to make them match all EU citizens' rights. You can read the complete text of these recommendations at the end of this article.

The Parliament asks all authorities to fight discrimination, hate speeches and violence; it welcomes the publication of the 2008 Fundamental Rights Agency report "on homophobia and discrimination on grounds of sexual orientation", that also includes a chapter on the discriminations on grounds of gender identity; it asks member States and the European Commission to work urgently on the mutual recognition of existing same-sex civil partnerships and marriages, and urges them to prevent all discrimination against couples on the ground of their sexual orientation. The European Parliament also calls on all relevant authorities to grant asylum to persons fleeing persecutions in their country of origin.

#### **A Rainbow coalition majority for the Catania report!!**

Less than 5 months before the next European Parliament elections, it is important to notice how the Catania report was voted. The clear majority it achieved was formed by an alliance

all left-wing and liberal groups of the Parliament. The majority of the right-wing MEPs didn't vote the resolution. The Parliament published the detailed results of the final vote, including the position of all present MEPs.

- ▶ **177 out of 183 members of the PES Group (Party of European Socialists) voted the resolution: the Socialists are the backbone of the Catania report's majority;**
- ▶ 36 out of 37 members of the EUL Group (European United Left) voted the resolution;
- ▶ 37 out of 38 members of the Greens Group voted the resolution;
- ▶ 72 out of 82 members of the ALDE Group (Alliance of Liberals and Democrats for Europe) voted the resolution;
  
- ▶ **Only 68 out of 263 members of the EPP Group (European People's Party, conservative) voted the resolution. 142 of them voted against the Catania report, and 53 abstained. The EPP proved once again to be a major brake when it comes to Human Rights in general, and LGBT rights in particular.**

Read the European Parliament resolution of 14 January 2009 on the situation of fundamental rights in the European Union 2004-2008

**The European Parliament's recommendations on sexual orientation and fundamental rights (quotation from the resolution):**

*"71. Takes the view that discriminatory comments against homosexuals by religious, social and political leaders fuel hatred and violence, and calls on the relevant governing bodies to condemn them;*

*72. In this regard, wholeheartedly endorses the French initiative, which is supported by all the Member States, for the universal decriminalisation of homosexuality, as in 91 countries homosexuality is still a criminal offence, and in some cases even a capital offence;*

*73. Welcomes the publication of the first thematic report by the Agency, drawn up at Parliament's request, on "homophobia and discrimination on grounds of sexual orientation in the EU Member States" and asks the Member States and EU institutions to urgently follow the Agency's recommendations or state their reasons for not doing so;*

*74. Reminds all Member States that, in line with ECtHR case-law, freedom of assembly may be exercised even if the opinions of those exercising that right go against the majority, and that, accordingly, a discriminatory ban on marches and any failure to meet the requirement to give appropriate protection to those taking part breach the principles guaranteed by the ECtHR, by Article 6 of the EU Treaty on common EU values and principles, and by the Charter;*

*75. Calls on those Member States who have adopted legislation on same-sex partnerships to recognise provisions with similar effects adopted by other Member States; calls on those Member States to propose guidelines for mutual recognition of existing legislation between Member States in order to guarantee that the right of free movement within the European Union for same-sex couples applies under conditions equal to those applicable to heterosexual couples;*

*76. Urges the Commission to submit proposals ensuring that Member States apply the principle of mutual recognition for homosexual couples, whether they are married or living in*

*a registered civil partnership, in particular when they are exercising their right to free movement under EU law;*

*77. Calls on those Member States who have not yet done so, and in application of the principle of equality, to take legislative action to overcome the discrimination experienced by some couples on the grounds of their sexual orientation;*

*78. Calls on the Commission to make sure that Member States grant asylum to persons fleeing from persecution on the grounds of their sexual orientation in their country of origin, to take initiatives at the bilateral and multilateral level to stop the persecutions of persons on the basis of their sexual orientation, and to launch a study on the situation of trans-sexual people in the Member States and candidate countries, with regard inter alia to the risk of harassment and violence;"*

### **RAINBOW ROSE PRESENT AT THE ILGA-EUROPE 2008 CONFERENCE IN VIENNA (OCTOBER 29TH - NOVEMBER 2ND)**

From October 29th to November 2nd, the yearly conference of ILGA-Europe gathered in Vienna, Austria.

The executive board of the European LGBT federation was renewed, and Rainbow Rose particularly congratulates new board member Louise ASHWORTH, who was nominated by the British union of civil servants UNISON. Louise is also, as a member of the UK LGBT Labour movement, a proactive member of Rainbow Rose.

The conference gave to LGBT activists opportunities to attend numerous plenary sessions and workshops. Among the themes discussed:

- ▀ The legislative process going on about the horizontal directive on discriminations, following the proposal of the European Commission published in July 2008,
- ▀ The actions undertaken by ILGA-Europe on important matters such as the European and national asylum policies and LGBT persons, and the mutual recognition of family and couple statutes across Europe,
- ▀ Exchanges of information and practices on LGBT rights across Europe,
- ▀ Exchanges with non-European LGBT activists, as the ILGA-world conference was organized following the ILGA-Europe one, allowing many activists from other regional branches of ILGA to attend the European conference.

Rainbow Rose organized a social-democratic caucus on Saturday, November 1st, with the participation of our Austrian member organization SoHo (Sozialdemokratie und Homosexualität). SoHo, the Social-Democratic Party of Austria (SPÖ), its International Secretary and State Secretary for Civil Service Andreas Schieder, and MP Doris Bures, the Secretary General of the SPÖ, invited us to sightseeing a tour, following the caucus.

### **EUROPEAN PARLIAMENT: RAINBOW ROSE SUPPORTS A DECLARATION ON EQUAL RECOGNITION OF CIVIL PARTNERSHIPS**

On September 22nd, 2008, the members of the European Parliament Sharon BOWLES, Elspeth ATTWOOLL, Martine ROURE, Caroline LUCAS and Anders WIJLMAN published a proposal on a written declaration, to be adopted by the European Parliament.

The LGBT Intergroup in the European Parliament supports this written declaration that asks member States and the EU to make mutual recognition of same-sex partnerships a reality across Europe. If such a proposal was implemented, all States with existing same-sex partnership legislation would recognize the arrangements of other Member States that have similar provisions.

Several member States, like the United Kingdom, already implemented such provisions. Others, like France, did not, although they have a form of civil partnership open to same-sex couples.

Rainbow Rose fully supports the declaration. Our position is that all EU member States, regardless of their own legislation on the recognition of same-sex couples, should recognize the rights of same-sex couples and families that were granted a legal statute (marriage, partnership, parenthood rights...) in one member State.

Rainbow Rose considers this to be part of the notion of the freedom of movement and residence granted to all EU citizens in the Union.

**To become an official declaration of the Parliament, this declaration needs to get the support of 50% of the MEPs in the next 3 months, according to the regulation of the Parliament. The mobilisation of our representatives in the European Parliament is very important. Rainbow Rose calls all MEPs to support this text!**

**2008, RAINBOW ROSE SUPPORTS THE EUROPEAN WOMEN LOBBY 50/50 CAMPAIGN: “NO MODERN EUROPEAN DEMOCRACY WITHOUT GENDER EQUALITY”**



In 2009, Europeans will elect a new European Parliament. We will see a new European Commission led by its President, and a new president for the European Parliament. How many of the new Members of the European Parliament will be women, and will both of the top EU leaders wear a suit and tie?

Next year's scenario presents an excellent opportunity for the European Union to become more democratic. **A modern democracy requires gender equality; the equal representation of women and men in the making of decisions that affect their lives.**

Women represent more than half of the population of the EU. The current under-representation of women in decision-making at all levels in the EU institutions is a serious obstacle to the democratic legitimacy of the European Union. This inequality also undermines all attempts to promote a more inclusive and participatory democracy.

It is time for concrete action!

Establishing a just democracy in Europe must necessarily include the representation of all Europeans, both women and men.

Gender equality is a condition for modernising our political systems, so that women and men in their diversity equally share rights, responsibilities, and power. Gender equality should be at the heart of European initiatives to engage citizens in decision-making, to increase the legitimacy of the European Union, and to progress towards policies that reflect the needs and aspirations of all Europeans.

**We call for all decision-makers, individuals and organisations interested in the promotion of democracy and justice to support this Campaign at all levels and across the boundaries of countries and political parties.**

**We call for immediate and long-term measures to ensure gender equality at both European and national levels to improve the functioning and quality of our political systems.**

**We therefore call upon:**

- ▀ **All European and national political parties** to act immediately to ensure the realisation of gender equality in their nomination procedure ahead of the election of the European Parliament in June 2009 – for example through their electoral lists and in the drafting of their programmes.
- ▀ **Women and men in Europe** to seize the current opportunity to speak up and cast their vote in 2009 with a view to advancing democracy, gender equality and justice.
- ▀ **The EU Member States** to fulfil their commitments to democracy and gender equality by ensuring the equal representation of women among the top jobs at EU level to be appointed in 2009.
- ▀ **Civil society organisations and trade unions in Europe** to actively support this call within their networks by including a reference to gender equality in their manifestos for the European elections and in their contact with decision-makers.

#### **26TH OF JULY 2008: RAINBOW ROSE AT THE EUROPEAN SOCIALIST YOUTH (ECOSY) SUMMER CAMP IN CARPENTRAS, FRANCE**

From July 25th to July 31th, the European socialist youth movements and their European organization ECOSY organize their yearly Summer Camp in Carpentras, near Avignon, France.

Rainbow Rose activists will come to the Summer Camp, as they were invited. Among them, members of the Board of Rainbow Rose's French member, HES!

Joël Le Deroff, from the Rainbow Rose Committee and Gilles Bon-Maury, the President of HES, were speakers of the first workshop (Right to be queer) of the Queer Tent, on July 26th, along with Conny Paatzsch from ECOSY's Queer Network.

The workshop was an opportunity to exchange with around 25 young socialists coming from all over Europe. The specificity of the Socialist fight for equal rights was highlighted by all participants.

### **2009 EUROPEAN ELECTIONS: PES ACTIVISTS FORUM ON THE MANIFESTO, VIENNA**



From July 4th to July 6th, at least 250 PES activists have also gathered in the capital of Austria, to participate, along with many PES MEPs and leaders, to the conclusive Forum of the consultation for the 2009 European Parliament election Manifesto.

Rainbow Rose activists were present in Vienna. Among them, a delegation of Rainbow Rose's Austrian member SoHo!

We had thus the opportunity to insist on our proposals for the PES Manifesto, in preparation of the 2009 European Parliament election. In particular, we want the PES to promote the monitoring of Human LGBT Rights all over the Union and in the world, and to advocate concrete actions that are fundamental to the Union's policies and principles.

To mention a very relevant point, Rainbow Rose asks the PES to ensure the full achievement of the freedom of movement for all, without discrimination. This means applying the principle of mutual recognition to all families, union and parenthood links legally recognized in one Member State, including LGBT families. This is what the European Union can do for millions of citizens! See Rainbow Rose post on the PES consultation website

### **JULY 2008, A VICTORY: FIRST STEP TOWARDS AN INCLUSIVE DIRECTIVE AGAINST ALL DISCRIMINATIONS**

After months of hard work, the efforts of LGBT activists and NGOs, and the efforts of all anti-discrimination activists in Europe, were successful. Despite a strong conservative lobbying, the European Commission announced that it will be proposing a horizontal directive covering all the discriminations mentioned in Article 13 of the Treaty on the European Community - except gender, the Commission saying the last gender equality directive 2004/113/EC is too recent to go through a new legislative process.

This wonderful news was confirmed by President José Manuel Durão Barroso himself during a meeting with a Social Platform delegation, where ILGA-Europe was represented. The President of the Commission also called MEPs and European parties, and Rainbow Rose was

informed through the LGBT Intergroup in the European Parliament and the Party of European Socialists. The text of the directive itself will be presented on 2nd July along with the new EU Social Package.

Rainbow Rose, its national members and all European anti-discrimination activists celebrate this great achievement. At the same time, we are aware that the political battle will go on in the Council of the European Union. However, this first achievement at the Commission level allows us to enter the next phase of the legislative process on the ground of a good proposal by the Commission.

Rainbow Rose will also pay attention to the discriminations on the ground of gender, who, even if the Commission proposal was voted, would still be left without protection in the fields of health, education, media and social advantages.

### **2008, A MAN LOSES HIS FRENCH CITIZENSHIP AFTER MARRYING A DUTCH: FRANCE AND ALL MEMBER STATES MUST RECOGNIZE MARRIAGES AND PARTNERSHIPS VALID IN THE STATE OF RESIDENCE!**

After marrying in the Netherlands with his Dutch partner, Frédéric Minvielle, from France, lost his French citizenship. According to international and French law, French citizens marrying with foreigners can get their husband's or wife's citizenship AND keep their French citizenship.

The Second Protocol amending the Strasbourg Convention on the Reduction of Cases of Multiple Nationality and on Military Obligations in Cases of Multiple Nationality was signed in 1993, and allows the States that ratified it to provide such an option to their nationals. In France, article 23 of the Civil Code says that in case of a bi-national marriage, the loss of the French citizenship happens only if the French citizen involved asks for it expressly.

But to this day, in the case of Mr Minvielle, and all same-sex marriages, this does not apply, because the French government does not recognize a valid marriage as such, even if in the Netherlands same-sex marriages are legal. From 1999, France recognizes same-sex partnership, but the French government and Parliament, ruled by the right-wing party (UMP) of Presidents Jacques Chirac and Nicolas Sarkozy, refuse to open marriage to same-sex couples. The French left-wing and 2007 presidential candidate Ségolène Royal included same-sex marriages and adoption in its Manifesto. In 2006, a government statement confirmed that France does not recognize juridical effects to legal same-sex marriages made in other countries.

Rainbow Rose and HES acknowledge the denunciation by the French government of Chapter I of the Strasbourg Convention that will legally take effect in 2009 and at last will limit the possibility that a similar situation happens again. But it will not improve the situation of partnership same-sex couples or other LGBT families who face big problems in many fields of their lives.

Rainbow Rose and HES urge the European governments and the European Union to propose new regulations in order to give its full dimension to the principle of free movement, one of the fundamental principles of European law. All couple and family situations that are legally recognized in the residence member State (partnership, marriage, adoption...) must be acknowledged by all the other member States.



## **2007-2008: RAINBOW ROSE FOR A NEW COMPREHENSIVE EUROPEAN DIRECTIVE AGAINST ALL DISCRIMINATIONS**

Rainbow Rose and all its member organisations are deeply concerned with the evolutions to come of the European directives against discrimination, voted by the Council on the ground of Article 13 of the Treaty on the European Community.

- Presently, directive 2000/78 offers a protection, in the fields of work, employment and formation, against discriminations on the grounds of religion or belief, disability, age or sexual orientation.
- Directive 2000/43 offers a protection against discriminations on the grounds of racial or ethnic origin, and covers more fields: social protection and social advantages, education, access to supply of goods and services which are available to the public, including housing...

Commissioner Vladimir Spidla and the DG Employment of the European Commission are preparing a proposal for a new directive against discrimination. From 2004, the Commission has promised several times that the proposal would offer the same level of protection for all grounds of discrimination: age, disability, religion and sexual orientation. Vladimir Spidla and the Commission had some opportunities to explain their projects to LGBT NGOs in several opportunities, as the yearly ILGA-Europe conference on October 2007.

Unfortunately, there is a strong pressure on the Commission, coming from some conservative governments and lobbies, against such a comprehensive directive. Conservative governments and lobbies are clearly against the inclusion of sexual orientation in this new legislation.

We strongly believe that the European socialists should be committed, as they have always been in the past, to promote equality for all and fight against all types of discrimination.

## **APRIL 2007: THE EUROPEAN PARLIAMENT AGAINST HOMOPHOBIA**

The European Parliament reacted many times, in the last years, to the context of still or even increasing homophobia and transphobia in some parts of Europe.

On April 26, 2007, it voted again a resolution on homophobia in Europe. The Parliament called for a special monitoring of the situation in Poland, since the Polish government of President and Prime Minister Lech and Jaroslaw Kaczynski and their projects put in danger LGBT people. The Parliament also reminded cases of hate murders and violence in many other countries in Europe.

The resolution was adopted by 325 votes, against 124. The Socialist Group provided the resolution with the major number of positive votes: 166 PES MEPs voted in favour (out of 169 that were present). In contrast, a huge majority of the present MEPs belonging to the right-wing EPP Group voted against the resolution.

## 4. RAINBOW ROSE ACTION IN MEMBER STATES

### **NOVEMBER 2009: AUSTRIA' COUNCIL OF MINISTERS APPROVES REGISTERED PARTNERSHIP LAW**

Today, Austria's Council of Ministers approved a registered partnership law ("Gesamtpaket Eingetragene Partnerschaften und Materiengesetze") that has been worked on for months by interior minister Maria Fekter, justice minister Claudia Bandion-Ortner (both ÖVP) and women's minister Gabriele Heinisch-Hosek (SPÖ), along with all other ministries. The partnership law, which still has to pass Austria's Parliament, can be viewed as a compromise between two governing parties of almost equal political strength with different views on the matter.

Though same-sex partnerships can be registered from January 1st, 2010, the most striking drawbacks of the partnership law are the denial of access to adoption and reproductive medicine as well as the blockage of registering the partnerships at the civil registry office, all requests by the conservative ÖVP (Austrian People's Party). SPÖ and ÖVP still negotiated on the matter of the civil registry office on Monday evening but according to a spokeswoman of Heinisch-Hosek, SPÖ didn't want to block the law as equalisation in a variety of fields through accompanying laws were reached. Those accompanying laws bring total equality between marriages and registered partnerships in the fields of social, fiscal and inheritance legislation and the law relating to aliens, among other vital points. Still, chancellor Werner Faymann (SPÖ) and SPÖ-lead negotiator Heinisch-Hosek were unhappy about the blockage of registering the partnerships at the civil registry office and hoped for improvement in the future.

The partnership law will be discussed on the judiciary committee of Austria's National Council later in November and is planned on being voted on in Parliament in early December. The law should come into effect January 1st, 2010. Some LGBT-NGO's within Austria criticised the partnership law but others welcomed the law as a long awaited first step towards equality. President of Austria's Rainbow Rose member Sozialdemokratie und Homosexualität (SoHo), Peter Traschkowitsch, called the partnership law a first and important step towards equality of gays and lesbians and assured, that SPÖ and SoHo will continue to fight for the ultimate goal: opening marriage for same-sex couples including the right to adoption and assistance through reproductive medicine.

### **OCTOBER 2009: NEW GERMAN "BLACK-YELLOW COALITION" : WHEN THE RIGHT WINS, RIGHTS VANISH**

On Monday, 26 October, the German Christian-Democrats of Angela Merkel and the Liberals of Guido Westerwelle signed their coalition agreement, following their electoral victory in the last general election.

This document goes against the project of new European directive against discriminations, which is described as inadapted. This happens despite the fact that the directive achieved, on 2 April 2009, the support of a clear majority of the European Parliament.

The new German government is thus endangering a text which is the result of years of consultations between the Commission, the European civil society and the MEPs, and intends to put an end to the current hierarchichal approach to discriminations.

In contrast, all the PES member parties, including the German SPD, had signed in December 2008 the PES Manifesto, in which Proposal 26 reads as follow : *We are committed to ensuring that EU legislation respects citizens' rights as enshrined in the European Convention on Human Rights and in the Charter of Fundamental Rights of the European Union. We will strengthen anti-discrimination legislation to ensure equal treatment on grounds of gender, race, disability, age, sexual orientation and religion or belief.*

### **OCTOBER 2009, LANDSLIDE VICTORY FOR THE GREEK SOCIALISTS : ANOTHER STEP TOWARDS EQUALITY**

On 4 October 2009, the Greek Socialist Party PASOK achieved a landslide victory at the general election, winning a majority of the 300 seats of the Parliament.

Rainbow Rose congratulates the PASOK and George Papandreou, the new Prime Minister. We are aware that their programme will bring significant legislative changes in Greece, including the first recognition of same-sex couples under Greek law.

According to the documents sent, during the campaign, to the LGBT umbrella organisation OLKE:

1. Before the elections PASOK introduced in the Parliament a Civil Partnership law that will apply both to heterosexual and homosexual couples. This law was not accepted by the previous conservative government. Hence, one of PASOK's commitments is to enact this Civil Partnership proposal into law.
2. PASOK supports the introduction of measures against any kind of discrimination based on sexual orientation in the public sector and health care.
3. PASOK supports the widening of the Greek anti-racist law of 1979 to include hate speech against LGBT.
4. PASOK is committed to work with the Unions to make sure that there is no discrimination based on sexual orientation in the work place.

### **2009, IRELAND: TOWARDS A CIVIL PARTNERSHIP... AND HOW TO MAKE IT BETTER !**

*An article par Terry Connolly, from the Irish Labour LGBT, a member of the Rainbow Rose Committee*

#### **Report on the Irish Civil Partnership Bill 2009**

A vote will probably be taken in the Autumn in Parliament, the bill is expected to pass. This bill is intended to allow same-sex couples to register their civil partnership for the first time and will also recognise a number of other rights and obligations previously denied to them. Unmarried opposite-sex couples will be allowed to register, as will those in non-sexual relations such as cohabiting companions. Once a civil partnership is registered, **the couple will be dealt with in the same way as a married couple by the Revenue Commissioners.**

Also it gives legal recognition to agreements enabling cohabitants to regulate their joint financial and property affairs. A range of rights and duties including maintenance obligations, protection of a shared home, pension rights and succession are all covered under the Bill.

However, **same-sex couples will not be able to adopt**, indeed the government have backed out of putting in place legislation that will protect children in existing same-sex relationships. In other words should a same-sex parent die their partner will not have a right to automatic custody of the child in that relationship. Amnesty International have said the bill will create a children's rights issue as it does not provide any measures to advance the rights and security of children living with gay parents.

*Ireland's LGBT community is split on this issue. There are many who would accept this bill as some rights are better than no rights. However there is a growing movement, perhaps the majority of LGBT citizens, who would rather see this bill defeated in favour of equal marriage with full rights. This is because many justifiably fear that this legislation will enshrine our second class citizenship in law for the next 25 years plus. The fact that same-sex relationships are being given equal status to cohabitants (two friends sharing a home, or a brother and sister living together) means they have not grasped the concept that same-sex love is equal to opposite-sex love and that it's all just about property and tax rights. Incidentally, since tax will have to be dealt with in another bill they may just nullify any concessions to equality that they make in this bill.*

### **The Constitution:**

The claim that full marriage cannot be legislated for come from the following two articles in the Irish constitution :

**Article 41.1.1** The State recognises the Family as the natural primary and fundamental unit group of Society, and as a moral institution possessing inalienable and imprescriptible rights, antecedent and superior to all positive law.

**Article 41.3.1** The State pledges itself to guard with special care the institution of Marriage, on which the Family is founded, and to protect it against attack.

*The argument being that same sex marriage would be an attack on the institution of marriage (remember that our constitution was sent to the Vatican for approval when the Republic was founded). It is unlikely that same-sex marriage (in name only) could be brought into Irish law, however the Norris bill of 2004 as well as the Labour bills of 2006 and 2007 proposed civil union, which would be equal to marriage in all but name. A referendum is required if same sex marriage is to be introduced.*

### **Labour's Position:**

▶ THE LABOUR POSITION IS TO GO AHEAD WITH CIVIL UNION LEGISLATION AND TO HOLD A REFERENDUM AT THE EARLIEST POSSIBLE DATE (IE. WHEN IT CAN BE SHOWN A MAJORITY OF THE IRISH PUBLIC WOULD SUPPORT SAME SEX MARRIAGE). THIS DATE MAY NOT BE FAR OFF AS RECENT SURVEYS HAVE SHOWN THAT 84% BELIEVE THAT CHILDREN RAISED BY SAME-SEX PARENTS DESERVE THE SAME RIGHTS AND PROTECTIONS AS CHILDREN BEING RAISED BY OPPOSITE-SEX COUPLES, WHILE 55% WOULD BE SUPPORTIVE OF SAME-SEX MARRIAGE. IT APPEARS THAT OUR CITIZENS ARE MORE PROGRESSIVE THAT THE GOVERNMENT THEY HAVE ELECTED TO REPRESENT THEM.

▶ ON THE GOVERNMENT'S 2009 BILL, IN A STATEMENT BY BRENDAN HOWLIN TD (MP), LABOUR SPOKESPERSON ON CONSTITUTIONAL MATTERS AND LAW REFORM HAS SAID "*THE CIVIL PARTNERSHIP BILL PUBLISHED TODAY WHILE PROVIDING A WELCOME ADVANCE FOR THE*

*MANY THOUSANDS OF LOVING SAME-SEX COUPLES WHO WANT TO HAVE THEIR RELATIONSHIP RECOGNISED BY THE STATE TO WHICH THEY PAY TAXES, CERTAINLY FALLS SHORT IN TERMS OF THIS COMMITMENT TO EQUALITY.*

*THE ADVANCING OF THE SOCIAL AGENDA HAS ALWAYS BEEN A SLOW AND DIFFICULT ONE FOR OUR COUNTRY. LABOUR IS COMMITTED TO THE ACHIEVEMENT OF TRUE EQUALITY AND OUR OWN CIVIL UNION BILL, WHICH WAS TWICE DEFEATED BY FIANNA FAIL (the ruling party), AND THEIR PARTNERS IN GOVERNMENT, GOES MUCH FURTHER TO ACHIEVING THIS IMPORTANT OBJECTIVE THAN TODAY'S BILL".*

► SIMPLY PUT, WE ARE SUPPORTIVE OF LEGISLATION THAT WILL GIVE IMMEDIATE PROTECTION TO COUPLES HOWEVER THIS 2009 BILL IS A CASE OF ONE STEP FORWARD, TWO STEPS BACK. IT WILL ENSHRINE INEQUALITY BETWEEN SAME-SEX AND OPPOSITE-SEX COUPLES BY STATING THAT OPPOSITE-SEX COUPLES WILL BE PROTECTED BY THE CONSTITUTION BUT SAME-SEX COUPLES, BY HAVING A RELATIONSHIP LESSER THAN MARRIAGE, WILL NOT.

### **2007-2009, SOCIALISTS OPEN THE WAY TO SAME-SEX COUPLES RECOGNITION IN HUNGARY**

On Monday, April 20th, the Hungarian Parliament voted a law that creates a new civil partnership open to same-sex couples. This is a big step for lesbian and gay rights, due to the commitment of the Hungarian Socialists of Prime Minister Ferenc Gyurcsany. The right-wing opposition party, that is a member of the European People's Party (EPP), opposed same-sex couples recognition.

The Hungarian government has opened the debate in 2007, proposing a bill on civil partnerships open to both same-sex and heterosexual couples. This first law had been ruled out by the Constitutional Court just before it was implemented, in late 2008. The Court considered that the Hungarian Constitution, that protects marriage, did not allow for another statute to be created for heterosexual couples.

On February 16th, 2009, the Hungarian Socialists thus decided to propose a new bill on civil partnerships, designed only for same-sex couples. As in the first proposal, the couples will get many of the rights of a civil marriage, with some important exceptions: the right to use the partner's surname, the right to adopt, or the access to assisted procreation. Another provision of the new law is the recognition of *de facto* couples that do not wish to marry or to get a partnership, regardless of their sexual orientation.

Rainbow Rose supports the new Hungarian law as a big step for LGBT rights. Once more, the European left is committed to Rights progresses, whereas the right-wing parties vote against progressive reforms. Rainbow Rose also considers, together with Hungarian LGBT associations, that this law should now lead to new progresses in the near future, to achieve complete equality for LGBT citizens.

### **2009: SWEDEN: GAY MARRIAGE AFTER DECADES OF STRUGGLE!**

*By Martin Engman, Swedish LGBT Social Democrats*

On April 1st, 2009, the Swedish Parliament voted in favour of a gender neutral marriage law.

The new law enters into force 1 May 2009. From then on gender will no longer have an impact on the possibility of getting married. The Registered Partnership Act from 1994 will be repealed from the same date.

Couples who are already registered partners can continue to be so if they wish. Those who want to get married can turn their registered partnership into a marriage by submitting a simple application or by getting wed in a ceremony.

Registered partnership granting same-sex couples legal status close to that of married couples was introduced 1995. Since 2003 the registered partnership and marriage give exactly the same rights, benefits and duties.

Six of Parliament's seven parties are in favour of an equal marriage. The voting result was 261 Yes, 22 No and 16 Abstentions (50 were absent). All Social Democratic Members of Parliament present voted Yes.

The four-party centre-right government has been split on the issue. The junior partner Christian Democrats has been opposed to most gay rights that have been introduced in Sweden over the last two decades.

The Church of Sweden (lutheran), which counts 74 percent of Swedes as members, has offered same-sex couples a religious blessing of their union since 2007. The Church of Sweden has said it supports the new law. The Church's Congress will decide in October whether or not to perform same-sex marriages. Even if it decides to allow gay weddings, individual pastors could still refuse to perform such a service, although the Church would be legally obliged to provide a minister to supervise the ceremony.

The Swedish LGBT Social Democrats believes this option of opting out will give authorities a legal right to discriminate. LGBT Social Democrats has instead suggested that all religious communities' right to perform marriage ceremonies be withdrawn.

### **2009, DENMARK: A CENTER-LEFT PARLIAMENTARY MAJORITY OPENS ADOPTION FOR SAME-SEX COUPLES**

On Tuesday, March 17th, the Folketing, the Danish Parliament, decided of a new step in the direction of equal rights for same-sex and different-sex couples in Denmark. In 1989, this country had been the first in Europe to create a civil partnership open to same-sex couples, and was in following years an example for progresses in LGBT rights in Europe.

The initiative of the new bill came from Simon Emil Ammitzbøll, an independent MP who was once a member of the leadership of the center-left social-liberal party (Radikale Venstre). His fight for the rights of LGBT persons was recognized by Danish LGBT NGOs in the last years: the LBL federation awarded him "Politician of the year" in 2006.

The positive vote of March 17th was the result of unanimity among the MPs of the left-wing coalition led by the Social-Democratic Party of Mrs. Helle Thorning-Schmidt, a member of the Party of the European Socialists (PES).

Denmark is presently ruled by a right-wing government, led by the liberal Prime Minister Anders Fogh Rasmussen. During the vote, six MPs from his party (out of 46) joined the left-wing coalition, allowing the bill to pass.

**Mogens Jensen, a Social-Democratic MP and a member of the Rainbow Rose Committee**, said it was a great progress for gay and lesbians in Denmark, and one of the last step on the way to total equality. One of the remaining fights will be to put an end to the fact that the civil law today forbids the celebration of religious marriages.

## **2008 : POLAND AND GAY HISTORY**

Gays in Kraków, Poland, were hoping to stage a “March of Rainbow Tradition” in this historic city. The idea of the march was to remember the birthday on October 31 of King Władysław III, widely regarded as the first gay king of Poland – and to place a symbolic flower on his ‘grave’ at Wavel ‘Royal Hill’, close by the city centre.

But their plans, initially approved by the city authorities, have been shelved, thanks, it appears, to the Polish President Lech Kaczynski. October 31 was also the date that the Kraków had set aside for the 90th anniversary of the ‘independence’ of the city, and the city authorities suggested a minor change in the route of the march.

“We readily agreed to this,” march spokesperson and Polish ‘ambassador’ of International Les Gay Cultural Network Lukasz Palucki, also a member of Rainbow Rose’s Committee, said. “Florińska Gate is also very representative place in Kraków – and we didn’t want to disturb the city’s event.”

Then at the beginning of the week, President Kaczynski decided he would attend the Kraków 90th anniversary celebrations, which was then elevated from being a local ‘low-key’ affair to a full national event, complete with special regulations and security clampdowns.

Even worst, some extreme right activists provoked campaigns against the LGBT initiative in Krakow.

### **King Władysław III: a piece of Polish History**

King Władysław III was born in Kraków in 1424 and became King at the age of nine. He was crowned in Wavel Cathedral on July 25, 1434. Never marrying (contemporary 15th century Polish historians regarded him as homosexual), King Władysław (probably) died on the battlefield at Varna, in today’s Bulgaria, on November 10, 1444 – ten days after his 20th birthday.

Poland had had four gay monarchs. It is one of the very few countries in the world where homosexuality was never a crime. In fact, medieval Polish has a word for today’s ‘gay’: mężołość.

### **Celebrate a Gay King**

At the end, the LGBT activist decided to go to cathedral (grave of the King) as tourists. Six of them, including activists from Association of Youth Socialdemocracy (SMS) came with flowers.

Despite the presence of security men of the Cathedral, prohibiting them to put flowers on the grave, they remained quiet for a minute in front of the grave. It was their way to commemorate the King !

## **2008, AUSTRIA: UPCOMING ELECTION TURNING POINT FOR GAYS AND LESBIANS**

On September 28th most Austrians will go into a voting booth to decide which party they trust the most, who they think might be able to lead Austria into the direction it should go. Others might give their vote to one party out of pure frustration with another party, most likely one of the two biggest parties in Austria, who until recently governed in coalition: conservative ÖVP and social democratic SPÖ.

For the first time in Austrian history since 1945, ten parties are running nationwide. Some Austrians might find it hard to decide as almost all parties present solutions to the focus of pre-election discussion: inflation. But for about 10 percent of the population there is one other big factor to consider: Who will allow gays and lesbians to finally register their partnership?

Austria's gays and lesbians have waited too long to be able to walk into a registry office to register their relationships based on love and trust. Several parties oppose registered partnerships for same-sex couples (mainly FPÖ and BZÖ from the extreme right). Others like SPÖ, the Greens, communists KPÖ or liberal LIF support varieties of registered partnerships or want to open civil marriage to everybody.

During the failed coalition government between SPÖ and ÖVP the social democrats, especially minister of justice Maria Berger (former MEP), tried to work on a law for a registered partnership, but the coalition partner ÖVP sabotaged every progress and prolonged a process that could have been concluded months ago. And before the law was finally to be discussed in the council of ministers the ÖVP proclaimed re-election.

**Therefore the upcoming election is a turning point for gays and lesbians. Will there be a new government in favour of registered partnership?**

Rainbow Rose and its Austrian member SoHo support the SPÖ and Werner Faymann's campaign, as Gay and Lesbian Rights need a social-democratic led government after the general election of September 28th!

SPÖ supports the immediate vote of a registered civil partnership with rights and responsibilities similar to married couples, except parenthood. In the long run, SPÖ also advocates a broader reform of family laws, including the opening of marriage to gay and lesbian couples with equal rights, including adoption.

## **2008, BULGARIA:**

**On 28 June the very first Pride parade in Bulgarian history is scheduled to take place in Sofia.** Rainbow Rose warmly supports this event which is very important for Bulgarian LGBT citizens. The European Parliament's Intergroup on Gay and Lesbian Rights also brought its support to the event: "I congratulate and send my support and solidarity for Bulgaria's first gay Pride", said Michael Cashman, its President. "The rights to peaceful assembly are basic human rights and must be respected by every country."

**Rainbow Rose denounces the aggression of the Pride Walk by extreme right activists and organizations,** among which The National Bulgarian Union and its leader Boyan Rasate, who was arrested during the March, after the attack.



**On Thursday, November 22nd 2007, members of Rainbow Rose were present in Sofia** for the Council of the Party of European Socialists (PES). They met with Aksinia GENCHEVA, the executive director of the Bulgarian gay and lesbian organization Gemini, which organized the ILGA-Europe conference in 2006. Aksinia GENCHEVA made a complete presentation of the situation of LGBT persons in Bulgaria.

▀ Bulgaria has a national Law against discrimination, which transposes completely the European directives 2000/78 and 2000/43. Following the antidiscrimination national Law, the Bulgarian government has settled a Commission for protection against discrimination. In case of discrimination, including discrimination on the ground of sexual orientation, it is possible to refer to this Commission, as an alternative to courts. If there are evidences of the discrimination, the Commission can impose a fine, but the maximal level of the fine is low (around 1000 €). In more than 2 years, only 3 cases of discrimination grounded on sexual orientation have been raised, which only shows the ignorance of the mainstream society on the existence of this body and also the lack of initiative on behalf of the Commission to combat discrimination. However, the Commission demonstrated evidences of the discrimination. After the Commission has issued a resolution, the plaintiff can raise a Court case. It appears that most of the Bulgarian citizens are not aware of the work of the Commission, whereas discrimination in employment and work areas are still at a very high level. *Government campaigns could be of some use.*

▀ There is no law on hate crimes in Bulgaria. *Such law would be needed to improve protection of LGBT citizens.*

▀ There is no law on civil partnership in Bulgaria, and the Constitution explicitly defines marriage as the union of a man and a woman. Studies showed that around a quarter of Bulgarian couples are non-married. *That's why Gemini and other associations propose to create a civil partnerships law, which could benefit gay and lesbian couples as well as non-married heterosexual couples.*

▀ On the education field, no mention of LGBT persons exists, and the subject is mainly taboo. One school book even defines the “normal Bulgarian” as a white, christian orthodox, married, educated person, in contradiction to several minorities’ profile in the country.

#### **FRANCE, PREPARING THE CONGRESS OF THE PARTI SOCIALISTE (PS) IN NOVEMBER 2008: THE CONTRIBUTION OF HOMOSEXUALITÉS ET SOCIALISME (HES)**

The next Congress of the French *Parti socialiste* will be organized in November 2008, in the city of Reims.

The first step of the Congress preparation is the submission of written general contributions by socialist officials, and thematic contributions by the members of the Party who wish to do so.

As *Homosexualités et Socialisme*, the French member of Rainbow Rose, does before all the PS Congresses, it proposed a contribution and started collecting supports for its proposals. A lot of socialist leaders already signed our text.

## **2008, LITHUANIA**

On June 2008 the Parliament of Lithuania (Seimas) voted to delete "sexual orientation" as one of the grounds of forbidden discrimination in the Law on Equal Treatment. The proposal made by the right-wing MP Egidijus Klumbys was approved, by which the concept of discriminations "on the basis of age, sexual orientation, social status, disability, race or ethnicity, religion, beliefs or faith" was replaced by the concept from the Constitution worded as "on the basis of sex, race, nationality, language, origin, social status, religion, convictions, or opinions". "I must warn Lithuania, that sanctions will follow, if the effective redress stipulated in Directive 2000/78/EC is not guaranteed", said **Michael Cashman**.

**However, on June 17th, the Parliament approved the law on equal opportunities, including the mention of sexual orientation, age, disability and religion that were at threat.**

On October 25 and 26, 2007, during the yearly ILGA-Europe conference in Vilnius, members of Rainbow Rose had the opportunity to meet with Lithuanian social-democrats from the LSDP, as well as with activists of the Lithuanian Gay League (LGL), co-organisers of the conference. **Michael Cashman MEP**, a member of the Party of European Socialists (PES) and the president of the European Parliament Intergroup on lesbian and gay rights, participated to these meetings.

The majority of Lithuanian politicians seem to be prejudiced against LGBT rights and activism. The Vilnius local authority refused that a peaceful manifestation could be organised by ILGA activists to display a rainbow flag in the city. The mayor of Vilnius, Juozas Imbrasas, a member of the liberal democratic party, was already known for refusing to allow the truck of the European anti-discrimination campaign to enter the city in May 2007.

The social-democratic party LSDP, which is a member of the Party of European Socialists, does not have a clear position on LGBT matters, the subject being a real taboo in national politics. However, we could meet members of its Secretariat and of its parliamentary group, while LSDP MP Ausrine Marija Pavilioniene came to express her support to the ILGA conference and to LGBT rights. The party expressed the will to maintain contacts with the Rainbow Rose network.

## **ATHENS PRIDE 2008: SUPPORT TO SAME-SEX MARRIAGE!**

Saturday, June 7th 2008, was the day of many Lesbian, Gay and Transgender Pride Walks in Europe: Rome, Warsaw, Athens... In Greece, OST/PASOK, Rainbow Rose's Greek member, participated in the walk.

OST/PASOK organized a stand and distributed information and flyers to the participants. OST/PASOK presented its proposals:

- ▀ Support to the civil partnership bill proposed by the PASOK, the Greek socialist party. PASOK is currently in opposition. The proposed bill would open civil partnership to same-sex couples. The ruling government recently proposed a civil partnership only for heterosexual couples.

- ▶ OST/PASOK wants to open the debate on marriage for same-sex couples.
- ▶ OST/PASOK supports new regulations to end up with all discriminations against LGBT people: in courts, in the army, in the education system... New regulations should protect LGBT people from all forms of harassment.
- ▶ OST/PASOK advocates the inclusion of serious and non-discriminatory sexual education in school programmes.

Rainbow Rose's Committee member Joël Le Deroff was among the speakers of Athens's Pride 2008. He expressed Rainbow Rose's support to the two same-sex marriages operated by the Socialist mayor of the island of Tilos, on June 3rd; he also said national governments should support a new horizontal EU legislation against discriminations, including sexual orientation.

### **LONDON 2008: EUROPEAN GAYS AND LESBIANS VOTE FOR KEN LIVINGSTONE !**

Rainbow Rose is endorsing Ken Livingstone as Mayor for London in next week's election and is urging EU nationals to vote for him. The speaker for Rainbow Rose said:

“Ken Livingstone is famous for having been a life-long supporter of LGBT rights. From his early days at the GLC he has helped to make London one of the most gay-friendly cities in the world and he is probably as gay-friendly as any straight man can get.

“The advance of gay rights in London has been a beacon of hope for many gays and lesbians in less-enlightened countries across Europe.

“We would like to urge anyone from the EU countries entitled to vote and who believes in improving the rights of lesbian, gay and transgendered people.

“And to Londoners we would like to say we hope that Ken Livingstone will continue to be the Mayor for London after May 1st. You are very fortunate to have such a great champion for equality.”

### **MARCH 2008: SPAIN**

Rainbow Rose is happy to congratulate Spain's socialist party, the PSOE, and President Zapatero, for their great victory in the general election of March 9th, 2008. After a first term in office and strong achievements in the field of LGBT equality, the PSOE increased its share of the vote.

The Spanish right-wing, who wanted to put an end to same-sex marriages and adoption by LGBT persons, was defeated for the second time in 4 years.

Since March 2004 general election, the PSOE has been in office, and the Government of José Luis Zapatero and its majority in Parliament have voted major laws related to LGBT matters. Spain is now considered as one of the most advanced countries in the world for equality and fundamental rights of LGBT persons.

In 2005, a law opened the access to marriage for same-sex partners. This comprehensive law included the equal access to all rights linked to parenthood, including adoption.

In 2006, another law organised the modification of the identity of transgender persons in the civil registers. Thanks to this law, the modification is now automatic, and the juridical insecurity decreased significantly.

In Spain, the Rainbow Rose member is the LGBT group of the Socialist Party, the PSOE. You can find here a link to its webpages.

The PSOE's LGBT group has developed a close working relation with the biggest Spanish LGBT federation, the FELGTB.

## **2008, SLOVENIA :**

From Tuesday, March 4th, to Thursday, March 6th 2008, members of Rainbow Rose were present in Ljubljana, Slovenia. Their presence at the *conference on LGBT families in Europe*, organized by ILGA-Europe, gave us the opportunity to meet with Slovenian LGBT NGOs such as Legebitra, the other organizer of the conference. We could also create a contact with the Slovenian Social-Democratic party (SD)

The following information gives an idea of the current situation of LGBT persons in Slovenia.

### **- The Slovenian civil partnership**

The Slovenian Parliament voted in 2005 a law creating a civil partnership open to same-sex couples as well as opposite-sex couples. This vote was considered a very small improvement to the situation of LGBT persons, although it proves these matters are no longer a taboo in Slovenia – the first of the EU new member States to have such a law voted. It brings however little rights and is very far from the legal definition of marriage. In particular, no recognition is given to LGBT parenthood.

### **- General prospects**

The vote of the 2005 law was negative to some extent, since many citizens and politicians now believe that they have already settled all questions regarding LGBT rights. At the same time, there is clearly a space for a new debate and for legal and social progress, even if a significant move on adoption topics is unlikely to happen within the next months.

### **- Social-Democrats and LGBT equality policies**

#### *Background*

Before the last general election in 2004, the ruling center-left coalition had started to negotiate on the civil partnership law to-be-voted. At the time, SD was the junior partner of this coalition, lead by a liberal party (LDS). Both SD and LDS supported a partnership including most of marriage provisions, except the right to adopt children. However, the negotiation failed due to another junior coalition partner of Christian-social ideology.

In the Fall of 2004, the center-left was defeated in the general election, and a right-wing coalition was elected. The fact that civil partnership was widely debated prevented the new

government to cancel completely the proposed bill, despite some very homophobic statements, but the law voted in 2005 was clearly unsatisfactory.

### *Prospects*

The next general election will be held in the Fall of 2008. After winning recently the presidential election, SD is considered to have a good chance to become for the first time Slovenia's first party and a senior partner in a new center-left coalition.

SD is more LGBT-friendly than the other political parties. The debate on SD's electoral programme is currently going on through reflection groups widely open to the civil society.

The Social-Democratic Youth Forum members are open, and promoted from 2005 campaigns against discriminations, giving a special relevance to the fight against discriminations undergone by lesbian and gay persons. This was also meant as a reaction against homophobic statements from right-wing politicians.

### **2005-2007: POLAND**

On October 21st, 2007, the general election in Poland gave the victory to new Prime minister Donald Tusk's Civic Platform (PO). PO is a right-wing party, and will govern in coalition with another little party (PSL), which is also a member of the European Popular Party (PPE).

Although the collapse of the Kaczynski government, in office from 2005, is a good news, it must be reminded that PO, if it is not a catholic fundamentalist party, is still a strongly conservative movement. The organisation of the Poznan equality march on November 17th gave an example of this, since the Poznan authority council tried to oppose the March starting in central Adam Mickiewicz square.

Left wing personalities member of the LiD (Left and democrats) coalition were the only one to support the March. Rainbow Rose members and the Party of European Socialists (PES) activists were presents during the March.

### **2005-2007 and the Kaczynski government**

Since the general elections of September 25th, 2005, the Polish government had been lead by President Lech Kaczynski and his eurosceptic fundamentalist catholic party Law and Justice (PiS). PiS was the senior partner in a ruling coalition including two other populist extremist parties: the League of Polish families (LPR) and the Self-defense party (Samobroona).

This government put a concrete threat on Polish LGBT people, with many statements promoting a religious fundamentalist vision of society. Among the projects advocated by the Kaczynski administration were discriminatory laws against LGBT persons, as well as other dangerous projects, for example against women's right to abortion and decent reproductive health.

At the European level, the Kaczynski administration has fought since the beginning against the Community's anti-discrimination policies. One of their main aim is the removal of the European Charter of Fundamental Rights from the Treaties. They are about to get satisfaction on one point: the Charter may be denied all positive juridical effects in Poland, which would break the principle of equality for all citizens inside the European Union.

On April 12, 2007, M. Pedro Zerolo, an official from the Spanish socialist party PSOE and a famous LGBT rights activist, went to Poland. He was followed by a delegate of Rainbow Rose, that produced a statement on the Polish political situation.

## 5. RAINBOW ROSE ACTIONS IN NEIGHBOURING STATES

### BELARUS: SUPPORT TO CIVIL SOCIETY, LGBT ACTIVISM, AND VISAS

▸ **In April, 2009, Rainbow Rose sent to PES members of the European Parliament and the PES secretariat a report on all our actions and observations about the situation of LGBT Fundamental Rights in Belarus.** This report was prepared by Lukasz Palucki, our delegate to international relations.

▸ **Belarus is today the most isolated country in Europe,** due to its authoritarian President, Alexander Lukashenko, and the only State one not to be a member of the Council of Europe.

All activists and the civil society are facing very difficult conditions and harassment by the government. All Belarus NGOs which are not officially registered are put under judiciary threats, and activists can be arrested. The situation of LGBT activists is particularly bad, and no LGBT associations were accepted to be registered.

▸ **Meanwhile, the Youth movement of the social-democratic party, «Young Social Democrats - Maladaya Hramada» explained they were considering the possibility of including the elimination of homophobia** and work towards a tolerant attitude to people with «non-traditional» sexuality in the Social Commission that was recently created within their organization.

Alexandr Sigaev, the deputy chairman of the youth movement, said in an interview for news agency Belarusian News: «it is possible that the elimination of homophobia and bringing up tolerant attitude towards people with «non-traditional» sexuality will be dealt with Social Commission, which is currently being established in the Youth Democrats».

▸ **It is essential to preserve the cooperation between Belarus and EU activists.** Giving support to civil society in Belarus is an official aim of the European Union policy, supported by the European Parliament in various resolutions, as for example:

▸ *Resolution of April 6th, 2006 on the situation in Belarus after the presidential elections of 19 March 2006,*

▸ *Resolution of February 16th, 2006 on the situation in Belarus prior to the presidential elections on 19 March 2006,*

▸ *Resolution of September 29, 2005 on Belarus.*

▸ **The condition of LGBT activism in Belarus may worsen after the enlargement of the Schengen area to its EU neighbours** (Poland, Lithuania, Latvia) - and its consequences on access to visas. The price to pay to get a visa to the Schengen area is, from January 1st, 2008, 60 €. This is about one third of the average monthly income in Belarus.

LGBT activists in Belarus depend a lot on their relations with their EU neighbours. Belarussian groups have links with LGBT activists in the EU, even if no one is a specifically LGBT association. Rainbow Rose members have contacts with Belarus LGBT activists and currently work to give them supports.

Rainbow Rose believes that the European Union must deliver a policy conform to its own commitments. We believe that visa facilitations for Belarus citizens can be of some help to preserve and strengthen our links.

Rainbow Rose reminds that in its resolution of April 6th, 2006, the European Parliament said it *"calls on the Commission and Council to create a visa facilitation regime for the benefit of the civil society of Belarus"* (point 16).

See paper "Visas for Belarus" on LGBT activists condition in Belarus. This paper includes analysis and proposals on EU visa policy issued by the Stefan Batory Foundation (Poland) and the Association for International Affairs (Czech Republic).

### **2008-2009, TURKEY: THE SUPREME COURT OF APPEALS CONFIRMS THE RIGHT OF LGBT ASSOCIATION LAMBDA ISTANBUL TO REGISTER, CONFORM TO FREEDOM OF ASSOCIATION**

The official demand to ban Lambda Istanbul, a LGBT organization located in Istanbul, was rejected on November 28, 2008 allowing them to continue to operate. The decision was hailed by the Turkish gay rights activists.

However there were also widespread criticisms since there were similar attempts to close down various LGBT organizations in the past and they all failed. Activists questioned why Istanbul 3rd Principle Court had decided to close the organization down despite the expert opinion supporting them and previous precedents.

Lambda Istanbul was founded in 1993 and registered as an association in May 2006, aiming to support all lesbian, gay, bisexual, and transgender people to adopt equality as a value. It has actively lobbied for legal protections against discrimination based on sexual orientation or gender identity. The group is Turkey's oldest LGBT organization, and has organized Gay Pride marches in that city every year since 2003.

#### **Previous steps of the trial against Lambda Istanbul**

On May 29th, 2008, the local Beyoglu court of Istanbul had announced its judgment for Lambda Istanbul LGBT Solidarity Association to be shut down. This is the first time such a decision happened in Turkey.

No provisions exist under Turkish law against the existence of lesbian, gay or transgender groups or NGOs. The decision of the Beyoglu Court says, against the legal expert's reports, that Lambdaistanbul is a threat to law and public morality.

The case began when Istanbul's City Government decided to challenge in Court Lambdaistanbul's call to register as an association, in 2006.

Lambda Istanbul was not closed, since the authorities were waiting for the Supreme Court of Appeals' final decision that proved eventually to be respectful of the freedom of association and of Lambda Istanbul's rights.

**Rainbow Rose had called on the European Union institutions to monitor closely this case.** Turkey is an applicant for EU membership, and must act conform to EU fundamental law and Treaties.



## **Another positive development was an Istanbul court decision on October 2008**

A suspect caught selling films of group and gay sex was judged by an Istanbul court not to have been selling material portraying "unnatural sex" and was sentenced only for sale of illegal pornographic material.

The Turkish Penal Code demands higher penalties for the sale of movies that include "unnatural" intercourse. The court sentenced the suspect on the lesser charge of selling pornographic films in an illegal location.

In its verdict, the Istanbul court said: "Most European countries have given gay relationships the equivalence of marriage, and in Holland gay marriages were made legal a few years back. In a world of modern societies, it is not possible to say intercourse among members of the same sex is unnatural."

The verdict also read: "Since the action happens in private places and does not include children it is not criminal. The term 'unnatural sexual behavior' should be seen from a narrow perspective; otherwise there is the risk of judging every sexual relationship outside of certain limitations unnatural. It is without doubt that the images are eccentric. Although this kind of sexual activity is not common in societies, it is a fact that in every society collective sexual relationships exist."

## **2008, BOSNIA-HERZEGOVINA: PROTECTION NEEDED FOR LGBT CITIZENS!**

On September 24th, the Queer festival of Sarajevo was attacked. The organizers are still threatened, and might risk their lives, as their names were publicly released by some national papers. This is the first time such attacks happen in Bosnia-Herzegovina.

Bosnia-Herzegovina has ratified Protocol no.12 to the Convention for the Protection of Human Rights and Fundamental Freedoms, which reads in its Article 1: "The enjoyment of any right set forth by law shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status."

Moreover, Bosnia-Herzegovina applied for membership in the European Union. EU member States and the States applying for membership must ensure the protection of Human Rights, including LGBT rights, to their citizens.

To remind Bosnia-Herzegovina of its international commitments is part of the duties of the other European governments. Rainbow Rose can only note that a huge majority of them remained silent, whereas the government of Bosnia did not clearly condemn the violence and the threats. Some European Union States even consider Bosnia-Herzegovina as a "safe state" from where no asylum seeker can be accepted.

Rainbow Rose notes that Mogens Jensen, a Danish MP, as a member of the Socialist Group of the Parliamentary Assembly of the Council of Europe (COE), was among the few to react, asking the Committee of Ministers of the COE to put the following questions to the government of Bosnia:

- 1. What will the government do in order to avoid similar episodes of attacks on homosexuals in Bosnia-Herzegovina?*
- 2. Does the government have any intentions to secure equal rights of the homosexuals in the society?*
- 3. What will the government do to protect homosexuals against discrimination?*
- 4. Does the government have any intentions to inform the population of Bosnia-Herzegovina about the equality and the rights of the homosexuals?*

MP Jensen asked similar questions to the government of Serbia, where similar events happened on September 19th in Belgrade. The lack of reactions from the European governments was very similar to the situation observed about Bosnia. Serbia also ratified Protocol no. 12 to the Convention.

### **2008: EQUALITY IN NORWAY FOR SAME-SEX COUPLES**

On Wednesday, June 11th, the Parliament of Norway approved a law to allow same-sex couples to marry. The initiative of the bill is due to the government of Prime Minister Jens Stoltenberg, from the Norwegian Labour Party (DNA). DNA is a member of the Party of European Socialists (PES). In 1993, Gro Harlem Bruntland's Labour government had already been one of the first in the world to create a civil partnership for same-sex couples.

As the Spanish law did in 2005, the new Norwegian law gives same-sex couples equal rights on all issues, including parenthood. They now have access to adoption, as well as to assisted pregnancies. Same-sex couples will also be allowed to church weddings.

Rainbow Rose congratulates Norway for such a move towards equality for LGBT people. Norway is the 4th European country to grant full equality to same-sex couples, after the Netherlands, Spain and Belgium. Sweden and the UK also gave same-sex families quite a total recognition, with civil partnership including adoption and parenthood rights. In all these countries, equality laws were voted by socialist-led majorities, or coalitions with strong socialist participation.

## 6. RAINBOW ROSE WORLD ACTIONS

**MAY 18<sup>TH</sup>, 2008: RAINBOW ROSE SUPPORTS THE WORLD AIDS VACCINE DAY**



Monday 18 May is World AIDS Vaccine day, promoted by the International AIDS Vaccine Initiative (IAVI) to support the development of an AIDS Vaccine.

The World AIDS Vaccine Day, marks the occasion in 1997 when U.S. President Bill Clinton challenged researchers to come up with an AIDS vaccine within the following decade, stating that such a vaccine was the only way to eliminate the threat of AIDS. Twelve years later, the goal of an effective HIV vaccine remains unfulfilled, but the need for one remains urgent.

Rainbow Rose and other organisations of the civil society support the World AIDS Vaccine Day!

**2008: RAINBOW ROSE SUPPORTS BARACK OBAMA!**

As the Democratic and Republican conventions officially appointed the candidates to the Presidency of the United States of America, it is now time to look carefully at the programmes of Barack Obama and Joe Biden, and of John McCain and Sarah Palin.

Rainbow Rose considers that the commitments of the Democratic nominee would bring great improvements to the conditions of LGBT persons and families in the USA. Among other proposals, Barack Obama favours:

- ▀ the expansion of the federal Employment Non-Discrimination Act to discriminations on the ground of sexual orientation;
- ▀ more protections at federal level against hate crimes and violence;
- ▀ a better support to HIV-positive persons and to the medical research against AIDS; and a renewed support to comprehensive sex education;
- ▀ the recognition at federal level of same-sex partnerships, including rights usually granted to married couples and tax treatment;
- ▀ the protection of same-sex parenthood.

To read more about Barack Obama's commitments, see his answers to the Presidential Questionnaire of the *Human Rights Campaign*.

Rainbow Rose's fully supports Barack Obama's Campaign and wishes him to become the next USA President! Rainbow Rose reminds that the Party of European Socialists (PES) was

present at the Democratic National Convention in Denver (August 25th to 28th), and supports the Obama-Biden bid to Presidency.