

**Saturday 17 May 2008**

**Overview of  
Lesbian and Gay rights  
in Eastern Europe  
2008**

**This document is formed from a collection of sources,  
including NGO groups across Eastern Europe and  
Amnesty International sections**

## **Albania**

### **Legal status of homosexuality**

Legalised on 20 January 1995

### **Same-sex partnerships**

There is no recognition of same-sex partnerships.

## **Belarus**

### **Legal status of homosexuality**

Decriminalised in 1994.

### **Same-sex partnerships**

The Belarusian Constitution and the Marriage and Family Code states that marriage is a specific civil contract limited to two persons of the opposite sex. Domestic partnerships, whether homosexual or heterosexual, are not recognised.

### **Cases:**

There is evidence that lesbian and gay people are targeted for violence; in 2001-2002, five gay people were tortured and killed in Minsk.<sup>1</sup>

On 8 November 2006, police raided an apartment of Viachaslau Bortnik where activists gathered to discuss the organising an international LGBT Conference. They seized conference materials and detained seven activists for questioning, three of whom were held overnight.<sup>2</sup>

### **Quotes:**

On 4 April 2005, Belarusian MP Viktor Kuchynski put a proposal to parliament to re-criminalize homosexuality. He said: "My position as a deputy is: all these 'queers' and others are to be punished to the maximum." The proposal was defeated.<sup>3</sup>

On 28 September 2004, the Belarusian President Alexander Lukashenka said: "We have to show our society in the near future, what they [EU and USA] are doing here, how they are trying to turn our girls into prostitutes, how they are feeding our citizens with illicit drugs, how they are spreading homosexual perversion here, which methods they are employing".<sup>4</sup>

## **Bulgaria**

### **Legal status of homosexuality**

Legalised in 1968. In 2002, the age of consent was equalised with that for heterosexual sex.

### **Same-sex partnerships**

There is no legal recognition of same-sex couples.

### **Quotes:**

On 27 December 2005, the Duma newspaper published an article that included the three following quotes:

"Many of them[Gays] are also infected contaminators and can cause catastrophic pandemics, if they are not restrained.

"Gays are suitable for almost any type of work *[as long as they are kept away from]* the children and the youngsters.

"Any form of homosexuality in the public space, by anyone, should be morally and legally treated as act of crime and should be punished."<sup>5</sup>

---

<sup>1</sup> Viachaslau I. Bortnik , Coordinator, Amnesty International in Belarus

<sup>2</sup> Viachaslau I. Bortnik , Coordinator, Amnesty International in Belarus

<sup>3</sup> Viachaslau I. Bortnik , Coordinator, Amnesty International in Belarus

<sup>4</sup> Viachaslau I. Bortnik , Coordinator, Amnesty International in Belarus

<sup>5</sup> Aksinia Gencheva, Bulgarian gay organisation Gemini

**Police:**

IA was illegally arrested on the night of 25 November 2005 while walking into a club known as visited by homosexual persons in Sofia. Without being given the reason of the arrest he was taken to the Police station where he stayed 12 hours. Worried about the policemen attitude, he requested one of them to show his identification card which was followed by humiliating offenses by the police officer: "Arkan was right when killing Albanians in Kosovo", and questions like "Are you nasty, dirty, contemptible faggot?". None of the Police officers showed identification documents. During his arrest he has been subject to brutal insults in relation to his sexual orientation and ethnic origin and was beaten by the police officers.<sup>6</sup>

**Croatia****Legal status of homosexuality**

Legalised in 1977. The age of consent was equalised in 1998.

**Other Lesbian and Gay laws**

In 2003, an anti-discrimination law exists in many acts since 2003

Since 2006, the country also has hate crimes legislation covering sexual orientation.

**Same-sex partnerships**

Since 2003, same-sex couples have the same rights as cohabiting opposite-sex couples (inheritance, financial support).

A proposal in 2006 to introduce civil unions was rejected by parliament.

**Quote:**

In early 2006, Lucija Cikes, a member of the ruling HDZ Party, called for a proposal to introduce civil unions to be dropped because "all of the universe is heterosexual, from an atom and the smallest particle, from a fly to an elephant."

**Case:**

On 25 May 2007, Angela A, an Austrian artist, two female members of a music band Menstruation Monsters from Vienna, and Ida Prester from Zagreb, the organizer of "Blitz Kidz", were severely attacked and beaten up after attending the Zagreb club Gjuro II. Angel who was hit with a glass bottle and hospitalised.<sup>7</sup>

**Czech Republic****Legal status of homosexuality**

Legalised in 1962. The age of consent equalized at 15 in 1990 (before it was 18 for homosexuals).

**Same-sex partnerships**

Legalised as Civil unions on 1 July 2006. They had been rejected in 1998, 2001, 2003 and 2005. Eventually passed by the Czech House of Representatives on 16 December 2005 and adopted by the Senate on 26 January 2006, only to be vetoed by the President. The President's veto was overturned by the House of Representatives on 15 March 2006.

**Estonia****Legal status of homosexuality**

Legalised in 1992. The age of consent equalised at 14 in 2001.

**Other Lesbian and Gay laws**

There is no law against homosexuals.

**Same-sex partnerships**

---

<sup>6</sup> Aksinia Gencheva, Bulgarian gay organisation Gemini

<sup>7</sup> Organisational Committee of Zagreb Pride

There is no legal recognition of same-sex couples. However, the Government is currently undergoing a consultation process on the issue.

## **Hungary**

### **Legal status of homosexuality**

Decriminalised in 1961 for 20+, reduced to 18 in 1978, and equalised with heterosexuals at 14 in 2002.

### **Other Lesbian and Gay laws**

The 2003 Act on Equal Treatment and the Promotion of Equal Opportunities forbids discrimination based on factors that include sexual orientation and sexual identity in the fields of employment, education, housing, health, and access to goods and services.

### **Same-sex partnerships**

Registered partnership for same-sex couples comes into law from January 1 2009. It was passed by Parliament on 17 December 2007.

Unregistered cohabitation has been recognised since 1996 and applies to any couple living together in an economic and sexual relationship (common-law marriage), including same-sex couples.

### **Cases:**

In April 2007, after State Secretary Gabor Szetey came out as gay, two staff members of a radio station posted a picture of him on their website. In the photo montage he standing in front of an Auschwitz concentration camp wearing a pink triangle. The pink triangle was worn by homosexual inmates of the camp. The two staff were fired from the radio station. The Prime Minister Ferenc Gyurcsany called it a scoundrel act and condemned the photograph.<sup>8</sup>

## **Kosovo**

### **Legal status of homosexuality**

Legalised in 1970. Age of consent equalised at 14 in 1991.

### **Other Lesbian and Gay laws**

Kosovo's draft constitution includes a ban on discrimination, including sexual orientation. It has yet to come into force.

The Anti-Discrimination Law of 2004, passed by the Kosovo Assembly, bans discrimination on the basis of sexual orientation in a variety of fields, including employment, membership of organisations, education, the provision of goods and services, social security and access to housing. The definition of discrimination in this law explicitly includes direct and indirect discrimination, as well as harassment, victimisation and segregation

### **Same-sex partnerships**

There is no legal recognition of same-sex couples. The draft constitution defines marriage in gender-neutral terms, opening up the possibility of legal same-sex marriages if it passes.

### **Cases:**

In Kosovo, the parents of a leading gay rights campaigner – the leader of an LGBT NGO, Center for Social Emancipation – received a letter saying that their son was going to be burnt alive for devaluing the “pure nation”.<sup>9</sup>

## **Latvia**

### **Legal status of homosexuality**

Decriminalised in 1992.

---

<sup>8</sup> “Hungary: Radio station fires 2 for depicting gay official with Nazi pink triangle on Web site”, International Herald Tribune, 29 April 2007, <http://www.iht.com/articles/ap/2007/08/29/europe/EU-GEN-Hungary-Gay-Official.php>.

<sup>9</sup> Press Release, Center for Social Emancipation (QESH), to the OSCE, 24 May 2007.

### **Lesbian and Gay laws**

In June 2006, the Latvian Parliament voted against an amendment to article 7 of the Latvian Labour Law. The amendment would have explicitly banned discrimination on the grounds of sexual orientation, bringing Latvian law in line with the EU's Employment Equality Directive (EU 200/78/EC).

Latvia's Tolerance Programme has twice dropped attempts to include sexual orientation in its remit. Originally set up to encourage the Russian and Latvian communities to integrate, it was extended to include discrimination on religious, ethnic and gender grounds. In 2006, the then Prime Minister, Aigars Kalvitis asked to add sexual orientation into the programme. It was included in the prepared draft. However, the day before the cabinet was due to vote on it protests by church leaders saw the line removed. In 2008, after the Government changed, a new draft programme was put forward. Sexual orientation was included in the draft pre-amble only to be withdrawn in March 2008, after consultations with the Bishops' council.<sup>10</sup>

### **Same-sex partnerships**

Same-sex marriages are banned.

In December 2005, Latvia amended its constitution to explicitly prohibit marriage between two persons of the same sex. Same-sex marriage was already prohibited in Latvia's Civil Law.

### **Statistics:**

In Latvia, a study by the Centre for Public Policy PROVIDUS found that "The group most often targeted by intolerant articles and delegitimising rhetoric are sexual minorities."<sup>11</sup>

### **Cases:**

It is very difficult to get an accurate number of cases in Latvia as a vast majority of the gay community are still in the closet and are scared of the consequences for both their employment and families if they come out. Over the last two years, there have only four incidents reported.<sup>12</sup>

Two pastors of the Latvian Evangelical Lutheran Church were punished for their support for the Gay Pride march. Juris Calitis, who is also a dean of the Theology Faculty of the University of Latvia, is excommunicated. Varis Bogdanvos is given a disciplinary penalty.

### **Political prejudice:**

In July 2006, the nationalist organization National Power Unity declares that its members "are prepared to use not just non-violent forms of protest to protect our children and fellow human beings from the amoral forced sexualisation of society."

In November 2006, Janis Smits, an extreme right-wing politician, member of Latvia's First Party and leading anti-gay activist was elected as the chairperson of the Latvian Parliamentary Human Rights Committee. He has in the past campaigned against the introduction of legislation to protect people from discrimination on the grounds of their sexual orientation and has described homosexuality as a sin and gay people as degenerate.<sup>13</sup>

The First Party has recently merged with the Latvia's Way Party and the new party is the second largest member of the three-party ruling coalition. The prime minister is a member. The First Party won only eight of 100 seats at the last election, however, it is wealthy and the common view is that it sets the government agenda.<sup>14</sup>

There has been positive dialogue with several opposition parties, most notably the Russian Harmony Central party, the New Era party (which was a member of the government until last

---

<sup>10</sup> Linda Freimane, Chair of Mozaika and Board Member of ILGA Europe

<sup>11</sup> Amnesty International researchers

<sup>12</sup> Linda Freimane, Chair of Mozaika and Board Member of ILGA Europe

<sup>13</sup> Linda Freimane, Chair of Mozaika and Board Member of ILGA Europe

<sup>14</sup> Linda Freimane, Chair of Mozaika and Board Member of ILGA Europe

year). There is also a new party, "Different politics" formed from by the former Foreign Minister, Artis Pabriks which is also having constructive dialogue with LGBT groups.<sup>15</sup>

**Quotes:**

In July 2005, Latvia's then prime minister, Aigars Kalvitis, said that he could not "accept that a parade of sexual minorities takes place in the middle of our capital city next to the Dom Cathedral. This is not acceptable. Latvia is a state based on Christian values. We cannot advertise things which are not acceptable to the majority of our society."<sup>16</sup>

Cardinal Pujats, Archbishop of Riga, commenting on the July 2005 Gay Pride march, said, in a service broadcast on television and radio: "In Soviet times we faced atheism, which opposed religion; now we have an era of sexual atheism. This form of atheism is even more infectious and dangerous – spiritual values disappear in a swamp of sexual irregularity."<sup>17</sup>

On 12 July 2006, Interior Minister, Dzintars Jaundseikars, from Latvia's First Party, described the 2006 Pride march on national TV as the "greatest security risk" since Latvia gained independence, adding: "We cannot guarantee that someone won't throw something on the marchers from the windows of nearby buildings."

On 14 July 2006, Roman Catholic cardinal, Janis Pujats, said: "The constitution already declares that the state must protect the family, therefore [the state] does not need to permit events organised by people who want to teach others immorality." Pastor Aleksey Ledaev, of the New Generation church, described homosexuality as "parasitical" and the "death of civilisation".<sup>18</sup>

On 26 May 2007, the newspaper Ritdiena publishes an editorial saying: "Readers, people of all ethnicities and all residents, we have arrived at the final barrier. Unless the people rise up in defence of the interests of their children and their future, then this nation will be a death nation. Homosexuals have crawled into responsible government jobs. Homosexuals want to amend at least 16 laws in the Republic of Latvia, defining special rights for themselves in these laws. They call this tolerance, but in truth it is the shameless attempt of the homosexual minority to oppress the normal majority of all of society."

**Lithuania**

**Legal status of homosexuality**

Legalised as a requirement for acceptance into the European Union. The age of consent was equalised at 14 in 2004.

**Same-sex partnerships**

There is no law for recognition of same sex couples.

**Political Prejudice:**

On 21 May 2007, the mayor of Vilnius, Juozas Imbrasas, refused to give permission for an EU-sponsored anti-discrimination truck tour to visit. It was on a tour of 19 states promoting tolerance and diversity.<sup>19</sup>

**Quote:**

Imbrasas also supported the decision by local bus drivers in Vilnius not to drive buses which had advertisements supporting Lesbian and Gay rights on them. He said: "With priority for traditional family and seeking to promote the family values, we disapprove the public display of 'homosexual ideas' in the city of Vilnius." The ad had been paid for by the Lithuanian Gay League with money granted from the European Union.<sup>20</sup>

---

<sup>15</sup> Linda Freimane, Chair of Mozaika and Board Member of ILGA Europe

<sup>16</sup> Amnesty International 2006 Report

<sup>17</sup> Sexual bragging has reached its apogee - AFP, August 15, 2005

<sup>18</sup> Press release by Mozaika dated 17/7/2006

<sup>19</sup> Lithuania bans EU sponsored gay rights parade - <http://euobserver.com/9/24104> - 22 May 2007

<sup>20</sup> Lithuania bans EU sponsored gay rights parade - <http://euobserver.com/9/24104> - 22 May 2007

## **Moldova**

### **Legal status of homosexuality**

Legalised in 1995.

### **Same-sex partnerships**

No recognition with respect to gay marriage or civil unions is currently legal.

## **Montenegro**

### **Legal status of homosexuality**

Decriminalised in 1977.

### **Same-sex partnerships**

There is no legal recognition of same-sex couples.

## **Poland**

### **Legal status of homosexuality**

Legalised in 1932, although various occupying forces imposed different laws up until 1969.

### **Other Lesbian and Gay laws**

Homosexuality was deleted from the list of diseases in 1991.

On 13 March 2007, Roman Giertych, Poland's Education minister, published new proposals for an education law which would "prohibit the promotion of homosexuality and other deviance" in schools, commonly known as the Polish 'Clause 28'. Under the legislation discussions of LGBT civil rights and safe-sex practices to prevent HIV/AIDS among gays would be banned. LGBT organizations would be barred from schools and teachers who reveal their homosexuality will be fired from work. During a press conference on the same day, the vice-Minister of Education, Miroslaw Orzechowski, stated that the main goal of the law was to "punish whomever promotes homosexuality or any other deviance of a sexual nature in educational establishments" and that the possible punishments could be dismissal, fine and even imprisonment. In the end the law did not materialise.<sup>21</sup>

### **Same-sex partnerships**

The Polish Constitution states that marriage is between a man and a woman. It would require huge political will for the constitution to be altered.

### **Cases:**

In Poland, a new phenomenon has become more prevalent in which men pose as gay on gay Internet dating sites in order to arrange a date with a man. Later they attack, beat and sometimes rob the person they meet.<sup>22</sup>

2005: Two activists are shot and wounded in front of a gay club in Kattowice (one, Marzena Rozlach, is a board member of Campaign Against Homophobia).<sup>23</sup>

The Campaign Against Homophobia received numerous threats in the early part of the year. In January 2008, Daniel Michalski, leader of the Szczecin branch, was exposed to attack when his full name and address were published on the neo-facist website RedWatch and labeled as an "enemy of the state". Rafal Jankowski, leader of the Silesia branch, suffered a similar fate. He was also threatened on New Year's Eve with a knife and called a traitor to the white race. He claims to have been laughed at by police when he reported the crime.<sup>24</sup>

---

<sup>21</sup> Poland: School bill would violate students' and teachers' rights and reinforce homophobia (EUR 37/001/2007)

<sup>22</sup> Campaign Against Homophobia to ODIHR, 2 Mach 2007.

<sup>23</sup> Campaign Against Homophobia

<sup>24</sup> Campaign Against Homophobia

### **Political Prejudice:**

In April 2004, the League of Polish Families wins the overwhelming support of the regional parliament for a statement that “events promoting homosexuality [would be] harmful to the region of Krakow and the entire Lesser Poland region”.<sup>25</sup>

In November 2004, chairperson of the City Council of Poznan, Law and Justice Councillor, Przemyslaw Alexndrowicz, said: “I don’t want Poznan to see manifestations of different sexual orientations, that is homosexuality, paedophilia, necrophilia, or zoophilia.”<sup>26</sup>

On 1 March 2007, the Minister of Education Roman Giertych claimed at a European Union summit of education ministers that children must have a correct view of the family and therefore their contact with “homosexual propaganda” must be limited. The deputy minister of education, Miroslaw Orzechowski, revealed a plan on 13 March for new legislation which would “punish anyone who promotes homosexuality” in schools. Later the municipal prosecutor offices all over Poland were ordered by the State Prosecutor to investigate any connection homosexuals might have with pedophilia, as politicians from the junior coalition partner League of Polish Families suggested such a correlation.<sup>27</sup>

### **Quotes:**

In June 2005, A League of Polish Families MEP, Wojciech Wierzejski, said: “We say zero tolerance for homosexuals. They should be separated from the rest of society. Those who are openly gay should not be exposed to social intolerance. Those who say that they are gay in their workplace should be fired.”<sup>28</sup>

On 11 May 2006, Wierzejski, said: “If ‘deviants’ begin to demonstrate, they should be hit with batons.”<sup>29</sup>

On 20 February 2007, while on a three-day state visit to Ireland, the then President Lech Kaczynski attacked what he called “the homosexual culture” and suggested that widespread homosexuality would lead to the disappearance of the human race. Speaking at a Forum of Europe meeting in Dublin Castle, Mr Kaczynski said: “If that kind of approach to sexual life were to be promoted on a grand scale, the human race would disappear.” He also stood by his decision to ban a gay rights march in Warsaw while mayor of the city in 2004.<sup>30</sup>

On 2 March 2007, Roman Giertych, then the Deputy Prime Minister and Minister of Education, openly expressed his wish to implement a pan-European ban on ‘homosexual propaganda’ during a meeting of European Ministers of Education in Heidelberg, Germany. He also continued to promote his controversial proposal to include a ban on rights for homosexuals in any possible future European constitution.<sup>31</sup>

On 31 January 2008, Solidarity Trade Union workers at the Catholic University of Lublin demanded that the ban on discrimination on the grounds of sexual orientation be deleted from the work code. Director of KUL’s Solidarity Chapter, Alina Rynio, said: “Can you imagine deviants working amongst the teachers of a Catholic University?”<sup>32</sup>

### **Romania** **Legal status of homosexuality**

---

<sup>25</sup> Robert Biedron, “Gay cultural festival attacked by Polish press, City authorities”, April 25 2004; Krakow Campaign against Homophobia press statement, April 30<sup>th</sup> 2004

<sup>26</sup> Tomasz Szypula, Campaign Against Homophobia, “Poland: Appeal on the International Day of Tolerance” November 16 2005

<sup>27</sup> Amnesty International

<sup>28</sup> Tomasz Szypula, “Is Law and Justice for All?” – ILGA-Europe newsletter – August 2005

<sup>29</sup> Amnesty International 2006 Report

<sup>30</sup> Amnesty International 2006 Report

<sup>31</sup> Amnesty International 2007 Report

<sup>32</sup> Campaign Against Homophobia



Legalised in 1996. The age of consent was equalised at 15 in 2002.

### **Other Lesbian and Gay laws**

In 2000, the Romanian Parliament enacted a law that explicitly outlawed discrimination on the basis of sexual orientation in a variety of fields, including employment, the provision of and access to goods and services, housing, education, health care, audiovisual programming, the justice system, other public services and social security.

On 13 February, Senators in Romania voted to outlaw gay marriage in the country despite objections from an international human rights group. The Senate voted to amend the existing law to read that 'the family is founded upon free and consensual marriage between a man and a woman' – and not 'between spouses', as had been the case in the law dating back to 1953. Proponents of the change – coming from both the ruling four-party coalition and the opposition – justified their amendment as “defending the institution of marriage.” “For the Romanian people, and in the Romanian language, marriage has always been a union between a man and a woman,” Social-Democrat Senator Serban Nicolae said – whilst insisting that the new amendment “would not infringe European norms.” The amendment has been criticized by Human Rights Watch, which called it a “threat to homosexual couples and an insult to the progress made so far by Romania in the fight against discrimination.”<sup>33</sup>

### **Same-sex partnerships**

There is currently no recognition of same-sex couples in Romania.

#### **Quote:**

On 1 June 2006, Ciprian Campineanu, a priest and a spokesperson for the Romanian Orthodox Church, describes the upcoming Pride march at a news conference: “It is an affront to the morality of public institutions, and a danger... for the formation of young people.”<sup>34</sup>

## **Russia**

### **Legal status of homosexuality**

Decriminalised in 1917, re-criminalized in 1933, and then decriminalized again 1993 with an “equal” age of consent at the same time.

#### **Quotes:**

14 February 2006, on the prospects of a Gay Pride in Moscow, Chief Mufti of Russia’s Central Spiritual Governance for Muslims, Talgat Tajuddin, said: “The Parade should not be allowed and if they still come out into the streets, then they should be bashed.”<sup>35</sup>

16 February 2006, on the prospects of a Gay Pride in Moscow, Russian Chief Rabbi, Berl Lazar, said if it goes ahead it “would be a blow for morality”.<sup>36</sup>

On the same day, a spokesman for the Russian Orthodox Church called homosexuality “a sin which destroys human beings and condemns them to a spiritual death.”<sup>37</sup>

On 17 March 2006, Moscow’s Deputy Mayor, Mrs L I Shevtsova, said: “Homosexuality and lesbianism have always been considered sexual deviations in our country. At present these actions are not legally prohibited, but the propaganda in favour of them, in particular by

---

<sup>33</sup> AFP, 13 February 2008

<sup>34</sup> Amnesty International 2006 Report

<sup>35</sup> MosNews 14 February 2006 - "Russian Moslem Chief Predicts Violence if Gay Parade Allowed in Moscow". The Chief Mufti's call to "thrash" paraders was not taken up by his counterpart in Asian Russia, who went on a Moscow radio station to say the use of violence was unacceptable (BBC news -- 17 February 2006 -- Patrick Jackson -- "Gay pride challenges Moscow")

<sup>36</sup> MosNews 16 February 2006 -- Russian Chief Rabbi Echoes Muslim Leader in Protesting Gay Pride in Moscow

<sup>37</sup> Interfax: 16 February 2006 -- "Moscow government won't allow gay parade"

means of holding gay festivals and gay parades can be judged as propaganda of immorality, which can be prohibited by legislation in the future."<sup>38</sup>

On 26 May 2006, Moscow Mayor Yury Luzhkov says: "We will not give our consent [for Pride marches in Moscow]. At least as long as I am mayor, we will not permit such parades. "Morality works here. If one has any deviations from normal principles in organising one's sexual life, these deviations should not be exhibited for all to see."<sup>39</sup>

On 29 January 2006, Mayor Luzhkov said: "Religious thinkers throughout the world have said that the West has reached a crisis of faith. Some European nations bless single-sex marriages and introduce sexual guides in schools. Such things are a deadly moral poison for children."<sup>40</sup>

In April 2007, Patriarch Alexi II said about gay pride parades: "There are other abnormalities, including kleptomania, but no one is promoting them."<sup>41</sup>

On 16 May 2007, The Kommersant newspaper reports that representatives of Orthodox Christian organisations have said they will "spill gay blood" if the Pride parade was permitted.<sup>42</sup>

On 23 May 2007, the Moscow Patriarchate Department of External Church Relations issues a statement, it says: "The Russian Orthodox Church considers unacceptable the sexual minorities parade, which infringes on our multi-ethnic nation's moral norms, on public order, and in the long run – on people's future. If people refuse to procreate, the nation degrades. So the gay propaganda ultimately aims at ruining our nation. "Every believer has compassion on those afflicted with this sin. But putting up with its promotion means sharing in calling upon our people the same damnation that Sodom and Gomorrah were destroyed with."<sup>43</sup>

## **Serbia**

### **Legal status of homosexuality**

Legalised in 1994. Age of consent equalised at 14 on 1 January 2006.

### **Same-sex partnerships**

Banned. The new Serbian constitution, adopted in November of 2006, has an outright ban on same-sex marriage and other forms of recognition, such as domestic partnerships and civil unions.

### **Statistics:**

Gay Straight Alliance Survey in 2007 revealed an increase in violence against LGBT people.

## **Slovakia**

### **Legal status of homosexuality**

Legalised in 1962. The age of consent was equalised at 15 in 1990.

### **Same-sex partnerships**

There is no legal recognition of same-sex couples. Slovakia introduced same sex partnership bills two times, in 1997 and in 2000, but both times they were rejected.

---

<sup>38</sup> ILGA-Europe – Detailed account of the Moscow Pride march.

<sup>39</sup> Interfax – 26 May 2006

<sup>40</sup> RIA Novosti -- January 29, 2007: "Moscow mayor dead set against gay parade, calling it "Satanic".

<sup>41</sup> Interfax -- 2 April 2007 -- "Alexy II to remind from PACE rostrum of the need to preserve moral values in Europe"

<sup>42</sup> GayRussia.ru - 16 May 2007 -- "'Gay blood" will be spilled, they Orthodox Christian organisations"

<sup>43</sup> Interfax -- 23 May 2007 -- "Stop gay propaganda in Russia -- Moscow Patriarchate"

## **Slovenia**

### **Legal status of homosexuality**

Decriminalised in 1977.

### **Other Lesbian and Gay laws**

Since 1998 discrimination of LGBT people in workplaces has been banned.

### **Same-sex partnerships**

Civil unions for same-sex couples have been legal since 23 July 2006.

## **Ukraine**

### **Legal status of homosexuality**

Legalised in 1991.

### **Other LGBT laws**

The Ukrainian Constitution states that citizens are equal before law, but sexual orientation is not specifically mentioned.

### **Same-sex partnerships**

There is no legal recognition of same-sex couples.

### **Statistics:**

A recent poll asked if homosexuals should have the same rights as the rest of the population, 34.1% agreed down from 42.5% in 2002.<sup>44</sup>

### **Cases:**

A 29-year-old gay man was attacked by three young men. He was dragged into a house where he was insulted, beaten and raped. He required medical attention after the incident. The victim had endured verbal insults and physical attacks from fellow villagers in the Cherkasy district where he lived for many years prior to the attack without proper police attention.<sup>45</sup>

In 2007, two men were kissing at a bus stop in Zaporizhe. When they were not able to produce identification documents to the police who had approached them, they were taken to the police station. There they were called "faggots" and other officers in the station were heard saying "Bring them here! We'll [expletive] them". When the victims suggested they would contact the public Prosecutor to complain, the Police suggested they would be arrested as drug-dealers under trumped-up charges.<sup>46</sup>

In March 2007, a 16-year-old boy hanged himself. He had been the victim of homophobic bullying at his school and by his step-father.<sup>47</sup>

### **Quotes:**

On 22 August 2007 Alexander Turchinov, of the Block of Julia Timoshenko, replied to the accusation that his stance on same-sex marriage is typically conservative: "I do not agree. If a man has normal views, then you label him a conservative, but those who use drugs or promote sodomy – you label them a progressive person. All of these are perversions."<sup>48</sup>

---

<sup>44</sup> "Ukrainian Homosexuals & Society: A Reciprocation", Nash Mir, 2007, p. 65

<sup>45</sup> "Ukrainian Homosexuals & Society: A Reciprocation", Nash Mir, 2007, p. 84

<sup>46</sup> "Ukrainian Homosexuals & Society: A Reciprocation", Nash Mir, 2007, p. 71

<sup>47</sup> "Ukrainian Homosexuals & Society: A Reciprocation", Nash Mir, 2007, p. 83

<sup>48</sup> "Ukrainian Homosexuals & Society: A Reciprocation", Nash Mir, 2007, p. 73

### **European Legislation**

Eastern European countries are parties to both the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), and the International Covenant on Civil and Political Rights (ICCPR).

- LGBT equal protection of the law is guaranteed under Article 26 of the ICCPR
- The right to peaceful assembly is recognised and protected by Article 21 of ICCPR and Article 11 of ECHR.
- The right to freedom of expression is enshrined in Article 19 of the ICCPR and article 10 of the ECHR.

The European Court of Human Rights (ECtHR) also has jurisprudence regarding the right to assembly and the right to freedom of expression. In its 1985 ruling on *Plattform Ärzte für das Leben v. Austria*, the ECtHR stated that “a demonstration may annoy or give offence to persons opposed to the ideas or claims that it is seeking to promote. The participants must, however, be able to hold a demonstration without having to fear that they will be subjected to physical violence by their opponents; such a fear would be liable to deter associations or other groups supporting common ideas or interests from openly expressing their opinions on highly controversial issues affecting the community. In a democracy the right to counter-demonstrate cannot extend to inhibiting the exercise of the right to demonstrate.”

In its ruling on *Plattform Ärzte für das Leben v. Austria*, the ECtHR also established a positive duty on states to protect the right to freedom of assembly by stating that “genuine, effective freedom of peaceful assembly cannot, therefore, be reduced to a mere duty on the part of the state not to interfere: a purely negative conception would not be compatible with the object of Article 11. Like article 8, Article 11 sometimes requires positive measures to be taken.”

In May 2006, the Council of Europe Commissioner on Human Rights, Thomas Hammarberg, re-enforced the Council of Europe’s commitment to freedom of assembly in a public statement with specific reference to Lesbian and Gay marches in Council of Europe member states. In a resolution called “Homophobia in Europe” on 18 January 2006, the European Parliament “calls on Member States to ensure that LGBT people are protected from homophobic hate speech and violence”.

On 26 April 2007, the European Parliament issued a resolution condemning homophobia in Europe and urging the member states to strengthen the protection of human rights of LGBT individuals.

On 10 May 2007, 26 members of the European Parliament co-signed an open letter to the mayors of capitals and major cities in Central and Eastern Europe, remarking that LGBT gay pride and equality marches “are peaceful demonstrations that invoke the core principles of a Europe that is tolerant and appreciative of its diversity”, and calling upon the authorities of Central and Eastern Europe to do all in their powers to support the organizers of those marches, to protect against those that would wish harm upon participants, and to refrain from erecting administrative barriers against organizers.

### **Amnesty International quote:**

“Amnesty International believes that now is a crucial time for human rights advocates everywhere to stand in solidarity with lesbian and gay communities in eastern Europe who are facing severe levels of homophobia and threats against them.”