

**Legal situation of homosexuals in Czech Republic and Poland against  
a background of European law and situation in other countries**

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Homosexuality – introductory information**

Homosexuality – according to World Health Organisation’s definition – is an emotional involvement and sexual attraction towards the same sex people ([www.wikipedia.org.pl](http://www.wikipedia.org.pl)). It is estimated that homosexuals constitute 5 - 10 per cent of each population and that ratio is stable, independent of period and region. Simultaneously, many social researches show, that about one third of each society is periodically or was at least once in a lifetime involved in sexual relations with a person of the same sex. One and unequivocal aetiology of homosexuality is still not clear and scientifically proved. In the old days it was viewed that it is caused by factors like an over protective mother, a dispresent father or bad experiences associated with people of the same sex during childhood or adolescence periods. Nowadays, the most widely recognised explanation is the compilation of a few factors like: genetic conditions, homosexual experiences during adolescence, influence of mother’s hormones during the perinatal period, influence of educational and peers environment and relationships with family, parents especially ([www.homoseksualizm.webpark.pl](http://www.homoseksualizm.webpark.pl)). In the modern era, science does not describe homosexuality as a deviation, but as one of three pararell and equally-righted sexual orientations, along with bisexuality and heterosexuality ([www.wikipedia.org.pl](http://www.wikipedia.org.pl)). The American Psychiatric Association crossed it out from the list of illnesses in 1973 and the World Health Organisation declared officially in the year 1991 that “it can not be considered a disorder of any kind”. What is more, no sexual orientation in itself should by no means be treated as a disorder. On the other hand, various disorders may occur and affect a sexual orientation, resulting mainly from development problems and trouble with acceptance of one’s own sexuality. According to [HYPERLINK "http://pl.wikipedia.org/wiki/ICD-10"](http://pl.wikipedia.org/wiki/ICD-10) \o "ICD-10" ICD-10 (Internatonal Diseases Classification edited by WHO) disorders of that kind fall into following

categories: disorders of sexual development ( [HYPERLINK "http://pl.wikipedia.org/wiki/Orientacja\\_seksualna"](http://pl.wikipedia.org/wiki/Orientacja_seksualna) \l "F66.0" \o "Orientacja seksualna" F66.0.1), sexual orientation in conflict with one's ego (egodistonic, [HYPERLINK "http://pl.wikipedia.org/wiki/Orientacja\\_seksualna"](http://pl.wikipedia.org/wiki/Orientacja_seksualna) \l "F66.1" \o "Orientacja seksualna" F66.1.1) and disorders of sexual relationships ( [HYPERLINK "http://pl.wikipedia.org/wiki/Orientacja\\_seksualna"](http://pl.wikipedia.org/wiki/Orientacja_seksualna) \l "F66.2" \o "Orientacja seksualna" F66.2.1). It is worth to emphasize that such disorders are common for all sexual orientations, which is that they can be present with any of those orientations. For example, homosexual people who were persuaded that they should be heterosexual will suffer egodistonic disorders of one's sexual orientation with high probability rate.

Female homosexuals are called lesbians as a consequence of the nature of relationships said to be present on the island of Lesbos, where the famous Greek poetess Saffo used to reside. It is a fully neutral word, without any offensive meaning whatsoever. Male homosexuals on the other hand are referred to as gay. The English meaning of this word is purely "happy". The word started carrying the new meaning in the sixties, and was introduced by equal rights activists. Today it is of common use and entirely neutral as well.

The issue of homosexuality has been present in awareness of societies since the very beginning – it is enough to remind the ancient poetess Saffo and sexual relations that elderly teachers and philosophers had with their young pupils. Hostility and actions against homosexuals first appeared in Hebrew culture, but – during the ages – the most objections towards homosexuality one can find in Christianity ([www.racjonalista.pl](http://www.racjonalista.pl)). The first who criticised that orientation was St. Paul (8 – 61 AD) and words of Petrus Canisius (1511 - 1597) who called homosexuality peccata in coelum clamantina (sin that calls heaven for revenge) are also well known and recalled frequently. All those Christian anti – homosexual opinions and attitudes were based on the Holy

Bible words: If a man lies with a male as with a woman, both of them have committed an abomination; they shall surely be put to death; their blood is upon them. Since the third century homosexual people were declined the most fundamental rights and they were even expelled from the Catholic church. Since the eighth century they risked of being corporally punished and exiled and from the eleventh until the eighteenth century of being burnt at a stake. In modern times the church also condemns homosexuals, considers them deviants and sinners, rids them of the right to become priests and sometimes even to exist.

The situation didn't improve even while crossing to more sensible (not related purely to religious beliefs) systems of perceiving man: even XIX century medicine officially declared homosexuality an illness.

During the twentieth century homosexuals found themselves in unfriendly circumstances too – in Great Britain they could be condemned to imprisonment till 1957 and in Soviet Union during Stalin's regime they were placed in labour camps.

During the Third Reich homosexuals were particularly strongly criticized and exterminated mostly because they didn't give birth and didn't add up to increase of the Arian race. What is more, views presented by psychiatrist those days confirmed that homosexuality is acquired and a subject of free will. A governmental body designed to fight abortion and homosexuality was established in the year 1936. What is interesting, the officials of the Third Reich came up with an idea to enable the homosexuals to freely perform sexual acts, at the same time forbidding them to create relationships which were perceived as more harmful to the society than just having homosexual sex. That was the very reason behind the birth of a stereotype describing homosexuals as devoted purely to lust and polygamy.

A truly horrific fate was to be brought to the homosexual minority with

the brink of the Second World War. As assumed by the Nazis, the whole of Europe's population was to be rid of them once and for all. In pursuit of this diabolical target a special kind of treatment awaited them in the concentration camps of the regime. As part of this scheme they were exclusively labelled with pink triangles, which were sewn onto their camp clothing ([www.racjonalista.pl](http://www.racjonalista.pl)). They were obliged to perform their duties, meaning hard physical labour, more rigorously than other camp residents, just to increase fatality rate among them. They became guinea pigs for various medical experiments theoretically aiming at converting them into being hetero. One of the series of experiments included injecting testosterone into the subject's veins and locking him up in an isolated room with prostitutes inside. The less subtle ones were e.g. castration. The situation of lesbians was a little better at the time, as they were considered as more prone to convert into hetero and their orientation was not treated as seriously as male homosexuality by the Nazis.

This work is an attempt to analyze the legal and social situation of homosexuals in the Czech Republic and Poland in comparison to other European countries. It is a widely discussed subject, both in these countries and in the whole of Europe. It is worth to take the time to explore the subject as, according to most estimates, the homosexual part of the society is about 5 to 10 per cent. This substantial amount is best portrayed when realizing that both in case of the Czech Republic and Poland this number more or less equals the populations of its capitals: about 2 million as far as Warsaw is concerned and 1 million when it comes to Prague. What is more, according to research performed by anthropologist E. Gregersen among 294 societies, 69% accepts homosexuality itself and 31% condemns it ([www.homoseksualizm.webpark.pl](http://www.homoseksualizm.webpark.pl)).

## **European and worldwide background**

Both Czech Republic and Poland, are members of the European Union, therefore it is natural to bring up European legal agreements, which refer to homosexuality. Draft of the European Constitution referred to it in two articles: I-2 and II-81. Article I-2 highlights Union's values as follows: „The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities.“ In a separate paragraph it is stated that: „These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail“. In addition , article II-81, which is also referred to as The Charter of Fundamental Rights, states that, quote: „Any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation shall be prohibited.“

The European Community has long struggled for the triumph of antidiscrimination, but initially it focused mainly on gender and then on national and ethnic aspects of discrimination as it had to bridge gaps between a divided continent, with numerous ethnic and national conflicts burning inside. The treaty, which brought the European Union to life in article 6(1) states that: “The Union is based on principles of freedom, democracy, respect for human rights and fundamental freedoms (...), principles which are common for all member states.” Amsterdam Treaty, which was introduced on May 1<sup>st</sup> 1999 became a powerful tool for the very actions concentrating on tackling discrimination in the field of sexual minorities. It states that: “Without prejudice to the other provisions of this Treaty and within the limits of the powers conferred by it upon the Community, the (European) Council, acting unanimously on proposal from the Commission and after consulting the

European Parliament, may take appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.". The most up to dated and powerful legal act in this matter is a resolution by the European Parliament issued on January 18<sup>th</sup> 2006, in which it demands for homosexual registered relationships equal rights and equal treatment with heterosexual marriages. Simultaneously, according to the document anyone who does not comply with these rules is to be treated as homophobic.

Legislation in most European counties allows for homosexuals to create law-sanctioned relations ([www.wikipedia.org.pl](http://www.wikipedia.org.pl)). In the Netherlands, Belgium and Spain they are allowed to enter marriages equal to the ones heterosexuals do. Registered partnership is allowed in the following countries: Iceland, Norway, Denmark, Sweden, Finland, Ireland, United Kingdom, Luxembourg, France, Germany, Liechtenstein, Austria, Portugal, Andorra, Italy, Czech Republic, Hungary, Slovenia, Croatia and Switzerland. When it comes to the European Union, 17 out of 25 member states enable some kind of legalisation of homosexual relationship. The ones which do not have any legislation on the matter are: Malta, Cyprus, Latvia, Lithuania, Estonia, Slovakia, Poland and Greece.

Exact legal situation of homosexuals in all countries around the world is detailed below (by: [www.wikipedia.org.pl](http://www.wikipedia.org.pl)):

Legislation	Countries
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**Countries, which recognise homosexual marriages and grant them equal rights as heterosexual ones.****Europe:** The Netherlands (2001), [HYPERLINK "http://pl.wikipedia.org/wiki/Belgia"](http://pl.wikipedia.org/wiki/Belgia) \o "Belgia" Belgium (2003), Spain (2005),  
**America:** [HYPERLINK "http://pl.wikipedia.org/wiki/Kanada"](http://pl.wikipedia.org/wiki/Kanada) \o "Kanada" Canada (2005), [HYPERLINK "http://pl.wikipedia.org/wiki/Stany\\_Zjednoczone"](http://pl.wikipedia.org/wiki/Stany_Zjednoczone) \o "Stany Zjednoczone" USA ( [HYPERLINK "http://pl.wikipedia.org/wiki/Massachusetts"](http://pl.wikipedia.org/wiki/Massachusetts) \o "Massachusetts" Massachusetts, 2004),  
**Africa:** Republic of South Africa(2006),  
**Countries, which recognize registered partnerships by homosexuals**

**and grant them most of the rights heterosexual ones possess. Europe:**

Denmark (1989), [HYPERLINK "http://pl.wikipedia.org/wiki/Norwegia"](http://pl.wikipedia.org/wiki/Norwegia) \o "Norwegia" Norway (1993), [HYPERLINK "http://pl.wikipedia.org/wiki/Szwecja"](http://pl.wikipedia.org/wiki/Szwecja) \o "Szwecja" Sweden (1995), [HYPERLINK "http://pl.wikipedia.org/wiki/Islandia"](http://pl.wikipedia.org/wiki/Islandia) \o "Islandia" Iceland (1996), [HYPERLINK "http://pl.wikipedia.org/wiki/Francja"](http://pl.wikipedia.org/wiki/Francja) \o "Francja" France (1999), Germany (2001), [HYPERLINK "http://pl.wikipedia.org/wiki/Finlandia"](http://pl.wikipedia.org/wiki/Finlandia) \o "Finlandia" Finland (2002), [HYPERLINK "http://pl.wikipedia.org/wiki/Luksemburg\\_%28pa%C5%84stwo\\_%29"](http://pl.wikipedia.org/wiki/Luksemburg_%28pa%C5%84stwo_%29) \o "Luksemburg (państwo)" Luxembourg (2004), [HYPERLINK "http://pl.wikipedia.org/wiki/Andora"](http://pl.wikipedia.org/wiki/Andora) \o "Andora" Andorra (2005), Great Britain (2005), [HYPERLINK "http://pl.wikipedia.org/wiki/S%C5%82owenia"](http://pl.wikipedia.org/wiki/S%C5%82owenia) \o "Słowenia" Slovenia (2006), Switzerland (2007),

**America:** [HYPERLINK "http://pl.wikipedia.org/wiki/Stany\\_Zjednoczone"](http://pl.wikipedia.org/wiki/Stany_Zjednoczone) \o "Stany Zjednoczone" USA (6 states), [HYPERLINK "http://pl.wikipedia.org/wiki/Argentyna"](http://pl.wikipedia.org/wiki/Argentyna) \o "Argentyna" Argentina ( [HYPERLINK "http://pl.wikipedia.org/wiki/Buenos\\_Aires"](http://pl.wikipedia.org/wiki/Buenos_Aires) \o "Buenos Aires" Buenos Aires 2003, [HYPERLINK "http://pl.wikipedia.org/wiki/Rio\\_Negro"](http://pl.wikipedia.org/wiki/Rio_Negro) \o "Rio Negro" Rio Negro 2003), [HYPERLINK "http://pl.wikipedia.org/wiki/Brazylia"](http://pl.wikipedia.org/wiki/Brazylia) \o "Brazylia" Brazil ( [HYPERLINK "http://pl.wikipedia.org/wiki/Rio\\_Grande\\_do\\_Sul"](http://pl.wikipedia.org/wiki/Rio_Grande_do_Sul) \o "Rio Grande do Sul" Rio Grande do Sul 2004),

**Oceania:** New Zealand (2005), [HYPERLINK "http://pl.wikipedia.org/wiki/Australia"](http://pl.wikipedia.org/wiki/Australia) \o "Australia" Australia ( [HYPERLINK "http://pl.wikipedia.org/wiki/Tasmania"](http://pl.wikipedia.org/wiki/Tasmania) \o "Tasmania" Tasmania 2004),

**Countries, which recognize concubinage by homosexuals and grant them some of the rights heterosexual ones possess.**

**Europe:** Hungary (1996), Ireland (1996), [HYPERLINK "http://pl.wikipedia.org/wiki/Liechtenstein"](http://pl.wikipedia.org/wiki/Liechtenstein) \o "Liechtenstein" Liechtenstein, [HYPERLINK "http://pl.wikipedia.org/wiki/Portugalia"](http://pl.wikipedia.org/wiki/Portugalia) \o "Portugalia" Portugal (2001), [HYPERLINK "http://pl.wikipedia.org/wiki/Czechy"](http://pl.wikipedia.org/wiki/Czechy) \o "Czechy" Czech Republic (2001), [HYPERLINK "http://pl.wikipedia.org/wiki/Austria"](http://pl.wikipedia.org/wiki/Austria) \o "Austria" Austria (2003), [HYPERLINK "http://pl.wikipedia.org/wiki/Chorwacja"](http://pl.wikipedia.org/wiki/Chorwacja) \o "Chorwacja" Croatia (2003), Italy (2004-2005),

**Asia:** [HYPERLINK "http://pl.wikipedia.org/wiki/Izrael"](http://pl.wikipedia.org/wiki/Izrael) \o "Izrael" Israel (1994),

**America:** [HYPERLINK "http://pl.wikipedia.org/wiki/Stany\\_Zjednoczone"](http://pl.wikipedia.org/wiki/Stany_Zjednoczone) \o "Stany Zjednoczone" USA (1995), [HYPERLINK "http://pl.wikipedia.org/wiki/Kolumbia"](http://pl.wikipedia.org/wiki/Kolumbia) \o "Kolumbia" Columbia (1996), [HYPERLINK "http://pl.wikipedia.org/wiki/Argentyna"](http://pl.wikipedia.org/wiki/Argentyna) \o "Argentyna" Argentina (1997), [HYPERLINK "http://pl.wikipedia.org/wiki/Brazylia"](http://pl.wikipedia.org/wiki/Brazylia) \o "Brazylia" Brazil (1998/00), [HYPERLINK "http://pl.wikipedia.org/wiki/Urugwaj"](http://pl.wikipedia.org/wiki/Urugwaj) \o "Urugwaj" Uruguay (1998), [HYPERLINK "http://pl.wikipedia.org/wiki/Kostaryka"](http://pl.wikipedia.org/wiki/Kostaryka) \o "Kostaryka" Costa Rica (2003),

**Oceania:** [HYPERLINK "http://pl.wikipedia.org/wiki/Australia"](http://pl.wikipedia.org/wiki/Australia) \o "Australia" Australia (1994-2003),

**Countries, which legally forbid discrimination based on sexual orientation.**

**Europe:** [HYPERLINK "http://pl.wikipedia.org/wiki/Estonia"](http://pl.wikipedia.org/wiki/Estonia) \o "Estonia"

Estonia, Latvia, [HYPERLINK "http://pl.wikipedia.org/wiki/Litwa"](http://pl.wikipedia.org/wiki/Litwa) \o "Litwa"  
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[HYPERLINK "http://pl.wikipedia.org/wiki/Polska"](http://pl.wikipedia.org/wiki/Polska) \o "Polska" Poland,  
[HYPERLINK "http://pl.wikipedia.org/wiki/S%C5%82owacja"](http://pl.wikipedia.org/wiki/S%C5%82owacja) \o "Słowacja"  
Slovakia, [HYPERLINK "http://pl.wikipedia.org/wiki/Rumunia"](http://pl.wikipedia.org/wiki/Rumunia) \o "Rumunia"  
Romania, [HYPERLINK "http://pl.wikipedia.org/wiki/Bo](http://pl.wikipedia.org/wiki/Bo%C5%9Bnia_i_Hercegowina)  
[HYPERLINK "http://pl.wikipedia.org/wiki/Bo](http://pl.wikipedia.org/wiki/Bo%C5%9Bnia_i_Hercegowina)  
%C5%9Bnia\_i\_Hercegowina" \o "Bośnia i Hercegowina" Bosnia and  
Herzegovina, Serbia and Montenegro( [HYPERLINK "http://pl.wikipedia.org/wiki/](http://pl.wikipedia.org/wiki/Kosowo)  
[HYPERLINK "http://pl.wikipedia.org/wiki/Kosowo"](http://pl.wikipedia.org/wiki/Kosowo) \o "Kosowo" Kosovo), [HYPERLINK "http://pl.wikipedia.org/wiki/Bu](http://pl.wikipedia.org/wiki/Bu%C5%82garia)  
[HYPERLINK "http://pl.wikipedia.org/wiki/Bu](http://pl.wikipedia.org/wiki/Bu%C5%82garia)  
%C5%82garia" \o "Bułgaria" Bulgaria, [HYPERLINK "http://pl.wikipedia.org/](http://pl.wikipedia.org/wiki/Grecja)  
[HYPERLINK "http://pl.wikipedia.org/](http://pl.wikipedia.org/wiki/Grecja)  
wiki/Grecja" \o "Grecja" Greece, Russia,

**America:** [HYPERLINK "http://pl.wikipedia.org/wiki/Meksyk"](http://pl.wikipedia.org/wiki/Meksyk) \o "Meksyk"  
Mexico, [HYPERLINK "http://pl.wikipedia.org/wiki/Gwatemala"](http://pl.wikipedia.org/wiki/Gwatemala) \o "Gwatemala"  
Guatemala, [HYPERLINK "http://pl.wikipedia.org/wiki/Wenezuela"](http://pl.wikipedia.org/wiki/Wenezuela) \o  
"Wenezuela" Venezuela, [HYPERLINK "http://pl.wikipedia.org/wiki/Ekwador"](http://pl.wikipedia.org/wiki/Ekwador) \o  
"Ekwador" Ecuador,

**Asia:** Georgia, [HYPERLINK "http://pl.wikipedia.org/wiki/Cypr\\_%28pa](http://pl.wikipedia.org/wiki/Cypr_%28pa%C5%84stwo%29)  
[HYPERLINK "http://pl.wikipedia.org/wiki/Cypr\\_%28pa](http://pl.wikipedia.org/wiki/Cypr_%28pa%C5%84stwo%29)  
%C5%84stwo%29" \o "Cypr (państwo)" Cyprus, [HYPERLINK "http://](http://pl.wikipedia.org/wiki/Chiny)  
[HYPERLINK "http://](http://pl.wikipedia.org/wiki/Chiny)  
pl.wikipedia.org/wiki/Chiny" \o "Chiny" China ( [HYPERLINK "http://](http://pl.wikipedia.org/wiki/Tajwan)  
[HYPERLINK "http://](http://pl.wikipedia.org/wiki/Tajwan)  
pl.wikipedia.org/wiki/Tajwan" \o "Tajwan" Taiwan), South [HYPERLINK "http://](http://pl.wikipedia.org/wiki/Korea_Po%C5%82udniowa)  
[HYPERLINK "http://](http://pl.wikipedia.org/wiki/Korea_Po%C5%82udniowa)  
pl.wikipedia.org/wiki/Korea\_Po%C5%82udniowa" \o "Korea Południowa"  
Korea, [HYPERLINK "http://pl.wikipedia.org/wiki/Japonia"](http://pl.wikipedia.org/wiki/Japonia) \o "Japonia" Japan,  
[HYPERLINK "http://pl.wikipedia.org/wiki/Filipiny"](http://pl.wikipedia.org/wiki/Filipiny) \o "Filipiny" Philippines,

**Africa:** [HYPERLINK "http://pl.wikipedia.org/wiki/Namibia"](http://pl.wikipedia.org/wiki/Namibia) \o "Namibia"  
Namibia, [HYPERLINK "http://pl.wikipedia.org/wiki/Sierra\\_Leone"](http://pl.wikipedia.org/wiki/Sierra_Leone) \o "Sierra  
Leone" Sierra Leone,

**Oceania:** [HYPERLINK "http://pl.wikipedia.org/wiki/Fid%C5%BCi"](http://pl.wikipedia.org/wiki/Fid%C5%BCi) \o "Fidži"  
Fiji,

**Countries, in which homosexuality is legal or it is not prohibited under law. In some of them exist regulations directly discriminating homosexuals.**

**Europe:** [HYPERLINK "http://pl.wikipedia.org/wiki/San\\_Marino"](http://pl.wikipedia.org/wiki/San_Marino) \o "San  
Marino" San Marino, Vatican, [HYPERLINK "http://pl.wikipedia.org/wiki/Mo](http://pl.wikipedia.org/wiki/Mo%C5%82dawia)  
[HYPERLINK "http://pl.wikipedia.org/wiki/Mo](http://pl.wikipedia.org/wiki/Mo%C5%82dawia)  
%C5%82dawia" \o "Mołdawia" Moldavia, [HYPERLINK "http://pl.wikipedia.org/](http://pl.wikipedia.org/wiki/Serbia_i_Czarnog%C3%B3ra)  
[HYPERLINK "http://pl.wikipedia.org/](http://pl.wikipedia.org/wiki/Serbia_i_Czarnog%C3%B3ra)  
wiki/Serbia\_i\_Czarnog%C3%B3ra" \o "Serbia i Czarnogóra" Serbia and  
Montenegro, [HYPERLINK "http://pl.wikipedia.org/wiki/Albania"](http://pl.wikipedia.org/wiki/Albania) \o "Albania"  
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%C5%82oru  
%C5%9B" \o "Białoruś" Belarus, [HYPERLINK "http://pl.wikipedia.org/wiki/](http://pl.wikipedia.org/wiki/Ukraina)  
[HYPERLINK "http://pl.wikipedia.org/wiki/](http://pl.wikipedia.org/wiki/Ukraina)  
Ukraina" \o "Ukraina" Ukraine,

**America:** [HYPERLINK "http://pl.wikipedia.org/wiki/Salwador"](http://pl.wikipedia.org/wiki/Salwador) \o "Salwador"  
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**Countries, in which homosexuality is prohibited under law, with a jail sentence of 1 to 10 years.**

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**Countries, in which homosexuality is prohibited under law, with a jail sentence over 10 years**

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## Homosexuals in the Czech Republic

16<sup>th</sup> of March, 2006 was an important day for homosexuals in the Czech Republic. On this very day the Chamber of Deputies of the Czech Parliament outvoted the veto of President Vaclav Klaus of the Registered Partnership Bill which granted them the long awaited rights ([www.ukgaynews.org.uk](http://www.ukgaynews.org.uk)).

In favour of the proposed Registered Partnership law were nearly all members of Czech Social Democratic Party (CSSD), Communist Party of Bohemia and Moravia (KSCM) Freedom Union (US) and two members from Civic Democratic Party (ODS), who decided on the outcome (with the whole ODS party-against). 101 votes successfully defended the Bill, which wouldn't happen if it wasn't for their presence. By this, CSSD, which is the main power in the parliament, with Prime Minister Jiri Paroubek, fulfilled its pre-electoral promise.

The main political opponent of the Bill was Vaclav Klaus and his party ODS, accompanied by other right wingers. A powerful „no” vote came from 10 major Christian Churches as well. They sent a letter to the republic's President and to the Senate, in which they outlined their views, justifying them as follows, quote: “We are convinced that family is the fundamental chain of the society and is irreplaceable. A marriage between man and woman is vital for a healthy development of the children, who need background and a feeling of security. A unity with the father and the mother provides them with just that.” (by: [www.kosciol.pl](http://www.kosciol.pl)).

Among the most active supporters was SOHO - the Association of Homosexual Citizens' Organisations in the Czech Republic, also called Gay Initiative. “A week ago Václav Klaus asked the Chamber of Deputies to use the common sense,” commented Jiri Hromada, the GI chairman. “[Today], I send a message to you Mr. Klaus – common sense has won, thanks to God...”. Another one was GLL: (Gay and Lesbian League) a voluntary non-governmental non-profit association (<http://eu.gll.cz>). Its fundamental aim is to support and promote same sex partnership legislation and the elimination of all forms of discrimination based on emotional and sexual orientation, as stated on their website. What is worth to emphasize, its members closely co-operated with the Members of Parliament of the Czech Republic in preparing the Registered Partnership Act. Media as well as the public were informed of its activities and their outcomes primarily by means of the HYPERLINK "<http://www.partnerstvi.cz/>" \t "\_blank" [www.partnerstvi.cz](http://www.partnerstvi.cz) Internet project. Members have continuously participated in the Antidiscrimination Act drafting process and have been invited to engage in the preparation of the EU antidiscrimination

campaign.

According to Czech Registered Partnership Act (by: [www.ilga-europe.org](http://www.ilga-europe.org)) partnership registration takes place in the presence of an employee of the Registry Office and there is only one such office in each of the fourteen regions of the Czech Republic. The partnership can be dissolved by court decision only. The partners must be at least 18 years of age, legally competent and single (neither registered nor married). At least one of the partners must have Czech citizenship. The partners must not be next of kin in the direct line or siblings. In terms of Civil Code, partners become "close persons" and can act on behalf of each other in common affairs. They have mutual duty to maintain and support. When one of the partners die, the other one automatically belongs to the first inheritance group. They are entitled to refuse to give testimony should this endanger the other partner. A partner is entitled to use his/her partner's rented apartment for the duration of the partnership and in certain circumstances can inherit it. The marital status must be stated in the person's ID card. Rights which are available for mixed – sex marriages and which homosexual partnerships do not possess are as follows: estate by entirety, common or double surname, impact on citizenship, residence or work permit acquisition, survivor's pensions, advantages stemming from income tax law (e.g. joint taxation), financial compensation in case of partner's death and adoption of children.

### **Homosexuals in Poland**

Poland, on the other hand, is one of eight member states of the European Union, where there is no legislation concerning homosexual partnership. The 32<sup>nd</sup> article of the Polish constitution states that, quote: "1. All people are equal before the law. Everyone has the right to be treated equally

by official organs. 2. No one can be discriminated in the public, social or economic sphere for any reason whatsoever." (by: [www.sejm.gov.pl/prawo/konstytucja](http://www.sejm.gov.pl/prawo/konstytucja)), but there are no specific bills securing the rights of homosexuals. The ruling governments have so far turned a deaf ear to suggestions by many organisations aiming at tackling this problem. The most active subject in this matter was Campaign Against Homophobia (CAH) – non governmental organisation established on 11<sup>th</sup> September 2001. CAH coordinates activity of many people and organisations for achieving by sexual minorities equal rights. It is quite well known in Poland because it organises annual Equality Parades and Tolerance Festivals. In 2003 CAH organised very famous and controversial campaign "Let them see us" where a few homosexual couples were presented on the posters placed on billboards and bus stops in major Polish cities.

Maria Szyszkowska, a Senate member from left wing SLD party managed to go furthest in this field ([www.innastrona.pl](http://www.innastrona.pl)) . On 21<sup>st</sup> November 2003 she put forward a proposal of a bill in the Senate. After about 3 months, on 10<sup>th</sup> February 2004 a discussion on the bill was held in the Senate. First reading took place on 29<sup>th</sup> August and second – nearly 3 months later (14<sup>th</sup> October). The Senate finally passed it on 3<sup>rd</sup> December and 10 days later the proposal ended up in the lower chamber of the Parliament. Despite the success it was not put into the legislation process. Main privileges listed in the proposal were: law of inheritance after the partner's death, the lowest tax rate while inheriting in that same situation, health insurance benefits, joint taxation, survivor's pensions, hospital visits and deciding on medical treatment's course as well as refusal to give testimony. The duties include: mutual duty to maintain and support, common responsibility for financial duties and alimentation. The proposal didn't mention child adoption, but a child of one of the partners was permitted to be brought up by both of them. The proposal was put forward when left wingers were in power. Now, it got even worse because of the right

wingers. It is an uphill climb to even mention homosexual rights, as homosexuality is officially considered a deviation by the new administration and homosexuals themselves are offended, portrayed as no. 1 public enemies and even rid of the very right to exist, all in the words of highest in rank Polish officials in public statements. And it's no better on the streets as marches of homosexuals demanding equal rights are targeted with verbal and physical violence by supporters of right wing parties accompanied by ordinary football hooligans and members of street gangs. Both official sources and some influential parts of the catholic church add up to that ostracism with their blunt criticism of both the homosexual movement and homosexuals as individuals.

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The freedom to engage oneself in a registered partnership should be a right of every human being. As shown by comparison with other countries the recognition of homosexuals rights is a token of progress and democracy. European Union legislation also provides support for the cause, which gives hope for achieving such normality, even in the conservative Polish society. The range of these rights can be a matter of dispute but there can be no room for discussion over whether homosexuals should or shouldn't have the possibility to decide on their own fate, just as the dominating hetero orientation does. Granting the partnership laws would allow them to better comply with the society, with benefit for the whole of it. All in all, being a Pole I personally am glad of what is going on in the Czech Republic in that matter, and what's not surprising, saddened by the lack of action and recent developments back home.

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Polish website dedicated to catholic issues: [www.kosciol.pl](http://www.kosciol.pl)

British news website dedicated to homosexuality: [www.ukgaynews.org.uk](http://www.ukgaynews.org.uk)

Official website of the lower chamber of the Polish parliament:  
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PAGE

PAGE 12