
GAY RIGHTS AFTER THE IRON CURTAIN

—MICHAEL JOSE TORRA—

The collapse of Communism throughout Central and Eastern Europe has led to a reorientation of these nations' economic and political systems toward the West. This reorientation has been marked by advances in civil liberties. In the midst of the multifaceted transformation of this region, the status of gay and lesbian¹ residents has undergone varied and dramatic changes and is still in flux.

Gays and lesbians have made extraordinary progress in creating legislative reform but have gained limited social acceptance. Hungarian law, for example, recognizes the equivalent of same-sex common law marriages, while the society as a whole remains generally unaccepting: there are very few openly gay public figures and gays remain targets of police harassment in the post-communist era. This paradoxical situation differs markedly from how gay and lesbian liberation occurred in the West. There, the creation of gay and lesbian social space, gathering places, publications and a degree of public acceptance were accomplished prior to legislative achievements.

The reason for this paradox lies in the unique post-Communist political environment of Central and Eastern Europe. In their bid to join the international fora of the West, such as the European Union (EU) and the North Atlantic Treaty Organization (NATO), the governments of the region's nations have eagerly sought to reconstruct their legal systems and codes so as to quicken prospects of integration. As a result of this eagerness, several countries in the former Communist bloc have accepted as a standard the Western European laws relating to gays and lesbians. The motivation to integrate into Western Europe, coupled with the influence of trans-European relationships among non-governmental organizations, has served as a catalyst for rapid progress in liberalizing statutes of former Communist states in favor of gays and lesbians.

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The Communist Era

Government Policies and Social Attitudes

Before the collapse of Communism in 1989, gay and lesbian activism was severely curtailed throughout most of Central and Eastern Europe. This was not solely the result of attitudes of the regimes in power, several of which did not have laws discriminating against gays and lesbians, but also a result of general constraints upon individual self-expression. In the model socialist society, which embraced the concept of a "socialist family,"² no roles existed for lesbians and gay men. Hence, being visibly gay or lesbian would distance one from society and thus cause one to become an outcast. Homosexuality was perceived as a threat to the state ideology because it was an assertion of a personal role outside the purview of socialist society.

In such a climate, the state rarely discouraged social taboos against homosexuality. Instead, state police and security forces often used such taboos as a way to discredit enemies or blackmail individuals to pressure them to collaborate.³ It was not uncommon for the police to arrest or detain a known homosexual and coerce her, or more frequently him, to give the names of other homosexuals. Indeed, Romania has continued this practice in the recent post-Communist past.⁴ The police compiled lists of names, sometimes referred to as "pink lists," which were used as a means of intimidating "state enemies."⁵ Opponents of the state were also framed and prosecuted for alleged homosexual activity.

At best, government policy toward gays and lesbians during much of the Cold War period was official indifference. Because some regimes believed that "in a perfect socialist society, lesbianism and gayness would...eventually disappear"⁶ no serious effort was made to discourage homosexuality. This also meant that no efforts were made to educate people about homosexuality or combat traditional prejudices. There existed what British gay rights activist and author Peter Tatchell describes as "repressive tolerance."

In the mid-1980s, a decade after substantial gay and lesbian organizing first took place in Western Europe, gays and lesbians began to agitate in some areas of Central and Eastern Europe. In 1988 Homeros Lambda, a Hungarian gay group, was recognized by the government,—a status that allowed it to meet relatively freely. This was the first time a gay or lesbian organization had been recognized in the Communist bloc. Similar attempts in communist-era Poland and Czechoslovakia failed.

In East Germany, gay and lesbian organizing began under the auspices of the Protestant church, which supported many dissident and opposition groups, long before governmental acceptance was achieved. The Protestant church was the only institution critical of communism permitted to exist, partially because it was too strong for the authorities to displace. Desperate for public support in the waning years of the Honecker regime, the East German government made positive overtures to the gay and lesbian community. Some accepted

the government's olive branch while others refused, implacably opposed to the regime.⁷

Legal Situation

In the Communist era legal landscape, no country had legislation that protected gay civil rights. This is not surprising because the introduction of gay civil rights legislation is a relatively recent phenomenon in even the most progressive cities and countries of North America and Western Europe.

A positive legal climate was instead measured by the lack of anti-gay statutes. Laws punishing sexual activity between members of the same sex were common throughout Europe and its colonies in the eighteenth century. The introduction of the Napoleonic code in much of continental Europe turned out to be favorable to gays and lesbians because it contained no provisions discriminating against individuals based on sexual behavior. However, British laws, and those in her former colonies, continued to outlaw male homosexual activity.⁸

Similar laws existed in Eastern Europe, most notably in Russia. After the Bolshevik revolution, sodomy laws were repealed. However, Stalin reintroduced them in 1934. At the beginning of the Cold War, all countries in the Eastern bloc except Poland had sodomy laws. The laws varied from country to country, primarily in regard to the level of punishment and whether they applied to both men and women.

Positive change first came in 1961, when both Hungary and Czechoslovakia repealed their sodomy laws. Seven years later, Bulgaria repealed its laws that explicitly forbade homosexual activity, but retained laws against acts that "cause public scandal or entice others to perversity," which were regularly used against homosexuals.

In Yugoslavia in 1977, each republic was given jurisdiction over its own laws regulating sexual behavior. In response, Croatia, Montenegro and Slovenia all repealed their sodomy laws. Albania followed suit that same year, but like Bulgaria, retained other laws that it used to prosecute and intimidate homosexuals. The remaining republics of Yugoslavia, the entire Soviet Union and Romania all retained their sodomy laws at the fall of the iron curtain. (See Table I for an overview of sodomy laws and minimum ages of consent).

Legal Reforms

Role of European Institutions

European institutions, such as the Council of Europe, have played an indispensable role in positively developing gay and lesbian rights in Central and Eastern Europe. The Council of Europe set a standard of treatment of homosexuals in 1981 by passing Recommendation 924, which urged members to decriminalize homosexuality; harmonize minimum ages of consent for homosexual and heterosexual acts; destroy special records on homosexuals; abolish

Table I
Gay and Lesbian Rights in Selected Central and Eastern European
Countries: Decriminalization of Homosexuality and Equal Age of Consent

| Country | Age of Consent | Legalization of Homosexual Acts |
|--------------------|--|---|
| Albania | 14 for all (since 1977) | 1977 but "pederasty" remained illegal; gay relationships legalized in 1995 |
| Bosnia-Herzegovina | | still illegal (applies only to gay men) |
| Bulgaria | 18 for homosexuals 14 for heterosexuals | 1968 but at different age of consent, and laws against "creating a public scandal" remained |
| Croatia | 18 for homosexuals 14 for heterosexuals | 1977 but at different age of consent |
| Czech Republic | 15 for all (since 1990) | 1961 but at different age of consent |
| Estonia | 16 for all | 1992 |
| Hungary | 18 for homosexuals (since 1978) 14 for heterosexuals | 1961 but at different age of consent |
| Latvia | 16 for all | 1992 |
| Lithuania | 18 for all | 1993 |
| Montenegro | 14 for all | 1977 |
| Poland | 15 for all | 1932 |
| Romania | | still illegal, including attempted homosexual acts |
| Serbia | 18 for homosexual men 14 for heterosexuals and lesbians | 1994, including Kosovo Homosexual activity was decriminalized in Vojvodina in 1977 |
| Slovakia | 15 for all (since 1990) | 1961 but at different age of consent |
| Slovenia | 14 for all | 1977 |
| Ukraine | 16 for all | 1991 |

the practice of maintaining lists of suspected homosexuals; assure equal treatment in employment; cease "all compulsory medical action or research designed to alter the sexual orientation of adults;" ensure that parent's custody, visitation and accommodation rights are not limited based on their sexual orientation; and be vigilant against rape in prisons.⁹

In 1994, the European Parliament passed a resolution calling for the end of discrimination based on sexual orientation in numerous spheres including employment and family rights, and for measures to combat hate crimes.¹⁰ These actions by the Council of Europe and the EU, in conjunction with national laws in member states that reflect the spirit and often the letter of these statements, have in effect established a European treatment norm of gay and lesbian citizens.

Potential membership in the institutions has served to induce post-Communist governments to implement legal reform. Withholding membership and sending special rapporteurs have so far been the primary ways in which European institutions have pressed Central and Eastern European countries to reform not only their statutes related to homosexuality but also statutes on a range of human rights and civil society issues.

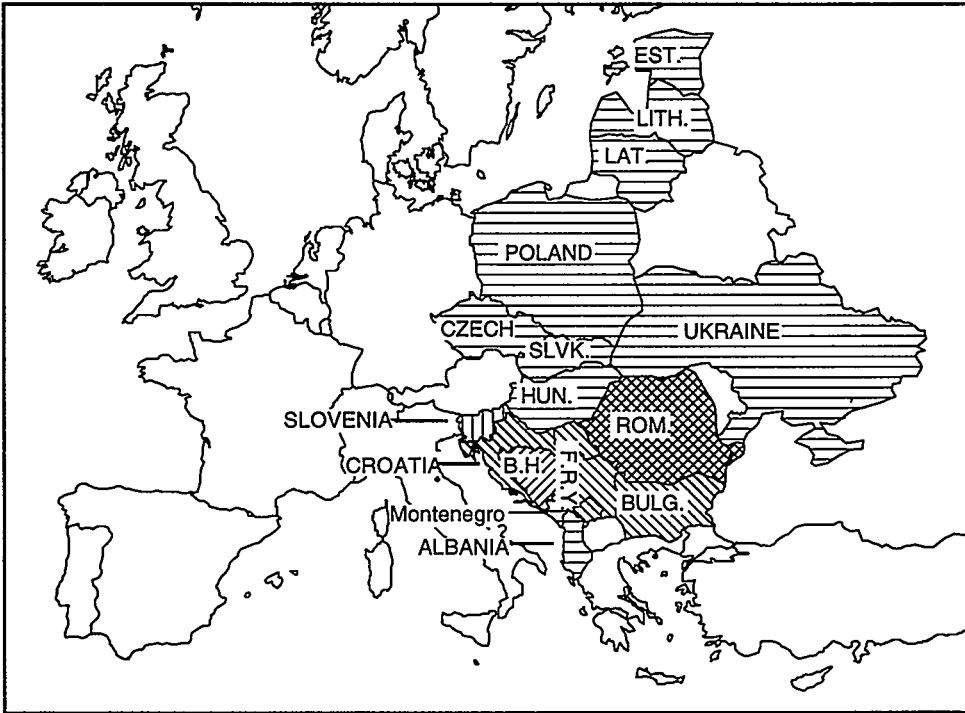
In some cases, such pressure has not been necessary, as countries have readily engaged in pro-gay legal reform. Slovenia, for example, surpassed not only other former Communist states, but also most Western nations by adopting legislation in 1994 prohibiting discrimination on the basis of sexual orientation.¹¹

The Significance of the Council of Europe

The prerequisite to joining the European Union, a primary goal of many countries in the region, is membership in the Council of Europe. To join the Council of Europe, a state must accept the European Convention on Human Rights and the body of precedent cases that accompanies it. This includes the 1981 case of *Dudgeon v. United Kingdom*, in which the European Court of Human Rights ruled that discrimination based upon sexual orientation—in particular the criminalization of homosexual activity—constitutes a violation of the right to privacy. This ruling was reaffirmed later in the similar cases of *Norris v. Ireland* in 1988 and *Modinos v. Cyprus* in 1993.¹²

Acceptance of the European Convention on Human Rights includes the requirement to repeal laws that criminalize homosexuality. However, this does not approximate full legal liberation for gays and lesbians because it does not prevent the imposition of different ages of consent for heterosexual and homosexual sexual activity. Neither does it protect gays and lesbians from employment discrimination, nor does it grant gay and lesbian relationships public recognition equal to that which heterosexuals enjoy. Nevertheless, the standards set by Western European nations by the 1990s establishing equal civil rights protection for gays and lesbians, and in some cases even public recognition of same-sex unions, have been used to measure Central and Eastern European countries' laws. Thus, it is adherence to a human rights convention that is a coveted key to membership in the EU.

Gay and Lesbian Legal Rights Index for Selected Central and Eastern European Countries



Gay Rights Index

Countries where...



laws criminalizing homosexuality are enforced.



laws criminalizing homosexuality are not enforced.



homosexuality is not criminalized.



equal age of consent applies to both heterosexual and homosexual activity.



there are equal ages of consent and laws prohibiting discrimination on the basis of sexual orientation.

Note 1: While there is no equal age of consent in Hungary, this is compensated in the index by the fact that the equivalent of common-law marriages are recognized for same-sex couples.

Note 2: Homosexuality was officially decriminalized in Bulgaria in 1968, but laws against "creating a public scandal" continued to be used against homosexual activity.

In 1993, the Council of Europe directly addressed European post-Communist nations on the issue of homosexuality when it adopted a declaration specifically calling on new democracies in Eastern Europe not to discriminate against homosexuals within the legislative framework.¹³

Romania: A Case Apart

The admission of new member states from Central and Eastern Europe to the Council of Europe has generally proceeded smoothly as these countries eagerly reformed their legal statutes to conform with Western Europe. For example, Lithuania was admitted in 1993 with its sodomy laws still on the books; but it removed them within two months of admission.¹⁴ The case of Romania stands in marked contrast. Romania expressed interest in joining such European organizations as the European Union and NATO and has proclaimed a willingness to accept the responsibilities that accompany membership; but it has been slow to fully revise its legal statutes and government practices in line with Council of Europe requirements.

Romania's admission to the Council of Europe was based on several conditions, including the repeal of Article 200 from its penal code. Article 200 criminalizes homosexuality and prohibits the association of homosexuals. The Romanian government promised to conduct various reforms, including the revision of that law; Romania was subsequently admitted to the Council of Europe in October 1993. Rather than repeal Article 200, the government revised it in such a fashion that it continued to criminalize homosexuality and authorize persecution by authorities. In response to this, and a lack of progress on other reforms, the Council of Europe again called on Romania to amend its laws.

Following the admission of Romania and other new member states from Central and Eastern Europe to the Council of Europe, the Parliamentary Assembly issued an order in 1993 to monitor progress made by new members in honoring their commitments. Two special rapporteurs, one from the Political Affairs Committee and one from the Committee on Legal Affairs and Human Rights, would make reports every six months "until all undertakings have been honored."¹⁵

Legal Affairs and Human Rights Rapporteur Gunnar Jansson, a Finnish member of the Liberal party, reported to the Parliamentary Assembly of the Council of Europe in May of 1993 that Romania criminalizes homosexuality and prohibits attempts to "engage in homosexual behavior."¹⁶ His report, which formed the basis for an Assembly opinion on Romania's Council of Europe membership application, suggested that a temporary solution might be to cease prosecutions under Article 200. An approved amendment to the report added that the Assembly would expect Romania to change its legislation so that Article 200 would no longer criminalize private homosexual acts between consenting adults. The opinion was adopted by the Assembly on September 28, 1993 and included the amendment's language.

Reporting on the prospects of Romanian admission to the Council of Europe, Political Affairs Committee Rapporteur Friedrich Köning, an Austrian

member of the European Popular Party, wrote in May 1993 that Romania's Article 200, even if not enforced, constitutes a violation of the European Court of Human Rights' interpretation of Article 8 of the European Convention on Human Rights.¹⁷

A year later in May 1994, the rapporteurs for Romania, Jansson and König, noted in their joint report that Article 200 of Romania's penal code had been amended by adding the words "if they cause public scandal."¹⁸ The rapporteurs suggested continued scrutiny of developments¹⁹ and recommended to wait and see what effect the debate on Article 200 would have on the regulation of homosexual activity.²⁰

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Three years later, in an April 1997 report to the Assembly, Rapporteur Jansson reiterated the Assembly's wish "that Article 200 be finally repealed without delay."²¹ The report asserted that the concept of "public scandal" in Article 200 is "conducive to exaggerated or contradictory interpretations." The report also noted that paragraph five of the Article restricts the freedom of association among gays and lesbians. This greatly impedes efforts to build gay and lesbian community and social space.

Resolution 1123, adopted within weeks of Jansson's April report, described Article 200 as unacceptable and a serious peril to the exercise of fundamental freedoms.²² So far, it is questionable whether the Council of Europe's efforts have produced tangible results; Article 200 still stands and approximately one dozen individuals continued to languish in prison at the close of 1997 for offenses committed under it.²³ However, Romania's bid to join the EU will not be helped by its poor record of honoring its commitment to adapt its statute to the norms of the European Convention on Human Rights.

There has been some softening in Romania's treatment of gays and lesbians in recent months, but it is more directly attributable to human rights organizations than to the Council of Europe. On January 15 of this year, Human Rights Watch Senior Advisor Jeri Laber and the International Gay and Lesbian Human Rights Commission's European Advocacy Director Scott Long, presented their joint report on the treatment of gays and lesbians by authorities to Romanian President Emil Constantinescu and other officials.²⁴ The President responded by promising to pardon all prisoners convicted under paragraphs one and five of Article 200. However, a full commitment to reversing past discrimination seems to be lacking, as prisoners will have to petition the president themselves to apply for a pardon.²⁵ Furthermore, Article 200 remains in the Romanian statutes despite additional appeals to Romanian government officials by Laber and Long to repeal it.

Role of International Non-Governmental Organizations (NGOs)

Because of the unsophisticated level of gay and lesbian organization in much of Central and Eastern Europe, gay and lesbian issues are often addressed through cooperation with Western partners. The most prominent international NGO working on gay and lesbian issues is the Brussels-based International Lesbian and Gay Association (ILGA). In Central and Eastern Europe, ILGA serves an important role in collecting and compiling information on the state of gay and lesbian rights and organizing throughout the region. Since ILGA is an association of many national gay and lesbian organizations, a number of cooperative efforts under the ILGA umbrella are carried out by members of national NGOs. For example, the Dutch National Organization for the Integration of Homosexuality (COC) is involved with the Romanian group ACCEPT to share expertise and experience so as to increase the latter's effectiveness.²⁶

ILGA's Western European member organizations have assisted their Eastern counterparts by lobbying national governments to address gay and lesbian concerns in international fora such as the Council of Europe, the Organization of Security and Cooperation in Europe (OSCE) and the EU. The Dutch COC and Danish Gay and Lesbian Association (LBL) maintain excellent relations with their country's foreign ministries and thus are often successful at placing gay and lesbian issues on the European agenda.

Domestic NGOs

In general, Central and Eastern European gay and lesbian NGOs have been adept at making themselves heard in international fora and drawing the interest of international NGOs and Western governments. In fact, their activities have been almost exclusively geared toward mobilizing international support for legal reforms and funding of their own activities.²⁷ This type of NGO activity has resulted in the current paradox of liberal laws in conservative societies. In contrast, NGOs have devoted little energy to organizing at the grassroots level, and thus have largely failed to build membership through activities commonplace in the West, such as support groups and community centers.

In the West, these activities led to the creation of a gay and lesbian community, from which a strong sense of gay and lesbian identity emerged. It has been essential for long-term development that gays and lesbians are able to provide themselves with support services and venues to congregate for a vast array of activities from political organizing to entertainment.

Rather than engage in these community-building efforts, gay and lesbian NGOs in the former Soviet bloc, with the notable exception of the Czech Association of Homosexual Citizens' Organizations (SOHO), maintain small memberships focused on obtaining Western funding to lobby for legal change. Unfortunately, this has also led to a proliferation of "briefcase NGOs," which, lured by Western money, are created by opportunists for the sole purpose of enriching their members.²⁸ This phenomenon is of course not unique to the field of gay and lesbian organizing, nor to Central and Eastern Europe.

The activities of gay and lesbian NGOs in Central and Eastern Europe vary significantly from country to country. The paradigm under which an NGO chooses to operate in a given country is largely determined by that country's climate toward gays and lesbians.

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since Article 200 prohibits the "association" of homosexuals. In a society where men and women are arrested for alleged homosexual activity and tortured by police and prison authorities,²⁹ the principal concern of activists is the protection of basic human rights. The Society for Investigating Human Rights in Romania (SIRDO), the Helsinki Committee, Amnesty International, the more gay-specific Group 200 and ACCEPT are among the organizations that have addressed human rights abuses against gays and lesbians.³⁰

In Hungary, gay and lesbian organizing started before the fall of the Iron Curtain. Although Homeros Lambda was the first gay or lesbian organization to receive legal recognition in Eastern Europe, it has continued to be burdened by regulations that, while granting limited liberties to NGOs, have constrained them significantly. When Homeros Lambda was granted legal recognition, the court simultaneously bound it exclusively to AIDS related work in the gay community. Homeros Lambda has since been slow to expand its mission and has suffered from internal turmoil and leadership difficulties.³¹

Lesbians were initially alienated by Homeros Lambda, following the insensitivities of gay male leaders to lesbian needs. Some lesbian activists then devoted their energies to feminist groups and others to an anti-domestic violence movement. Now, many lesbians are involved in the Hatter "Support" Society for Gays and Lesbians in Hungary, founded in 1995. Hatter includes a lesbian caucus, known as LABRISZ, which also has its own publication. According to Hatter board member and international coordinator, Bea Sandor, it has been difficult for lesbians to organize and gain prominence in Hungary because the country lacks a feminist tradition upon which lesbians can build.

A Hungarian gay publication, MASOK, has had relative success in increasing its circulation, which has contributed to a greater sense of gay identity in Hungary. For closeted and isolated gays and lesbians, MASOK has played an important role in reassuring them that they are not alone, and in promoting a more positive gay identity.

Gay and lesbian NGO activity in Hungary is currently in transition from a therapeutic approach to a community building approach, and until recently

lacked a guiding paradigm. Hatter established a telephone hotline in 1996, offering a wide range of information and services, which has begun to assess people's needs. The hotline provides resources for isolated gays and lesbians living outside Budapest and other larger population centers. Hatter has also spawned several specialty groups, such as for Catholics, Jews and youth, and has organized film festivals and pride marches. These activities indicate that Hungarian gay and lesbian activity is heading steadily in a direction of community building.³²

NGO activity in the Czech Republic is the most advanced and diversified in the region. The principal organization, SOHO, has a large network of local organizations that feed into the national organization. It is consensus driven, which brings the benefit of inclusiveness and the disadvantage of a cumbersome decision-making process. SOHO's guiding paradigm is that of a political NGO.³³ Rather than focus solely on sexual identity counseling or human rights advocacy, SOHO is able to adopt an advanced political strategy that befits the more liberal society in which it operates, while still addressing counseling needs and publishing a periodical.³⁴

Similarly, many of Poland's gay and lesbian organizations are federated into the Lambda Groups Association of Poland, also known as Polish Lambda. Each of the main cities has its own Lambda group, which together form the national organization. Poland's gay and lesbian activists have been successful in achieving legal reforms. Their narrowly defeated bid to amend the 1997 Constitution to prohibit discrimination based on sexual orientation nevertheless demonstrates their success in the heavily Catholic country where their chances to make considerable advances might be thought to be minimal.

Social Attitudes and Social Space

Treatment by Authorities and the Public

Despite the Hungarian government's recognition of Homeros Lambda, the authorities continued to harass gay and lesbian organizations by raiding their offices. MASOK has had to move its headquarters four times due to harassment by neighbors and landlords.³⁵

In Hungary, and other countries in the region, the post-communist reconstruction has taken place at the elite level among lawmakers. It has barely reached the courts, let alone the average police officer. In Hungary for example, "the striking contradiction between the law and how the police perceive the gay community" remains to be effectively addressed.³⁶ Consequently, these officials will require retraining in light of the new civil liberties.

The freedom to be more openly gay has occasioned increased open verbal and physical hostility directed toward the gay community. "You couldn't hate something that officially didn't exist," said Balazs Palfi, an openly gay Hungarian radio talk show host, in reference to life in the Communist era.³⁷ In particular, Skinheads have found gays to be easy victims.³⁸

Public Opinion

Public opinion on homosexuality paints a different picture of Central and Eastern Europe from the one portrayed by examining legal statutes. The public is nowhere near as progressive as the region's laws. A 1994 survey by the Center for Public Opinion Survey (CBOS) in Warsaw found that overwhelming majorities opposed the right of gays and lesbians to be teachers (79 percent) and hold public office (63 percent). Only a razor thin 51 percent majority supported the right to publish gay and lesbian newspapers. A telling statistic in this poll was that 86 percent of the respondents said they did not know any lesbians or gay men. As NGO activity becomes more grassroots-oriented and visible in local communities, the number of people who come out will probably increase, which will have a dramatic effect on public opinion. If the experience of the United States can serve as a guide, the more people know individuals who are gay or lesbian, the more tolerant they tend to be.³⁹

Religious Influence

With the collapse of Communism, religion has, in some ways, supplanted the influence that Communist ideology once had. Whereas previously there existed a socialist model family, notions of traditional Catholic or Christian Orthodox family values are now invoked to exclude gays and lesbians from a role in society. This is most prevalent in Romania, where the Orthodox Church has inordinate influence over "moral" legislation. Laws relating to homosexuality fall into this category. Poland, although a much less extreme case, struggles with a powerful conservative Catholic majority that opposes Western European standards on gay and lesbian citizens' participation in society.

In contrast, the Czech Republic and former East Germany are influenced by a Protestant tradition that is less intrusive in individuals' private lives. Consequently, these former Communist states enjoy the most liberal policies towards gays and lesbians.

Hungary differs from the other countries in the region in that religion plays a less prominent role in its society. Religious considerations seem to have little influence on policies on gay and lesbian rights.

Employment Discrimination

Statistics on employment discrimination based on sexual orientation are difficult to obtain, although there is plenty of anecdotal evidence to suggest that being openly gay decreases promotion opportunities and increases the chances of employment termination. In more conservative countries, it may be premature to examine job discrimination as the prime issue of concern to gay and lesbian activists. In countries where social and legal progress has already been achieved, such as the Czech Republic, discrimination can be more effectively tackled.

Gay and Lesbian Social Space

The day-to-day atmosphere for gays and lesbians varies greatly across Central and Eastern Europe. Prague is as lively and open a city for gays and lesbians as any major city in Western Europe, while Bucharest is dismal. The differences are a function of the social environment, which is in part influenced by a tolerance based on a liberal Protestant tradition or repression based on a conservative Orthodox tradition. Differences also reflect the level, nature and history of NGO activity in the area. Hence in Hungary, where NGO activity is less developed than in the Czech Republic, there is a weaker gay and lesbian identity.

In the Czech Republic, it is important to note that there was a gay life before the collapse of Communism. While it could not flourish as it does today, there were gay dances and occasionally unbiased articles on homosexuality published in the Communist press.⁴⁰

Future Prospects

In much of Central and Eastern Europe, the easier work toward full gay and lesbian liberation has been completed. Now that a favorable legal framework exists in most of the region, it is time to move toward grassroots organizing with the goal of expanding gay and lesbian social space and so heighten the profile of gays and lesbians in society. As the gay and lesbian population becomes better organized, it will be better placed to preserve the current gains and push for further advancements. The Czech Republic and, to a somewhat lesser degree, Poland and Slovenia are moving steadily in that direction. Hungary, the Baltic states and Slovakia are nearing the threshold of that stage, while Romania, Bulgaria and Albania must first secure respect for basic human rights before they can advance. Progress in southeastern Europe is likely to be much slower than among the more northern post-communist states, as social taboos against homosexuality in the former show few signs of significantly eroding in the near future.

On balance, progress towards improving the situation of gays and lesbians in Central and Eastern Europe has been tremendous, but much work remains to be done. In this new era, the burden lies more than ever on the self-initiative of individuals with a vision of a better life and with the energy and determination to struggle for it.

Notes

1. The term gay and lesbian in this essay also refers to bisexual men and women.
2. Peter Tatchell, *Europe in the Pink: Lesbian and Gay Equality in the New Europe* (London: GMP Publishers Ltd, 1992), 31.
3. David Tuller, "Gay Movement in East Europe: After years of oppression, many are coming out," *San Francisco Chronicle* July 28, 1991, A7. See also David Lewis, "Hungary becomes first East European nation to permit gay group" *Los Angeles Times* June 5, 1988, 41; and Tina Rosenberg, *The Haunted Land: Facing Europe's Ghosts After Communism* (New York: Random House, 1995), 55.

4. Human Rights Watch and the International Gay and Lesbian Human Rights Commission, *Public Scandals: Sexual Orientation and Criminal Law in Romania* (forthcoming report).
5. Dean E. Murphy, "Out of the Closet and Into Another: For East European Gays, Communism's End Has Brought New Freedom and Fears" *Los Angeles Times* September 20, 1995, A1. See also Scott Long, "Beyond Privacy" *Index on Censorship*, no. 1 (1995): 94.
6. Peter Tatchell, *Europe in the Pink: Lesbian and Gay Equality in the New Europe*, 31.
7. *Ibid*, 32.
8. These laws were also known as "sodomy laws" and although originally aimed only at men, they were later used in some cases against female couples.
9. Council of Europe. Recommendation 924, October 1, 1981.
10. European Parliament. Report of the Committee on Civil Liberties and Internal Affairs on equal rights for homosexuals and lesbians in the EC. DOC_EN\RR\244\244267, January 26, 1994.
11. The legislation, Article 141 of the penal code, came into force in January 1995. International Gay and Lesbian Human Rights Commission, "Nationwide Legal Protection from Discrimination Based on Sexual Orientation," Factsheet March 1997, San Francisco.
12. Douglas Sanders, "Getting Lesbian and Gay Issues on the International Human Rights Agenda," *Human Rights Quarterly*, Vol. 18:1 (1996): 79.
13. Council of Europe, Parliamentary Assembly. Written Declaration No. 227 on homosexual rights in the new democracies. ADOC/Doc. 6779, February 18, 1993.
14. Douglas Sanders, "Getting Lesbian and Gay Issues on the International Human Rights Agenda," *Human Rights Quarterly*: 82.
15. Council of Europe, Parliamentary Assembly. Order No. 488 (1993) on the honouring of commitments entered into by new member states. Adopted by the Assembly on June 29, 1993.
16. Council of Europe, Commission des Questions Juridiques et des Droits de l'Homme, Gunnar Jansson, Rapporteur. "La demande d'adhésion au Conseil de l'Europe présentée par la Roumanie" AS/Jur (44) 66, Strassbourg, May 10, 1993, 4.
17. Council of Europe, Parliamentary Assembly. Commission des Questions Politiques. Avant-projet de rapport sur la demande d'adhésion de la République de Roumanie au Conseil de l'Europe. AS/Pol (44) 62, Strasbourg, May 7, 1993, 12.
18. "A public scandal" has been defined by Romanian authorities as meaning that two or more people know that an act occurred and disapprove of it. Thus this provision can easily be misused and applied to any suspected or actual case of homosexual activity.
19. Council of Europe, Parliamentary Assembly. Committee on Legal Affairs and Human Rights/Political Affairs Committee. Honoring of the commitments entered into by Romania on its accession to the Council of Europe. Memorandum submitted by rapporteurs Mr. Gunnar Jansson and Mr. Friedrich König. Strassbourg, May 3, 1994, 5.
20. *Ibid*, 8.
21. Council of Europe, Parliamentary Assembly. Report on the honouring of obligations and commitments by Romania. ADOC7795. April 11, 1997. Para 36-42, 15.
22. Council of Europe, Parliamentary Assembly. Resolution 1123 (1997) on the honoring of obligations and commitments by Romania. ERES 1123.WP, 1403-24/4/97-5-E
23. The exact number of individuals in prison for violations of Art. 200 is unclear, according to Scott Long, but he estimates it is around ten to twelve. Scott Long, Advocacy Director, Europe, for the International Gay & Lesbian Human Rights Commission, interview by Michael Jose Torra, New York, November 19, 1997. In 1993, the Cologne-based Gay Liberation Front reported that the Romanian Ministry of Justice put the number at 63 (*Urgent Action: Romania's Application for Membership in the Council of Europe*, July 14, 1993). *De Gay Krant* reported 7 September 1996 that the number is around 60.

24. "Public Scandals: Sexual Orientation and Criminal Law in Romania" available from Romanian Action for Gay Men [www.raglb.org.uk/news31.htm].
25. "Romanian President Issues Pardon" available from Romanian Action for Gay Men [www.raglb.org.uk/news31.htm].
26. André Krouwel, *Final Report of NIVH/COC Mission to Rumania*, 1996.
27. Scott Long. Interview on November 19, 1997. New York.
28. Ibid.
29. Human Rights Watch and IGLHRC, *Public Scandals: Sexual Orientation and Criminal Law in Romania* (forthcoming report).
30. Amnesty International released a report on gay human rights in February 1997, calling for the decriminalization of homosexuality in Romania, among other countries. For media coverage of the report, see "Repression of Gays Worldwide is Cited," *Los Angeles Times* Feb. 26, 1997.
31. Andrzej Selerowicz. "Gay Perestroika: The Political Changes in Central and Eastern Europe and their Effect on the Lesbian and Gay Movement" *Fighting for Lesbian and Gay Rights*, 211.
32. Ibid.
33. Scott Long. Interview on November 19, 1997, New York.
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Mutvarisa Labaschia and her children. Zugdidi, Georgia, October 1996. Photo by Ivan Sigal.

The daily life of refugees has less to do with the act of uprooting people from their homes than the continuing state of being uprooted. The lives of refugees are characterized by stasis, an inability to begin something new, both because of the reality of their present conditions and because of the strength of their desire to return to their past lives. From the Gali region of Abkazia, Georgian, Mutvarisa Labaschia and her children took refuge in Zugdidi, on the Georgian side of the Abkazian border after fighting between Georgians and Abkazians forced her to flee.