

EMERGENCY RESPONSE NETWORK

of the

INTERNATIONAL GAY AND LESBIAN HUMAN RIGHTS COMMISSION

IGLHRC is the Action Secretariat of the International Lesbian and Gay Association (ILGA)

NEW

ACTIVISTS LAUNCH CAMPAIGN TO REPEAL CHILE'S SODOMY LAW

Gay activists in Chile have launched a massive campaign aimed at convincing the Chilean Parliament to repeal Article 365 of the Penal Code. Article 365 makes consensual, homosexual relations between adults illegal. Letters are needed urging Chilean parliamentarians to bring Chile into the international norm and decriminalize same sex relations.

Currently, Chile is one of three Latin American countries which prohibits sexual relations between persons of the same gender. The Chilean sodomy law punishes violators with 541 days to three years in prison. Though rarely enforced as such, the law forms the crucial justification for most of the official and extra-official harassment of lesbians, gays and transvestites.

Indeed, IGLHRC continues to receive reports of incidents of both uniformed and off duty police subjecting gay men and transvestites in Santiago to bar raids that often end with unlawful detentions, as well as verbal and physical abuse.

The group spearheading the campaign against Article 365, MOVILH (Movimiento de Liberación Homosexual), has launched a multi-tiered campaign that is expected to last through the year. Activists are concentrating on lobbying congress, liaisons with other human rights organizations, launching public education campaigns and holding a series of seminars and workshops on the issue. Already the campaign has generated large amounts of press attention within Chile.

The Commission on the Constitution, Legislation and Justice of the Chamber of Deputies announced on 10 May 1995 its intention to move ahead with the abolition of Article 365. However, that announcement was accompanied by news of their intention to replace Article 365 with a law penalizing public expressions of homosexuality. IGLHRC believes the proposed changes would be discriminatory and calls for the complete decriminalization of homosexual acts between consenting adults as well as the decriminalization of homosexual social and cultural expression.

Any laws approved by the Chamber of Deputies will have to also be approved by the Chilean Senate. The entire legislative process could take as long as a year. MOVILH intends to keep IGLHRC informed of the progress of the campaign.

Presently, letters should be sent to the Chamber of Deputies and request the following:

① That copies of your letter be distributed to the heads of all the political parties represented in the Chilean Congress.

② Increasingly national governments as well as inter-governmental organizations are making clear that criminalizing same sex relations between consenting adults is not a legitimate use of state force. Most recently, the United Nations Human Rights Committee found that the Australian state of Tasmania's laws against private, consenting, adult homosexual acts breach the International Covenant on Civil and Political Rights. Chile is a signatory to that Covenant and should move to bring itself into compliance.

③ Sodomy laws make possible precisely that sort of official harassment of lesbians and gays that groups in Chile are currently reporting. That incidents of this nature would escalate during the national debate over the future of Article 365 indicate the necessity of

moving decisively and quickly to completely decriminalize same sex relationships. Replacing Article 365 with restrictions of public expression or freedom of assembly are not acceptable.

ALSO INSIDE:

Venezuela ■
Costa Rica
Japan ■ Spain

Write to:

Jaime Estévez V.
Presidente
Cámara de Diputados
Senado de la República de Chile
Avda. Pedro Montt s/n
Valparaíso
CHILE
fax: +56-32-697-0022

NEW

GAY GROUP DENIED LEGAL REGISTRATION IN COSTA RICA

A gay group in Costa Rica has been denied its request to register legally because the groups goals offend "good customs and morals". Urgent letters are needed in support of the group's application.

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The ABRAXAS group was founded on 2 April 1995 and adopted as its central goal the struggle "against the social discrimination leveled against people" with homosexual orientations. The group presented an application for legal registration before the Public Registry, Office of Registration of Organizations, on 5 April 1995 and was assigned case number 878. They were the first gay group in Costa Rica to take such a step.

According to reports filed with IGLHRC by the Comision Costarricense de Derechos Humanos (Costa Rican Commission on Human Rights), the Public Registry justified its rejection of the application because of the organization's goals. Specifically, the Public Registry maintains that the goals of the ABRAXAS group violate articles 1, 3, and 23 of the Law of Associations.

Article three of the Law of Associations states that no group may legally register that undermines good customs and morality, making further reference to Article 631 of the Penal Code that states no obligation is legally enforceable if it undermines good customs and morality. Article 23 of the Law of Associations states that a public place may be shut by the police if within that establishment there are committed acts against public morality.

The ABRAXAS group has appealed the decision. Courteous and respectfully worded letters are needed to buttress their position during the remaining process.

A sample letter follows:

Dear Sir / Madame:

It had come to our / my attention that the legal registration of the "Asociación ABRAXAS" is being blocked due to the organization's goal of "fighting against social discrimination directed against persons sexually attracted towards members of the same sex".

Freedom of association and of speech, and the right to be different and to live free of discrimination, are indispensable to free and complete human development. The very reason rights like these are legally codified is to ensure that they are applied to all people, particularly groups unpopular with those who have greater power, groups like the ABRAXAS group.

Given that homosexuality is not against the law in Costa Rica, there is nothing about ABRAXAS goals that places them outside of the law, and so I / we see no reason for them to be denied legal registration. In fact, Article 33 of the Costa Rican Constitution prohibits discrimination aimed at undermining human dignity, precisely the sort of discrimination the ABRAXAS group is currently facing.

I / We respectfully ask that all barriers to ABRAXAS' legal registration be removed and that they be allowed the same protections, recognitions, and responsibilities of other non-governmental groups in Costa Rica.

Sincerely,

Write to:

Lic. Rafael Sánchez Sánchez
Director del Registro Público
Apartado Postal 2015
Zapote
San José
COSTA RICA
fax: +506-224-4874

Licda. Diana Espinoza
Encargada del Registro de Asociaciones
Registro Público
Apartado Postal 2015
Zapote
San José
COSTA RICA
fax: +506-224-4874

NEW

POLICE RAID GAY BARS IN CARACAS

Members of police forces in the Venezuelan capital, Caracas, carried out forceful raids of several bars frequented by lesbians and gays. The Movimiento Ambiente de Venezuela (Gay Movement of Venezuela) is calling for letters in support of their official denouncement of the raids.

On 12 March 1995 members of Caracas Police entered five bars in Caracas. The bars, Dos Barras, El Pullman, Zig Zag, La Tortilla and El

Flamingo are known for their lesbian and gay clientele. Police arrested several patrons, verbally mistreating and physically assaulting some, including one individual who freely admitted being homosexual.

The Movimiento Ambiente de Venezuela has formally denounced the raids in an official complaint before the national Ministry of Justice. Their complaint has been issued case number 0754.

Letters are needed expressing concern over the raids and inquiring as to the status of complaint Number 0754.

Letters should politely express the following:

① Concern over reports of the police raids on gay establishments in Caracas on 12 March 1995. Any official actions that might be impeding the rights of lesbians, gay men and transvestites to freely assemble should immediately cease. The current suspension of constitutional guarantees can not be used to justify the raids.

② Complaint Number 0754, filed by the Movimiento Ambiente de Venezuela, should be exhaustively investigated. Any indication of wrongdoing by police officers should be prosecuted to the fullest extent under the law.

Write to:

Dra. Rosa Nemoli Bruno
Fiscal Cuarto del Ministerio Publico
de la Circunscripción Judicial del Area
Metropolitana de Caracas
Edificio Palacio de Justicia
Esquina de Pajaritos, Piso 2
El Silencio
Caracas
VENEZUELA

NEW

POLICE IN SPAIN ENGAGE IN UNLAWFUL RETRIEVAL OF INFORMATION ON THE SEXUAL ORIENTATION AND HIV ANTIBODY STATUS OF SUSPECTS

The local Police Department of the Spanish City of Valencia was recently discovered to have been using an intake form to collect information on the sexual orientation and HIV antibody status of everyone they placed under arrest. Letters are needed to demand that Valencia Police authorities cease use of that form and that an investigation be launched to determine exactly who was responsible for having institutionalized its use.

According to press reports secured by the International Gay and Lesbian Human Rights Commission, the Valencia Police force has standardized use of a form to record the "physical characteristics" of persons arrested. Alongside race and gender, the form included boxes to check if the detainee is a transvestite, homosexual, pederast, exhibitionist or voyeur. Among the illnesses the form asked police officers to spot were AIDS and hepatitis. Press reports indicate that over one thousand detainees were processed using the form in question. It is not clear what has been done with those completed forms though several civic groups are calling for their destruction.

Responses by authorities, such as Director of the Valencia Police Force Juan Cotino, have tended to diminish the seriousness of the practice, denying any prior knowledge of its existence and suggesting that its use constituted the harmless excesses of an subordinate.

Three inspectors from the national "Agencia Estatal de Protección de Datos Informáticos" (State Agency in Charge of Information and Records) were sent to Valencia to investigate. That national regulatory body is concerned because Spanish law expressly provides that health status, race and sexual orientation only be included in someone's police records under very strict limitations that the Valencia Police appear to have been violated.

WHAT YOU CAN DO:

Keep IGLHRC informed of human rights violations in your area.

Write to:

Rita Barberá Nolla
Alcaldesa de Valencia
Plaza del Ayuntamiento no. 1, 1a
46.002 Valencia
SPAIN

Juan Cotino
Concejal de la Policia Local
Plaza del Ayuntamiento no. 1
46.002 Valencia
SPAIN

UPDATE

JAPANESE PSYCHIATRISTS REMOVE HOMOSEXUALITY FROM LIST OF DISORDERS

September / October 1994 action

The Tokyo based Association for the Lesbian and Gay Movement, OCCUR, confirms that according to correspondence they have received from the Japanese Society of Psychiatry and Neurology (JPSN), that professional association has ceased to regard

homosexuality as an sexual perversion. Following the move of the Japanese Government, the board of trustees of the JPSN voted to adopt the diagnostic manual approved by the World Health Organization, the ICD-10, as their official classification guide. JSPN correspondence to OCCUR states "Sexual orientation by itself is not regarded as a disorder".

WHAT YOU CAN DO:

Start a letter-writing chapter in your city. Contact IGLHRC for information.

The American Psychiatric Association decided in 1973 not to classify homosexuality as a form of "sexual abnormality", and a similar move was taken by the World Health Organization which expressed their view

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Among other groups, Gais Lliures del País Valencià has publicly called for a complete investigation into how the physical intake form was created and exactly who approved it use.

Politely worded letters are needed making the following points:

① The intake form used by the Valencia Police to record physical characteristics is in evident contradiction of the guarantees of privacy and equal protection under the law stipulated by the Spanish Constitution. HIV antibody status and sexual orientation are irrelevant to the vast majority of police work and have no place in a list of characteristics routinely recorded by police. Collecting information on these characteristics can often foster discrimination.

② A complete and impartial investigation is needed to adequately explain how the physical intake form was conceived and which superior officers were responsible for its usage. Residents of Valencia also deserve an explanation as to what steps are being taken to insure that this type of information retrieval is never repeated again.

that homosexual orientation is not inferior to heterosexual orientation in their ICD-10 published in 1993. Despite this, until now the Japanese Society of Psychiatry and Neurology had continued to classify homosexuality in an ambiguous and derogatory manner.

In March, 1993 OCCUR demanded that the Japanese Society of Psychiatry and Neurology express its official view on homosexuality. The latter organization promised in May of the same year to first discuss the topic and then present a response. However, the

committee concerned with the concepts of disease and terminology, which is in charge of the issue, has not yet even started to discuss the issue after one year. It was only after international pressure was instigated that the JSPN relented and made its unexpected announcement.

OCCUR confirms that international pressure was instrumental in forcing the change. IGLHRC continues to be concerned that Psychiatric text books published before the change continue to be used. Those text books describe homosexuality as a perversion.

WE NEED YOUR HELP

The International Gay & Lesbian Human Rights Commission (IGLHRC) documents, monitors, and mobilizes response to human rights violations against gay men, lesbians, bisexuals, and people with HIV/AIDS worldwide. IGLHRC is in its second year as the action secretariat of the ILGA. Is this your first IGLHRC Action Alert? If so, would you like to take part in the Emergency Response Network regularly? To become part of an international campaign to make a difference in the lives of sexual minorities all over the world, please fill out the coupon below and return it to:

IGLHRC
1360 Mission Street, Suite 200
San Francisco, CA 94103 U.S.A.

+1-415-255-8680 telephone
+1-415-255-8662 fax
iglhrc@igc.apc.org (e-mail)

Yes, Sign me up for the Emergency Response Network.

Name _____

Address _____

City _____

State _____

Zip/Postal Code _____

Country _____

Participation in the Emergency Response Network is free, but contributions are greatly appreciated and needed. Contributions are tax-deductible in the United States.

I would like my ERN in: English Spanish French

Enclosed is my contribution of:

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\$100

\$ _____

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