

Worst partnership law of the world

No to Registered Discrimination!

Rechtskomitee LAMBDA (RKL): "Won't take up any bone thrown before our feet"

Austrian Minister of Justice Claudia Bandion-Ortner from the Conservative Party yesterday presented a draft for a registered partnership for same-sex couples. If adopted it would be the worst partnership law of the world.

The Bill is scheduled to be adopted by the Austrian federal government on 17 November and to pass federal parliament's justice committee on 3 December. The plenary is expected to vote then so quickly as that the law can enter into force by 1 January 2010.

Austria is one the very few countries in Western Europe still having no legal institution for same-sex couples. The draft law constitutes a massive provocation of Austria's lesbians, gays and bisexuals who for so long already had to wait for equality before the law.

The draft law would create the worst partnership law in the world. It regulates only civil- and criminal-law-issues, i.e. mutual civil rights and obligations of the partners (maintenance, assistance, joint residence, faithfulness, division of property etc.). Even in civil- and criminal-law the draft does not create equality but establishes 22 (!) deviations from marriage.

Obligations but no rights

In addition it does not contain the social rights which are attached to marriage exactly because spouses take over mutual obligations (nothing in tax law, pension insurance, health insurance, employment, immigration, citizenship, etc. etc.; and nothing on the level of the law of the nine states). The Ministry of Justice did not include a blanket clause which would apply to registered partners all the references made to marriage in (federal) law. Due to this refusal, for those social rights, all the other Ministries now have to present their own draft laws. It is highly unlikely that they will be able and willing to do so within the next two weeks, if ever ...

And the Minister of Justice even does not want to see homosexuals at the civil registry office and bans same-sex couples from this place where marriage are entered into. Her draft refers registration of same-sex partnerships to those offices where normally dogs and vehicles are registered

Sexual apartheid on the level of dog-registration

If this draft becomes law, the state from the very beginning of even the registration act would impressively demonstrate to same-sex couples their second-class citizen status. No government in the world ever has dared to present such a discriminatory partnership law.

Last year Austria's lgbt-organisations addressed the public with a joint press conference sending out a strong joint message: if there will not be equality in all areas of the law the status quo would be even better. Today same-sex couples don't have the rights attached to marriage. But they neither have the obligations. If this bill would become law same-sex registered partners would have all obligations of marriage without the rights attached to marriage. An unacceptable provocation.

"We already have indicated to compromise even the important areas of stepparent adoption, joint adoption and medically assisted procreation", says *Dr. Helmut Graupner*, president of

Rechtskomitee LAMBDA (RKL), "But we will definitely not thankfully take up any bone which is thrown before our feet".

Supportive letters could be sent to the following persons from the Social-Democrats, the coalition partner of the Conservative Party:

-> *Gabriele Heinisch-Hosek, Minister for Women and Equality Affairs:* gabriele.heinisch-hosek@bka.gv.at, Fax: +43 1 53109/2131

-> *Werner Faymann, Federal Chancellor:* werner.faymann@spoe.at; werner.faymann@bka.gv.at, Fax: +43 1 535 03 38

-> *Mag. Barbara Prammer, President of Federal Parliament:* barbara.prammer@spoe.at, barbara.prammer@parlament.gv.at, Fax: 01/40110-2345

-> *Dr. Johannes Jarolim, Judicial Spokesperson of the Social-Democrats:* hannes.jarolim@jarolim.at, Fax: 01/2537000-43

Letters of protest could be sent to:

-> *Minister of Justice Mag. Claudia Bandion-Ortner:* claudia.bandion-ortner@justiz.gv.at; Fax: 01/521 52/2730

-> *Chairperson of the Conservative Party (and Minister of Finance) Josef Pröll:* josef.proell@bmf.gv.at; Fax +43 1 514 33 / 507 060

Rechtskomitee LAMBDA (RKL), founded in 1991, on a supra-partisan and denominational level is working for the implementation of human rights for homo- and bisexual men and women. In its honorary board it convenes so prominent members as former Prime Minister Dr. Alfred Gusenbauer, President of Federal Parliament Mag. Barbara Prammer, former Minister of Justice Mag. Karin Gastinger, the Honorary President of the Parliamentary Assembly of the Council of Europe Dr. Peter Schieder, Federal Ombudsman Mag. Terezija Stoisits, former Director of Public Security Dr. Erik Buxbaum, the former President of National Judges Association Dr. Barbara Helige, the Vice-President of the Vienna Bar-Association Dr. Elisabeth Rech, the President of D.A.S.-legal expenses insurance company Dr. Franz Kronsteiner, the President of Weisser Ring Dr. Udo Jesionek, the Secretary General of Amnesty International Austria Mag. Heinz Patzelt and the well-known human-rights experts Dr. Lilian Hofmeister and Univ.-Prof. Dr. Manfred Nowak, the constitutional law professors Univ.-Prof. Dr. Christian Brünner, Univ.-Prof. Dr. Bernd-Christian Funk, Univ.-Prof. Dr. Heinz Mayer and Univ.-Prof. Dr. Ewald Wiederin, famous child- and adolescent psychiatrist Univ.-Prof. Dr. Max Friedrich and the Vienna Child- and Youth-Ombudspersons DSA Monika Pinterits and Dr. Anton Schmid, sexologists Univ.-Prof. Dr. Josef Christian Aigner, Univ.-Prof. Dr. Rotraud Perner and Univ.-Lekt. Mag. Johannes Wahala, theologian Univ.-Prof. Dr. Kurt Lüthi, Life-Ball-Organisator Gery Keszler and many more. October 2nd, 2006, RKL's 15 years anniversary has been celebrated in historic Ceremonial Act "Against Sexual Apartheid" in the lower chamber of Austrian federal parliament. This first honouring of an LGBT organisation in a national parliament worldwide took place in attendance of over 500 guests including highest representatives from the judiciary, administration and politics (<http://www.rklambda.at/festakt/index.htm>).

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