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WORLDnews

CANADA

Canada's national gay cable television channel won a legal battle to be treated like other new digital cable channels Sept. 28. During an ongoing free preview period showcasing all of the new digital channels, two cable companies had been forcing customers to sign up for PrideVision TV rather than making it automatically available like the others.

The Canadian Radio-Television and Telecommunications Commission told Shaw Cable and Star Choice to unblock PrideVision immediately so it automatically appears on every subscriber's television for the duration of the preview period, which ends in early December. Shaw communications head Jim Shaw had told the Canadian Press wire service that customers would "revolt" if they were forced to receive gay programming along with other "Category 1" channels guaranteed delivery by cable and satellite television regulations.

The British Columbia Supreme Court ruled Oct. 3 that Canada's ban on same-sex marriage is discriminatory but permissible.

"The objective of limiting marriage to opposite-sex couples is sufficiently important to warrant infringing the rights of the petitioners," Justice Ian Pitfield ruled. "The gain to society from the preservation of the deep-rooted and fundamental legal institution of opposite-sex marriage outweighs the detrimental effect of the law on the petitioners."

The 16 plaintiffs and their lawyers were taken aback.

"Our clients knew when they started that this would be a case that would go on for five years," lawyer Barbara Findlay told the Canadian Press wire service. "But the anguish of being told that we recognize that you're being discriminated against—but that discrimination is acceptable—is very difficult to describe."

Plaintiff Shane McCloskey told the *National Post*: "It is disheartening. In our minds it was a pretty simple case. One of the main things that we were arguing was that by not being allowed to get married it was discrimination. The ironic part of the judgment is that the judge agreed with us but said that is justifiable. That is really hard to take. None of us think that discrimination is justifiable in any circumstance."

The plaintiffs will appeal to the British Columbia Court of Appeal and, if necessary, to the Supreme Court of Canada. "This is just the beginning," plaintiff Robin Roberts said.

The ruling did have a silver lining, the plaintiffs said, in that it marked the first time a Canadian court admitted the ban on same-sex marriage is indeed discriminatory.

"I am very encouraged," plaintiff Tess Healy said. "The court has made a groundbreaking decision in finding that it is contrary to the charter to exclude us from marriage.... We believe that we are right, and we are in this case for the long haul."

The court relied on Section 1 of the Charter of Rights and Freedoms to hold that it is discriminatory yet legally acceptable to exclude gay men and lesbians from marriage. Section 1 permits breaches of the charter when the breach is justifiable.



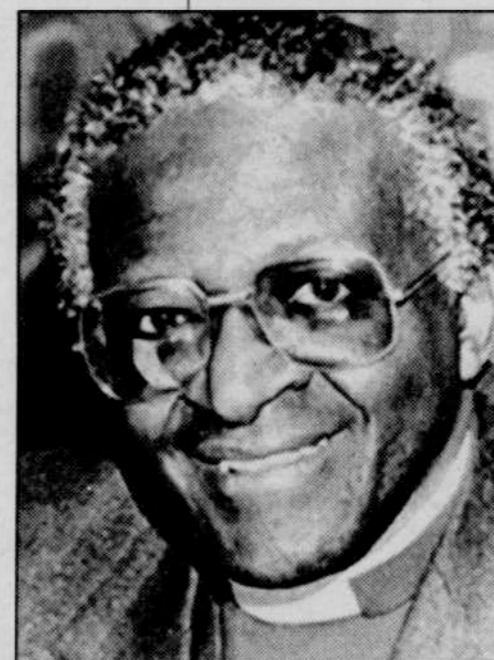
PrideVision airs gay television shows such as *Metrosexuality*

SOUTH AFRICA

South Africa's Johannesburg High Court has struck down laws preventing gay couples from adopting children. The case was launched by lesbian judge Anna-Marie de Vos, who adopted two children six years ago and wanted her partner, Suzanne du Toit, to be able to take care of them.

The Sept. 28 ruling will not take effect until it is confirmed by the Constitutional Court, which du Toit said should be a formality. South Africa's post-apartheid constitution was the first in the world to ban discrimination based on sexual orientation.

The Bible's determinations regarding "natural" and "unnatural" aren't worth much, former Anglican Archbishop Desmond Tutu said Sept. 30.



Desmond Tutu

Addressing a conference on homophobia in Cape Town, he said: "I want to say sorry to you and all the others who have been made to suffer so horribly. We in the church have a great deal to answer for. Sometimes the Bible says these things are unnatural. But, I ask, unnatural to whom? I support and firmly stand with those who say, 'We are as we are and don't

want to apologize for that.'"

FINLAND

Finland is the latest European nation to pass a comprehensive registered partnership law for same-sex couples.

Parliament approved the measure 99-84. A total of 15 members skipped the Sept. 28 vote, and one cast a blank ballot.

The law treats registered same-sex couples the same as married couples except in the areas of adoption and name changes. The measure will take effect in a few months.

"This at long last gives gay couples the rights they deserve," said Rainer Hiltunen, head of the National Organization for Sexual Equality. "But it's a compromise, and we are disappointed that it doesn't secure the rights of children in a gay marriage, because they can only be registered to one parent."

INTERNATIONAL

The Council of Europe's Committee of Ministers issued a statement Sept. 21 saying it regrets anti-gay discrimination and violence still occur in Europe and urging member countries to stamp them out.

The committee, the council's executive arm, is composed of the foreign ministers (or their deputies) of 43 nations. It was the council's first statement in support of gay rights in its 50-year history.

"Homosexuality can still give rise to powerful cultural reactions in some societies or sectors thereof, but this is not a valid reason for governments or parliaments to remain passive," the statement said. "On the contrary, this fact only underlines the need to promote greater tolerance in matters of sexual orientation."

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