

## Six Decades in the Life of the Czech LGBTQ+ Community

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This paper focuses on the past decades in the Czech Republic, and how these previous years have affected the lives of members of the Czech LGBTQ+ community. The first half deals with legislation, a key aspect of any democratic society. Laws exist to define the boundaries of socially accepted behaviour, therefore directly influencing society. This first half of the paper will show how and why laws regarding LGBTQ+ issues have evolved since 1962 when homosexuality was decriminalized in Czechoslovakia. The second half of the paper introduces both pro and anti LGBTQ+ advocacy groups active in the Czech Republic.

However, before discussing 1962, we need to turn briefly to the even more distant past – the 1930s. Of course, some attempts to guarantee equal rights for sexual minorities were present before this decade of the twentieth century. However, the 1930s can be considered to have been a turning point for the Czech LGBTQ+ community. In 1931, Vojtěch Černý, who had been expelled from the army for homosexual behaviour, began issuing together with his brother František Černý, the very first Czech magazine focused on sexual minorities *The Voice of Sexual Minority*<sup>1</sup>. At that time, homosexuality was prohibited under Section 129 Number 117/1852 of the Criminal Code, which included intercourse with a person of the same sex among “Crimes of fornication against nature”<sup>2</sup>.

*The Voice of Sexual Minority* was issued for a year. The last issue, Number 7 was published April 7, 1932, when Vojtěch’s brother František left the magazine, primarily due to the looming influence of Nazism in Czechoslovakia. Vojtěch Černý was later arrested in 1938 for breaking Section 175 of the German Criminal Code, prohibiting same-sex intercourse. He committed suicide by hanging himself in his detention cell. His brother František said he expected Vojtěch would take his own life sooner or later. František, then commented he is grateful the world is finally rid of Vojtěch’s “despicable behaviour.”<sup>3</sup>

Moving approximately 30 years forward, the 1960s were a far more positive era for the Czech LGBTQ+ community. One of the persons who has come in for much praise is the Czech sexologist, Kurt Freund. After completing studies at Charles University, Freund initially carried out experiments to cure homosexuality at a Prague clinic. The sexologist used aversion therapy, giving patients drugs to induce vomiting before exposing them to homosexual stimulus. This treatment backfired on Freund as it turned out to be ineffective. Based on penile plethysmography, measuring the blood flow to the penis during stimulus projection, Freund

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<sup>1</sup> Fanel, Jiří. *Gay Historie*. Prague: Dauphin, 2000, p. 398.

<sup>2</sup> Fanel, Jp. 391- 392.

<sup>3</sup> Seidl, Jan. *Od žaláře k oltáři: emancipace homosexuality v českých zemích od roku 1867 do současnosti*. Brno: Host, 2012, p. 162-163.

discovered that gay men who ceased having same-sex intercourse or who had married women, were still aroused when exposed to the stimulus despite having undergone aversion therapy.

As a result, Freund came to advocate decriminalisation arguing that homosexuality was of genetic origin. Homosexuality was officially decriminalised in 1962. At this time, the age of consent for same-sex intercourse was set at 18, and 15 for heterosexuals<sup>4</sup>. Age of consent (15 years of age) was made equal in 1990<sup>5</sup>.

Another big step in bringing equality to the Czech LGBTQ+ community came in 1997 with the draft of a law to legalise civil unions. A year later, however, the draft failed to pass. Another year later, in 1999, the draft was yet again introduced only to be rejected once more a few months later. This draft was supported by politicians from across the political spectrum, including a right-wing party, a socialist party and the left-wing Communist party. Politicians who opposed the draft law came from the Christian Democratic Party. One of their main arguments was that legalisation of same-sex civil unions prevents homosexuals from curing themselves. In 2001, politicians introduced yet another draft, this time with some amendments. The amended draft was introduced two years later in 2003, however, it did not come up for debate in parliament. In 2004, politicians proposed another draft law in cooperation with the Lesbian and Gay league but it too failed to obtain approval. Finally, the battle for civil unions for same-sex couples reached its desired outcome in 2006 with the passing of Law Number 115 that year<sup>6</sup>.

In 2012, the Czech parliament recognised trans persons through a change in the Civil Code. However, the change stipulated certain conditions for sex change, including sterilisation, leaving the Czech Republic among the minority of European countries requiring this procedure. Another controversial requirement in the same law is divorce or termination of an existing civil union.

I would like to mention a number of proposed laws related to the LGBTQ+ community, which are before the Czech parliament, together with questionable laws lacking concrete definition. One of the laws still pending concerns same-sex marriages. After the passage of the law legalizing civil unions, activists became aware of certain discrepancies between the status of marriage and civil union, pointing out that civil unions lacked the same provisions as marriage. One of the most active advocacy groups working to legalize same-sex marriage is Jsme fér (We are fair).

The Czech Republic also has its share of laws in legal limbo. One example is conversion therapy, or an attempt to “cure homosexuality”. The Czech law does not consider conversion therapy illegal; it is considered *non lege artis*, i.e., a measure which is legal but outdated, less effective or potentially harmful<sup>7</sup>. In the Czech Republic, conversion therapy is carried out mainly by supporters of the Exodus movement, who do not recognise homosexuality to be of genetic origin. The website of this movements lists “therapists working with clients who wish to defeat their homosexuality, do not use the term homosexuality at all, instead opt for Same-

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<sup>4</sup> §244 no. 140/1962 Coll. Criminal code

<sup>5</sup> Czech Republic Laws [online]. Age of Consent, accessible from: <https://web.archive.org/web/20150622121143/http://www.ageofconsent.com/czechrepublic.htm>

<sup>6</sup> § 1 no. 115/2006 Coll.

<sup>7</sup> Klimeš, Jeroným. Tabu konverzní terapie homosexuality, *Klimes.mysteria.cz*, [http://klimes.mysteria.cz/clanky/psychologie/reparativni\\_terapie.htm](http://klimes.mysteria.cz/clanky/psychologie/reparativni_terapie.htm) (accessed 17 March 2020)

Sex Attractions (SSA) Issue.”<sup>8</sup> Exodus’ adherents distribute a book titled “Christian psychologist” by Gerard Aardweg, which they provide for free to Czech schools.

Law(s) completely in legal limbo concern surrogacy and in vitro fertilisation for lesbian couples. The Czech law requires that only a man and a woman can qualify for IVF. The man has to sign a written request for the fertility treatment for the woman, accepting all the legal responsibilities of an adoptive parent. The only law covering commercial surrogacy is one that prohibits entrusting a child to someone else’s care for financial compensation.<sup>9</sup>

I have chosen to introduce three pro-LGBTQ+ initiatives in the Czech Republic: Amnesty International CZ, the Czech branch of an international organisation, Jsme fér (We are fair), mentioned above in connection with its advocacy of same-sex marriages, and the very first solely pro trans Czech movement Trans\*parent.

Amnesty International CZ was founded in 1991. The organisation focuses on minorities in general. In the Czech Republic, Amnesty implements the concept of living libraries. Here, the “books” in the libraries do not consist of paper pages but are actual live individuals, members of minorities.

One of the most notable successes of Amnesty International CZ has been the campaign “Illegal Celebration” launched as a reaction to what is known as the “Gay propaganda law” in Russia. Article 6.21 of the Code of the Russian Federation on Administrative Offenses establishes penalties for “indecent” behaviour. Foreigners can be deported or fined 5,000 Rubles for homosexual behaviour. Russian officials face having to pay fines ten times as high (40k-50k Rubles). The campaign was launched prior to the FIFA cup held in Russia in 2018 and the creators of the Illegal Celebration are Czech and Slovak directors Jakub Kolařík and Petr Čech, and Slovak photographer Miro Minarových.<sup>10</sup>

Founded in 2017, Jsme fér (We are fair) is the most influential initiative for same-sex marriage. In 2018 the initiative proposed amendments to permit same-sex marriage. The law is awaiting approval. We are fair addresses the differences between marriage and civil union. Co-ownership (civil union) versus common property (marriage) is seen as one of the main inadequacies of the civil union law.

Trans\*parent was founded in 2015. It focuses on the guaranteeing of equal rights for trans persons in the Czech Republic. The movement carries out research among Czech transgenders in order to provide factual information about the lives of trans persons in the Czech Republic. The research involves 396 trans respondents. One of its aims is to focus on the emotional, or psychological aspect; the other one relates more to the content of this paper; it seeks answers to what other legal changes would help further to guarantee equal rights for trans persons in the Czech Republic.

On the other side of the political spectrum, there are two active anti-LGBTQ+ advocacy groups. The two groups have overlapping agendas. The aims of both Traditional Family (Tradiční Rodina) and Alliance for Family (Aliance pro rodinu) can be summed up as objecting to same-sex marriages and preserving traditional values. While Traditional Family only

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<sup>8</sup> Exodus, Úvod, *Homosexualita.cz*, <http://homosexualita.cz/> (accessed 17 March 2020)

<sup>9</sup> §169 Law no. 40/2009, Criminal Code of the Czech Republic

<sup>10</sup> Michl, Petr. Česká kampaň Amnesty International na podporu menšin v Rusku bere na Epica Awards zlato, *Focus-age.cz*, <https://www.focus-age.cz/>, (accessed 17 March 2020).

promotes its objectives through documents and analysis, Alliance for family advocates by means of petitions. Traditional Family provides a link on its website to the Russian documentary “Sodom,” directed by Arkady Mamontov, a Russian journalist who received President Putin’s award for “high objectivity” in connection with his coverage of the Russian takeover of Crimea.<sup>11</sup> The petition proposed by the Alliance for Family was signed by 1,178 people so far. Alliance for Family introduces their arguments against legalising same-sex marriage in a document “The Redefinition of Marriage.”

In comparing the work of the pro versus anti LGBTQ+ advocacy groups, one cannot help coming to the conclusion that the latter are motivated more by emotion than logic. Given the mood of Czech society today, it is unlikely that such groups will be able to convince the majority of Czech citizens of the need to place limits on someone’s freedom, be it the right to marry or simply to show affection to the one you love.

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<sup>11</sup> Skillen, Daphne. *Freedom of Speech in Russia: Politics and Media from Gorbachev to Putin*, 2017, p. 335.

### **Bibliography**

Fanel, Jiří. *Gay Historie*. Prague: Dauphin, 2000.

Klimeš, Jeroným. Tabu konverzní terapie homosexuality, *Klimes.mysteria.cz*,  
[http://klimes.mysteria.cz/clanky/psychologie/reparativni\\_terapie.htm](http://klimes.mysteria.cz/clanky/psychologie/reparativni_terapie.htm).

Michl, Petr. Česká kampaň Amnesty International na podporu menšin v Rusku bere na Epica Awards  
zlato, *Focus-age.cz*, <https://www.focus-age.cz/>.

Seidl, Jan. *Od žaláře k oltáři: emancipace homosexuality v českých zemích od roku 1867 do současnosti*.  
Brno: Host, 2012.

Skillen, Daphne. *Freedom of Speech in Russia: Politics and Media from Gorbachev to Putin*, 2017.