

European court: Bans on gay men blood donors sometimes OK

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The European Court of Justice ruled Wednesday that EU governments may ban gay men from ever donating blood, but only under strict conditions.

Wednesday's ruling was closely watched by activists and by governments that have lifetime bans on homosexual male blood donors, including the United States.

Most such bans were imposed early in the AIDS crisis, because sexually active gay men are more likely than other groups to contract HIV, the virus that causes AIDS. But activists and some medical groups say a lifetime ban is no longer justified, given advances in HIV testing.

Frenchman Geoffrey Leger had protested France's ban, and his complaint reached the Luxembourg-based EU court. The court found that France's law is "liable to discriminate against male homosexuals on the basis of sexual orientation," which is against EU policy.

But it said lifetime bans may be justified if a donor presents a high risk of acquiring severe infectious diseases and there is no other method to protect blood recipients. It returned the case to the original French court that handled Leger's case for further study.

Ahead of the ruling, France's government had already started moving toward relaxing the ban. French Health Minister Marisol Touraine said after Wednesday's ruling that discriminating against donors based on

their sexual orientation is "unacceptable."

French officials are considering a rule that limits the ban to anyone who has had risky sexual activity in the past year, instead of a lifetime ban.

In the United States, federal health officials recently recommended an end to the lifetime ban on blood donations from gay and bisexual men, and replacing it with a policy barring donations from men who have had sex with other men in the previous 12 months.

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