



Europe in the World

- » is Europe about to give more rights to same-sex couples?
 - » LGBT rights on global agenda
 - » World map of LGBT rights inside

Message from Patricia



A very warm welcome to the autumn edition of our Newsletter!

The main topic of this edition is LGBT rights at the United Nations/global level. During the last two years there were a lot of positive developments aimed at getting the issues of human rights and equality for LGBT people addressed at global level. ILGA-Europe and a number of other European members of ILGA obtained consultative status with the United Nations and this opened a new channel for discussion on the rights of LGBT people worldwide. There is a growing, both in numbers and strength, coalition of LGBT and mainstream human rights organisations who have already done and continue to do tremendous work at the UN level. The launch of the Yogyakarta Principles is a perfect example of such cooperation and a significant milestone in the global struggle of LGBT people for recognition and respect of human rights.

But the road towards respect for human rights of LGBT people worldwide will not be easy. **There are still 7 countries in the world which have death penalties and 77 countries which put people in jail for same-sex acts!** The central pages of this edition contain an updated world map which helps to visualise and remember that we still live in a world largely hostile and dangerous for LGBT people with only a minority of countries which fully recognise and respect human rights of LGBT people.

You will get this edition just before our annual conference and this is a good time to evaluate the past year and to reflect on the challenges for the next one. During the last year ILGA-Europe has done much work within the organisation – we employed more people and updated many internal policies and documents. This was also a busy and productive year of consultations with members on the next three year Strategic Plan which we hope will be adopted in Vilnius. We are approaching the conference with a positive development at the European Court of Justice whose Advocate General delivered a favourable opinion in a case which eventually could affect many same-sex families in the EU. While welcoming this opinion we are waiting for the Court's judgement which will determine whether achieving progress on one of our strategic objectives moves forward. Meanwhile we continue our work and cooperation with others to have the human rights of LGBT people recognised and respected and to have governments and institutions take up their responsibilities to make this a reality.

I hope you will enjoy this Newsletter!

PATRICIA PRENDVILLE
ILGA-Europe's Executive Director



Equality for lesbian, gay,
bisexual and transgender people
in Europe

rue de la Charité 17
Brussels B-1210 Belgium
Phone: +32 2 609 54 10
Fax: +32 2 609 54 19
info@ilga-europe.org
www.ilga-europe.org

Bank account # 310-1844088-10
ING Belgique ETT-CINQUANTENAIRE
avenue de Tervuren 10
1040 Brussels, Belgium
IBAN BE41 3101 8440 8810
BIC (SWIFT): BBRUBEBB

Table of Contents

LGBT Rights are Human Rights – Respect, Recognition, Responsibilities	3
Outline of new structure for ILGA-Europe	4
Moving towards harmonised and equal protection	5
Advocate General supports survivor's pension for same-sex registered partner	6
The current work of ILGA and its members and allies	8
LGBT rights in the world: map	9-10
The Yogyakarta Principles on the Application of International Human Rights Law in Relation to Sexual Orientation and Gender Identity	12
Making a difference at the UN	14
Recognising and embracing rights of LGBT people	15
How the EU's foreign policy can support LGBT rights around the world	16
Using EU authority to improve situation for LGBT people worldwide	17
New publications	18



© ILGA-Europe. Reproduction permitted, provided that appropriate reference is made to the source.

This Newsletter is published with the support of the European Commission – The European Union against discrimination. The information contained in this publication does not necessarily reflect the position or opinion of the European Commission. It is not liable for any use that may be made of this information.

Newsletter of ILGA-Europe. Volume 7, issue 2, autumn 2007

Editor: Juris Lavrikovs

Contributors: Stephen Barris, Philipp Braun, Michael Cashman, Jonathan Finney, John Fisher, Riccardo Gottardi, Deborah Lambillotte, Evelynne Paradis, Patricia Prendville, Vladimir Simonko, Michael O'Flaherty, Nigel Warner, Robert Wintemute

Proof reading: Ian Jones

Design & layout: Silja Pogule, www.siljadesign.lv

Back cover: © www.fotosodas.lt

Printer: Corelio Printing, www.corelioprinting.be

Next issue: winter 2007-2008

LGBT Rights are Human Rights – Respect, Recognition, Responsibilities



On the occasion of ILGA-Europe's annual conference the Co-Chairs of the Executive Board highlight the main developments of the past year and challenges for the year ahead.

On 11 December 2006 we received good news – ILGA-Europe, LBL and LSVD were granted consultative status with the United Nations' Economic and Social Council (ECOSOC). This opens UN doors to us and gives us an opportunity to speak in our own name. It is a very important achievement. First, it recognises the existence of LGBT people by the UN. Second, we can now participate more easily in the UN's work and speak out about countless human rights violations that LGBT people still encounter around the world. Third, it provides us with an opportunity to improve and enhance our understanding of the UN and its human rights mechanisms in order to achieve further equality in Europe. This will be one of the issues addressed at our annual conference in Vilnius.

The year 2007 is the European Year of Equal Opportunities for All and it was launched with the first ever Equality Summit in Berlin. But it turned out to be yet more proof that there is still a long way to go.

The Summit began with a wrong note: the German minister of equal opportunities, who organised the Summit, never even mentioned the words "sexual orientation". We were present, but not really recognised as equals.

Equal opportunities are only possible if the three "Rs" – *Respect, Recognition and Responsibilities* – are something real and not just nice words. They have to represent real values supported by acceptance, knowledge and solidarity.

Our annual conference will take place towards the end of the year and will be an occasion to discuss and assess this year and what new perspectives have emerged in the long and winding road towards equal rights and equal dignity for all.

The European Union's directives against discrimination too often remain hollow words. In some EU member states there are still issues with the directive's transposition and application. While they look good in theory and on paper, the anti-discrimination directives have little significance without effective implementation and application. And indeed some EU member states still hinder the effective applications of these important pieces of legislation.

The European Parliament has limited powers to put pressure on those member states. We have a good and strong alliance with the European Parliament, in particular with the Intergroup on Gay and Lesbian Rights, but sometimes even their support and actions are not enough to counter discriminatory practices in some EU member states. On the other hand, occasionally even those Members of the European Parliament who are not necessarily known as LGBT-friendly



Riccardo Gottardi and Deborah Lambillotte

stand up for the human rights of LGBT people. They realise that defending the rights of one group of people is defending the rights of all and that this is the fundamental value the European institutions are built upon. However too often it all ends up with "*parole, parole, parole...*" – many supportive words but too few concrete steps to back them up.

Our conference will be an opportunity to celebrate our successes and to learn from mistakes and defeats. We will strategise on how to work together to produce further changes at the European level and raise awareness about the violations of basic rights that we face every day across the continent.

In fact the changes in the law, no matter how effective, are of limited help if there are no changes in mentality. And it is the duty of our political leaders to set an example by speaking out loud and clear, and by taking firm actions.

Freedom of assembly, freedom of speech and respect of human rights have been keywords of this past year, both in the work of ILGA-Europe and in the activism at national level throughout Europe. At our conference we will share our experience and build on the work done in several workshops that will inform and illustrate best practices and experiences.

Last, but not least, at this year's conference we will vote on our Strategic Plan for the next three years. We have had intensive consultation over the year with all European members which has included a very well-attended and constructive meeting in Budapest last July. Everybody worked hard and provided valuable contributions towards developing a new strategic plan, which will be the key framework for our work in the coming years. We would like to thank all those who have put their time and energy into contributing and taking part in the consultation and review process, and whose input and comments have been so valuable in developing what we think is a very good plan.

It's going to be a challenging and enriching conference and we look forward to seeing you all in Vilnius!

DEBORAH LAMBILLOTTE AND RICCARDO GOTTARDI
Co-Chairs of the Executive Board



Outline of new structure for organisation

Executive Director



Patricia Prendiville

Policy Service Area

Programmes Service Area

Information & Communication Service Area

Finance & Administration Service Area

Policy Director



Christine Loudes

Programmes Director



Maxim Anmeghichean

Information & Communication Manager (to be recruited late 2007)

Finance & Administration Manager



Olimpia Ciripoiu

Senior Policy Officer



Evelyne Paradis

Programmes Officer



Aija Salo

Information & Communications Officer



Juris Lavrikovs

Finance & Administration Officer



Françoise Barlet

Policy Officer



Silvan Agius

ILGA-Europe undertook a large internal development in the past year. This included reviewing and developing more appropriate structures and systems for the organisation, reflecting the growth in the number of staff, the enhanced level of funding, the need to be pan-European in our focus and the development of the organisation in achieving its strategic objectives. This work has also fitted in with the development of the new Strategic Plan 2008-2011.

We undertook all of this work so that the focus of ILGA-Europe would be pan-European, all the work areas would be integrated, we could utilise all of our strategies more coherently and therefore work with more synergy within the organisation.

The result is that the organisation is now structured around four Service Areas: **1. Policy, 2. Programmes, 3. Information and Communication, and 4. Finance and Administration.** The work is organised through teams to enhance the internal cohesion and communication – Service Area, Project/ Activity Team, Management Team and overall Staff Team.

The new organisational structure is outlined above with all of the staff members. We hope to recruit one more member of staff to the Information and Communications Service Area by the end of 2007.

Moving towards harmonised and equal protection

*As the European Commission considers expanding EU-wide anti-discrimination laws to areas beyond employment, **Stonewall's Jonathan Finney** outlines discrimination that affects lesbian, gay and bisexual people outside the workplace, new legal protections in Britain and why changing the law makes a difference.*

New laws introduced across Britain in April made it unlawful for businesses and service providers to discriminate against people on the basis of sexual orientation when providing so-called 'goods and services'. The Equality Act (Sexual Orientation) Regulations 2007 cover a range of important areas from healthcare and education in the public sector to hotels and banking in the private sector. Similar protections took effect in Northern Ireland at the start of 2007.

The much-needed new laws were secured after a long campaign led by Stonewall and supported by a range of individuals and organisations. The case for new legislation was clear. The 2003 laws banning sexual orientation discrimination in employment, a result of the 2000 EU Employment Framework Directive, sent out a powerful message to gay people – and their employers – about the fairness and respect they were entitled to expect at work. Many organisations have taken positive steps as a consequence of those laws to ensure their gay staff are not discriminated against, with over 300 major employers now working with Stonewall's Diversity Champions programme to demonstrate their commitment to equality.

It was apparent however that gay people were still facing unfair discrimination in significant areas of their lives outside work. Stonewall heard from thousands of gay people who told us of their personal experiences. The picture that emerged demonstrated the pressing need for new legal protections. We uncovered startling levels of discrimination across a wide range of areas, all of which are now covered by the Sexual Orientation Regulations 2007. Many of the cases that we heard about involved publicly-funded services. We've always argued that there can be no question of discrimination by any organisation funded by the public purse. Here are some areas where the new laws apply.

Education

We heard from young people who were victims of homophobic bullying whose schools had failed or even refused to treat the issue seriously. The new legislation will make a huge difference in education. If a school fails to address anti-gay bullying, they could be breaking the law. If a school refuses a place to someone because they might be gay, or because their parents are, that's covered too. Stonewall heard from one girl refused a place at a school because her legal guardian, her aunt, happened to be a lesbian. Another young woman was told she couldn't be head girl because of her sexual orientation. This is now unlawful.

Healthcare

We heard from a number of gay people who were refused treatment by healthcare services. A man from London described being struck off by his doctor when he asked about sexual health services for gay men. Understandably he found the experience distressing and humiliating. Healthcare professionals can no longer turn someone away for being gay or refuse gay people treatments they would offer to anyone else. Many lesbians describe being refused cervical smear tests on grounds of their sexual orientation.

Council services

In the past, some local authorities have refused to recognise homophobic bullying as a good reason to re-house a person (or evict their neighbours). The law now obliges them to act.

Hotels

We heard from countless lesbian and gay couples who were turned away by hotels and B&Bs, or told that they couldn't share a room together, even though some of them were in legally recognised civil partnerships. One man who called us was refused a room with his partner in the middle of the night. Hotels can no longer refuse double rooms to same-sex couples - the law obliges businesses to treat their gay customers like everyone else. How does changing the law make a difference?

We see a strong case for extending these protections across Europe. Ensuring that all citizens are protected from discrimination, not just at work but in other areas of their lives, sends out an important message about the fairness and respect with which all people should be treated. Speaking at the Stonewall annual dinner in March, former Prime Minister Tony Blair spoke of the 'civilising' effect that he believes such legislation can have. 'By taking a stand on this issue and by removing a piece of prejudice and discrimination, and by enabling people to stand proud as what they are, it has had an impact that I think profoundly affects the way the country thinks about itself,' he said.

It's too soon yet to measure the impact the new legislation has had in Britain, but one thing we're certain of is that the laws will touch on the daily lives of millions of lesbian and gay people across the country. We know there will still be cases of discrimination, but no longer do gay people have to put up with being treated as second class citizens without legal redress.



Advocate General supports survivor's pension for same-sex registered partner

Opinion of Advocate General of European Court of Justice is favourable towards same-sex partners, but will ECJ find that not recognising registered same-sex partnerships constitutes discrimination?

On 6 September 2007, in Case C-267/06, *Maruko v. Versorgungsanstalt der deutschen Bühnen*, <http://curia.europa.eu/jurisp/cgi-bin/form.pl?lang=en>, Advocate General Ruiz-Jarabo Colomer urged the EU's European Court of Justice ("ECJ") to find in favour of Mr. Tadao Maruko, the surviving registered partner of Mr. Hans Hettinger, who died on 12 Jan. 2005. For 45 years, Mr. Hettinger was a member of the pension scheme for German theatre workers. He did the same work, and paid the same financial contributions, as his colleagues with different-sex spouses. Yet, since his death, the pension scheme has refused to pay his surviving partner, Mr. Maruko, a pension of around 6400 EUR per year, solely because they were parties to a registered life partnership in Germany, rather than to a legal marriage. This is so even

though he receives a survivor's pension of around 7150 EUR per year from the German state pension scheme, which has treated different-sex spouses and same-sex registered partners equally since 1 Jan. 2005. (The German government did not intervene to oppose his application.)

In his Opinion, the Advocate General began by noting that Mr. Maruko's case is "part of a long process of acceptance of homosexuality as an indispensable step in achieving equality and respect for all human beings" (unofficial translations by the author from original Spanish version). He then concluded that the survivor's pension is part of the "pay" Mr. Hettinger received in connection with his employment, rather than a payment made by a state social security scheme. The prohibition

of sexual orientation discrimination in relation to "pay" in Directive 2000/78/EC therefore applies.

Recital 22 to the Directive ("This Directive is without prejudice to national laws on marital status and the benefits dependent thereon.") does not exclude the survivor's pension from the material scope of the Directive (as the UK government had argued). Recitals are interpretative aids with no binding force. In particular, Recital 22 cannot override the right to be free from discrimination based on sexual orientation under Article 14 of the European Convention on Human Rights and Article 21 of the EU Charter of Fundamental Rights. The "essential character" of this right obliges the EU, under Article 6 of the EU Treaty, to guarantee that it is respected. The Advocate General implies that this right is more fundamental than the right to be free from age discrimination, which the ECJ described as "a general principle of Community law" in *Mangold* (2005).

Was there discrimination prohibited by Directive 2000/78/EC? Because the difference in treatment was based on marital status, there was no direct discrimination based on sexual orientation, but there could still be indirect discrimination. The issue was the inequality between married couples and other partnerships, ie, the consequences of these legal models rather than access to marriage. The ECJ is not competent to "configure" emotional unions between persons of the same sex, a controversial subject, nor to rule on the consequences that each national law grants upon the registration of such couples. It is not a matter of building a "European matrimonial law", but of ensuring that the principle of non-discrimination is fully effective.

The national court must decide whether the legal position of spouses is similar to that of the members of a registered partnership. If this is not the case, the terms of comparison will not be valid. The Bavarian Administrative Court Munich has already found that the rights and obligations of same-sex registered partners in Germany are analogous to those of different-sex spouses. Therefore, the refusal of a survivor's pension for not having married, when two persons of the same sex cannot do so, but have registered a partnership that produces the same effects, entails an indirect discrimination on the ground of sexual orientation. No objective factor can justify this discrimination, and none was claimed during the proceedings. The Advocate General suggested that the ECJ reply to the German court as follows: "Refusing [a survivor's] pension, because the employee had not entered into a marriage which was reserved for different-sex couples, when a union with substantially identical effects had been formalised between persons of the same sex, constitutes an indirect discrimination based on sexual orientation prohibited by Directive 2000/78, requiring the national court to determine whether the legal position of spouses is similar to that of the members of registered couples."

If the ECJ (sitting as a Grand Chamber of 13 judges) agrees with the Advocate General (the ECJ will probably take at least 4 to 6 months to decide), it will be the ECJ's first judgment in favour of a same-sex couple, and a historic departure from its prior judgments in *Grant* (1998) and *D.* (2001). Same-sex couples in Europe can hope that the ECJ will go beyond the Advocate General's Opinion in two respects.

First, the Opinion largely adopts the argument of the European Commission, and therefore only applies to EU Member States in which the legal position of same-sex registered partners is "similar" or "substantially identical" or "analogous" to the position of different-sex spouses (a similar approach by the Commission is reflected in Art. 2(2)(b) of Directive 2004/38/EC on free movement of EU citizens). At the moment, the legal position is clearly "similar" in only 8 Member States



Mr. Bruns, Dr. Graupner and Professor Wintemute

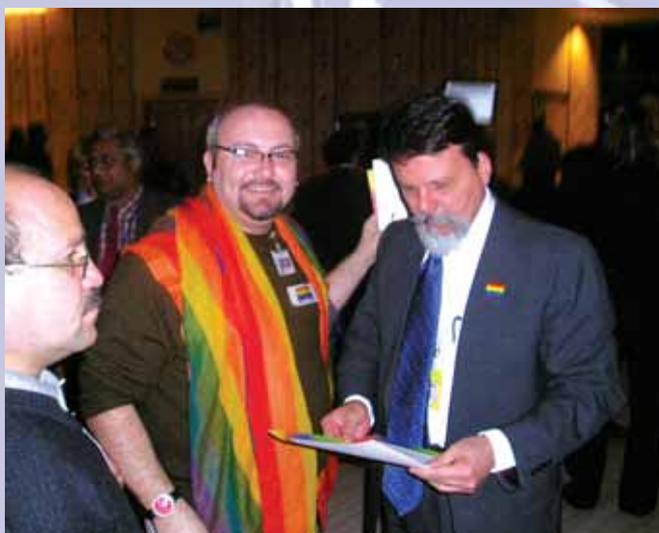
(Belgium, Denmark, Finland, Germany, Netherlands, Spain, Sweden, United Kingdom). In 4 Member States, the rights of same-sex registered partners are clearly inferior to those of different-sex spouses (Czech Republic, France, Luxembourg, Slovenia). In 15 Member States, there is not yet any registration system that is open to same-sex couples (Austria, Bulgaria, Cyprus, Estonia, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Malta, Poland, Portugal, Slovakia, Romania).

An ECJ judgment agreeing with the Opinion would eliminate anomalies in Member States in which the rights of same-sex registered partners are substantially identical to those of different-sex spouses, but would provide no protection against indirect sexual orientation discrimination in those Member States in which it is most needed (ie, those in which rights are substantially different or in which registration is not permitted). Indeed, such a judgment would create an incentive to reduce the rights of same-sex registered partners in order to avoid the application of the Directive. At the hearing on 19 June 2007, through its lawyer Rechtsanwalt Dr. Helmut Graupner from Vienna, ILGA-Europe urged the ECJ to find indirect sexual orientation discrimination whenever a Member State provides no means other than marriage for a same-sex couple to qualify for a survivor's pension. If the ECJ were to adopt ILGA-Europe's argument, its judgment would apply to all Member States. (Dr. Graupner arranged for Mr. Maruko to appoint ILGA-Europe as his co-representative in the national court, and for ILGA-Europe to appoint Dr. Graupner to act as its lawyer. Although, for procedural reasons, ILGA-Europe was not allowed to submit written arguments, Dr. Graupner presented oral arguments on behalf of ILGA-Europe at the hearing. This was the first time that ILGA-Europe has been able to participate in a case before the ECJ.)

Second, the Advocate General's Opinion suggests that the ECJ should not answer the national court's question about the need for a temporal limit on a judgment in favour of Mr. Maruko (eg, to cases arising after the date of its judgment, except for Mr. Maruko's case and similar cases already before the courts). With respect, the ECJ should clearly reject the need for a temporal limit, as it did in *Griesmar* (2001). The number of same-sex registered partners benefitting from a judgment in favour of Mr. Maruko would be very small. Such a judgment would thus not give rise to the "serious economic repercussions" for pension schemes that would be necessary to justify a temporal limit on its effect.

ROBERT WINTEMUTE
Professor of Human Rights Law, King's College London,
and Council of Europe Legal Adviser, ILGA-Europe

The current work of ILGA and its members and allies



Rolando Jiménez (Movilh - Chile), Beto de Jesus, Co-secretary General of ILGA Latin America and member of ABGLT (Brazil) talking to Antonio Pedro, from Brazil's permanent mission in Geneva



Philipp Braun, Co-Secretary General of ILGA, addressing the plenary of the former Human Rights Commission in 2005: "On all continents LGBT people continue to have their rights to free speech, association, privacy, liberty, freedom from torture and even to life itself infringed by states and private actors."

This introductory article to the special section on "Europe in the World" looks at the way ILGA, its members and allies have recently engaged in a swathe of activities at the UN and on the global stage on LGBTI issues.

United Nations Advocacy: ECOSOC, Human Rights Council and Yogyakarta Principles

In 1991 Professor Douglas Sanders became the first openly LGBTI person to address the United Nations on LGBT issues. He did it in the name of ILGA. In 1993/94 and 2002, ILGA saw its right to speak in its own name at the United Nations challenged, and its ECOSOC status hotly debated.

After the rejection of ILGA's application for UN Consultative status in 2002 we decided in 2005 to show the United Nations the diversity of our experience and have a diverse group of NGOs from different regions apply as part of our "ECOSOC campaign".

Following contested votes in December 2006 and July 2007, five LGBTI groups (ILGA-Europe, LBL, LSVD, CGLQ and RFSL) have now achieved ECOSOC status.. This victory was largely due to support from the EU and from Latin American countries. LGBTI people are now able to speak at the UN (as done by LSVD/LBL/ILGA-Europe in March 2007) and host side events in our own name. In 2008 a range of strong groups will be considered by ECOSOC including from the global South (ABGLT from Brazil is likely to be the first to be approved).

Since 2003 when Brazil introduced its historic resolution on "Human

Rights and Sexual Orientation", ILGA has campaigned at the UN Commission on Human Rights and its successor, the Human Rights Council, for the recognition of LGBTI rights as human rights. ILGA was present with activists from the Global South in Geneva in 2004, 2005 and 2006 and highlighted the situation of LGBTI people through oral interventions and side events that emphasised diverse aspects of the LGBTI experience and our alliance with trade unions and other human rights organisations.

With the Norwegian Statement at the UN Human Rights Council condemning human rights violations on the basis of sexual orientation and gender identity in November 2006, the number of supportive countries has doubled to 54 since 2003 and includes states from every UN region except Africa. The inclusion of gender identity in the statement in 2006 has been a victory for ILGA which has campaigned for it ever since its membership gave it this mandate at the 2003 World conference in Manila.

The lobbying for the Brazilian Resolution and ECOSOC status for LGBTI groups has brought together an informal coalition of international human rights groups (Amnesty International, ARC International, Center for Women's Global Leadership, Global Rights, Human Rights Watch,

International Commission of Jurists, IGLHRC, ILGA and International Service for Human Rights). These groups have worked together to advance LGBTI rights at the UN in cooperation with national and local groups around the world and supported by other civil society groups such as the ITUC (International Trade Union Confederation). We would like to thank John Fisher of ARC International for his tireless advocacy for LGBTI rights in Geneva (see his article on page 12). Together with Kim Vance, he has been facilitating this process through an active email list and a consultation process that will continue this December in Johannesburg.

The Yogyakarta Principles (see Michael O'Flaherty's article on pages 8-9) are a successful example of the work of this collaboration. This document builds on the existing body of findings of key UN human rights mechanisms on sexual orientation and gender identity. Hina Jilani, Special Representative of the Secretary General on the Situation of Human Rights Defenders, has been a staunch advocate for the protection of LGBTI human rights defenders and is a good example of the important work done by the UN's human rights mechanisms (see article by Evelyne Paradis on page 13). Alongside the High Commissioner for Human Rights Louise Arbour, she spoke at the Montreal Outgames Human Rights Conference in 2006. As a board member of ILGA-Europe I participated in the historic meeting in 2004 where the idea of the principles was born which was then given life by ICJ and ISHR in collaboration with the other members of the coalition. The Yogyakarta Principles have since been endorsed by the Scandinavian countries, Switzerland and Czech Republic inside the UN Human Rights Council. ILGA co-sponsored and participated in a number of activities this summer on the Yogyakarta Principles in Brazil. Several Latin American countries will sponsor a reception in New York in November in collaboration with the coalition to present the principles to the UN missions.

Lobbying at the European Institutions and elsewhere in Europe for "Third Countries"

ILGA wants to thank the European Intergroup for Gay & Lesbian Rights for their support in bringing the issue of "EU and 3rd Countries" to the attention of decision makers in Brussels. As Nigel Warner explains (page 14) the EU can play a role in the protection of LGBTI human rights defenders and in funding for LGBTI NGOs in the Global South and East. We hope that the EU will take up this issue more and more.

Thanks to the collaboration of ILGA with the Intergroup, LGBTI activists from Africa may be able to speak at a side event at the ACP-EU Joint Parliamentary Assembly meeting in Rwanda in November. They should be able to confront parliamentarians from the 75 ACP (Africa-Caribbean-Pacific) countries, in the majority of which consensual same sex acts are still criminalised – largely as the result of colonial area laws exported from Europe (the largest such source being Britain's Victorian laws).

Indeed there is still much to do for the membership of ILGA in the Council of Europe (where sodomy laws have been abolished) to ensure these laws get abolished in the 85 countries in the UN that still criminalise consensual same-sex acts. The Map on pages 10-11 based on the research by Daniel Ottosson shows the persecution still faced by LGBTI people in many parts of the world.

Many LGBTI groups in Europe have been vigilant in campaigning on the situation in Jamaica, Nicaragua, Iran and many other places. Some groups have set up partnerships with groups in the Global South, like SETA from Finland with trp (the rainbow project) in Namibia.

Lobbying and movement building at Regional Level in the Global

ILGA-Europe has pioneered the regionalisation process formalised by ILGA at its 1997 Cologne World conference. ILGA-Europe has successfully lobbied the EU, COE and OSCE on our issues. We are now working to enhance this process in Africa and Latin America as well as Asia and the Pacific (ANZAPI).

The result of ILGA's first African regional conference in Johannesburg in May 2007 has given us hope. There were delegates from 15 countries from all five African regions: North, West, Centre, East and South. Thanks to the enthusiasm of the conference ILGA is now represented in about twenty countries on the African continent and Pan Africa ILGA has a board with members from Algeria, Morocco, Senegal, Nigeria, Cameroon, Rwanda, Uganda, Kenya, Namibia, Mozambique and South Africa. In addition to discussing the political issues facing LGBTI people across Africa the delegates discussed the outlines of a constitution for Pan Africa ILGA and gave the newly elected Pan Africa ILGA board a mandate through a "Terms of Reference" to take the growth of the organisation forward through finalising the constitution, creating a secretariat, fundraising and representing Pan Africa ILGA at the African Union and at public events.

At the African Commission for Human and Peoples' Rights, ILGA member groups in Africa such as CAL (Coalition of African Lesbians) have raised the plight of LGBTI people in Africa. ILGA members in Latin America have successfully lobbied Mercosur to include LGBTI rights in its human rights agenda. ILGA was also represented at the recent ECLAC (United Nations Economic Commission for Latin America and the Caribbean) Women's Regional Conference.

Some European members of ILGA have actively supported the growth of ILGA and its regions in the Global South in the past years. COC Netherlands helped facilitate the crucial funding from Hivos and Novib as ILGA started the transition from an activist network to a global NGO. LSVD (Germany) helped fundraise for the presence of ILGA activists at the UN. RFSL (Sweden) helped facilitate funding for our UN work and for the first ILGA regional conference in Africa in May 2007; recently RFSL helped ILGA secure core funding from SIDA (Swedish Development Agency). FELGTB (Spain) secured funding from AECI (Spanish Development Agency) for the Latin American ILGA conference in Lima in September 2007.

We are calling on LGBTI groups across Europe to lobby their governments and development agencies to support the work of ILGA at the UN, on trans and intersex issues as well as on strengthening the African, Asian, Latin American/Caribbean and ANZAPI (Pacific) regions within ILGA. We are also asking them to continue their active solidarity work for LGBTI people who face prosecution around the world so that we can look forward to a world without sodomy laws and with protections for each and every LGBTI person.

PHILIPP BRAUN
Co-Secretary General of ILGA

The Yogyakarta Principles on the Application of International Human Rights Law in Relation to Sexual Orientation and Gender Identity

Groundbreaking international legal principles on sexual orientation, gender identity, and international law chart a way forward for both the United Nations and governments to ensure the universal reach of human rights protections. They put new pressure on the national governments to end discrimination against lesbian, gay, bisexual and transgender (LGBT) people worldwide.



Launch of the Yogyakarta Principles in Geneva

Left to right: Sunil Pant (Nepal); Mauro Cabral (Argentina); Vitit Muntarbhorn (Thailand), UN Special Rapporteur on the human rights situation in the Democratic People's Republic of Korea; Michael O'Flaherty (Ireland), Member of the UN Human Rights Committee and Sonia Onufer Corrêa (Brazil)

The Yogyakarta Principles on the Application of International Human Rights Law in Relation to Sexual Orientation and Gender Identity were launched on 26 March 2007. The Principles affirm binding international legal standards to combat discrimination and attacks on people because of their sexual orientation or gender identity. These human rights violations constitute an entrenched global pattern of serious concern. They include extrajudicial killings, torture and ill-treatment, sexual assault and rape, invasions of privacy, arbitrary detention, denial of employment and education opportunities, and serious discrimination in relation to the enjoyment of other human rights.

Key United Nations human rights mechanisms have affirmed States' obligation to ensure effective protection of all persons from discrimination based on sexual orientation or gender identity. However, the international response has been fragmented, creating the need for a consistent understanding of the comprehensive regime of international human rights law and its application to issues of sexual orientation and gender identity. The Yogyakarta Principles do this.

The Principles were developed and unanimously adopted by a distinguished group of 30 human rights experts, from diverse

regions and backgrounds, including judges, academics, a former UN High Commissioner for Human Rights, UN Special Procedures, members of treaty bodies, NGOs and others. I had the honour to serve as Rapporteur of the group.

A central event in the development of the Principles was an international seminar of many of the legal experts that took place in Yogyakarta, Indonesia at Gadjah Mada University from 6 to 9 November 2006. That seminar clarified the nature, scope and implementation of States' human rights obligations in relation to sexual orientation and gender identity under existing human rights treaties and law.

The Principles address the broad range of human rights standards and their application to issues of sexual orientation and gender identity. These include extrajudicial executions, violence and torture, access to justice, privacy, non-discrimination, rights to freedom of expression and assembly, employment, health, education, immigration and refugee issues, public participation, and a variety of other rights. For example, in response to the fact that in some countries, the death penalty continues to be applied for consensual adult sexual activity between persons of the same sex, the Principles reaffirm the fundamental rights of everyone, regardless of their sexual orientation or gender identity, to



Launch of the Yogyakarta Principles in Geneva

Left to right: Sonia Onufer Corrêa (Brazil); Nicholas Howen, Secretary General of the International Commission of Jurists (ICJ) and Mary Robinson (Ireland), Founder of Realizing Rights: The Ethical Globalization Initiative, former President of Ireland and former United Nations High Commissioner for Human Rights

life, freedom from violence and torture, privacy, access to justice and freedom from arbitrary detention.

Similarly, the Principles set out the importance of non-discrimination in the enjoyment of economic, social and cultural rights, including employment, accommodation, social security, education and health. These Principles respond to worldwide patterns of discrimination. For instance, UN experts have reported that lesbian and transgender women are at increased risk of discrimination, homelessness and violence. And one recent UN report highlighted how girls who display same-sex affection face discrimination and expulsion from educational institutions.

The Principles affirm the primary obligation of States to implement human rights. Each Principle is accompanied by detailed recommendations to States. The Principles also emphasise, however, that all actors have responsibilities to promote and protect human rights. Additional recommendations are therefore addressed to the UN human rights system, national human rights institutions, the media, non-governmental organisations, and others.

The Principles were publicly launched at a series of international and regional events, timed to coincide with the main session of the United Nations Human Rights Council in Geneva. First reactions are encouraging. Within days of the launch, States were already beginning to cite the Principles in their statements to the Council. More than thirty States made positive interventions on sexual orientation and gender identity issues, with seven States specifically referring to the Yogyakarta Principles. In their interventions, States described the Principles as “groundbreaking” and as articulating “legally-binding international standards that all States must respect”. States commended the Principles to the attention of the relevant UN organs, thus laying the groundwork for future action.

Civil society organisations and individuals have also reacted. A Kenyan group is seeking to use the Principles “to involve the media in our mission through sexual health and rights policy visibility”; an Irish organisation is already using the Principles in negotiations with the government on gaining entry to the country for same-sex partners of refugees. In Guyana, the Principles are being referenced in a government-sponsored debate on the topic “Teachers who are homosexual/ lesbian should not be allowed to teach”. Web-discussion has been very vigorous, with 140,000 Google hits within days of the launch. One blogger wrote, “I am now, under International Human Rights Law, officially human. And yesterday, I wasn’t.” Another commented, “Do we need the 29 Yogyakarta Principles? You bet your very life we do.”

As might be expected, not all the public responses have been positive: one widely distributed critique condemned the Principles as the work of “a handful of UN officials in league with a radical homosexual rights group”, advancing “ideas on the far frontier of social policy.” Even these fears, however, reflect the extent to which the Principles have attracted international attention, and are perceived by opponents and supporters alike as a significant step forward in the recognition of human rights for lesbian, gay, bisexual and transgender people.

Major efforts will now need to be dedicated to develop tools to ensure implementation of the Principles at the international, regional and country levels. This will involve preparation of legal and academic articles, as well as annotated jurisprudential supporting documentation, continued engagement with UN mechanisms, measures to support the use of the Principles in regional and domestic human rights advocacy, and education, training and awareness activities around the world. The task will require the sustained attention from a global collaboration of lawyers, academics and activists, all focussed on the Principles’ promise of “a different future where all people born free and equal in dignity and rights can fulfil that precious birthright.”

MICHAEL O’FLAHERTY

Professor of Applied Human Rights and Co-director of the Human Rights Law Centre at the University of Nottingham, served as Rapporteur for the development of the Yogyakarta Principles. He is a member of the United Nations Human Rights Committee



Launch of the Yogyakarta Principles in Geneva

Left to right: Vitit Muntarbhorn, Michael O’Flaherty and Sonia Onufer Corrêa

Making a difference at the UN

Last December, after a vigorous campaign, ILGA-Europe (together with other LGBT groups LSVD from Germany and LBL Denmark) obtained accreditation to the United Nations as organisations in “consultative status”. This creates opportunities for ILGA-Europe to engage with the United Nations in a new era of visibility around LGBT issues internationally.

At the same time, the UN human rights mechanisms have been in a state of transition and reform, with the Commission on Human Rights being replaced by a new Human Rights Council. The UN reform process has brought its own challenges: with the focus on building a new human rights system, even supportive States were initially reluctant to “rock the boat” by raising “controversial” issues.

In the past, significant lobbying efforts at the former Commission had focused on securing support for a UN resolution on sexual orientation and human rights (“Brazilian resolution” was withdrawn in 2005 in the face of sustained opposition). When the new Human Rights Council was launched in 2006, a key question in the minds of activists was whether the new body would be more successful than its predecessor in addressing the LGBT rights.

Adding to the difficulty has been the fact that, with a redistribution of regional seats on the new Council, we would likely not win any vote on sexual orientation or gender identity issues – and a loss could set back advances in our rights at the international level for years to come.

Activists working at the Human Rights Council have therefore placed less emphasis on proposing a resolution, and instead focused on other tools for promoting visibility, raising awareness and building support of LGBT rights. These tools include the opportunity for UN-accredited organisations to:

- submit written statements;
- make oral interventions in the Council plenary;
- organise parallel panels on topics of interest;
- engage in interactive dialogue during Council sessions with the High Commissioner for Human Rights;
- put questions to the Special Procedures (UN experts tasked to investigate and report on a variety of human rights issues, from torture, to health, to violence against women); and
- encourage States to make individual or joint statements in support of our issues.

One advantage of the new Human Rights Council is that it now meets regularly throughout the year for sessions totalling at least 10 weeks (unlike the former Commission which held a single 6-week session every March–April). As a result, organisations are able to build both visibility and momentum throughout the year, in a sustained, incremental manner. This is illustrated through some of the achievements at the Council during its first year:

- At the **first session** of the Council in **June 2006**, for example, a **written statement** was submitted on behalf of 47 groups from all regions, outlining concerns with the former Commission, our positive vision for the Council, and expressing the view that the success of the reform process will be measured by the Council’s ability to address the needs of marginalised groups, including on the grounds of sexual orientation and gender identity.

- At the **second session** of the Council in **September 2006**, many of the **UN Special Procedures** were scheduled to present their reports. More than a dozen Special Procedures had detailed human rights violations based on sexual orientation and gender identity in their reports (for example, death penalty in Nigeria, Iran and the Sudan; attacks on peaceful LGBT demonstrations in Poland; violence against transgender people in Nepal).

LGBT activists worked with governments from around the world to raise these human rights violations during **interactive dialogue** in the UN plenary, resulting in significant attention to these abuses. NGOs also made **oral interventions** on the use of the death penalty, freedom of expression issues and human rights violations faced by women, including on the ground of sexual orientation. In addition, activists attending the Council for an ILGA Conference organised **parallel events** on a range of topics, and were invited to make a **presentation** to State representatives from the Latin American and Caribbean region.

- Having laid the groundwork at the second session by highlighting the extensive human rights violations faced by LGBT people, the **third session** of the Council in **November-December 2006** afforded an opportunity to increase State response. Norway agreed to deliver a **joint statement** on sexual orientation, gender identity and human rights, together with other States. The result was the largest ever statement on sexual orientation issues at the UN and the first to explicitly mention gender identity, representing the views of a cross-regional grouping of 54 States.
- At the **fourth session** of the Council in **March 2007**, the newly-accredited organisations ILGA-Europe, LSVD and LBL were able to address the Council in their own name. The participation of these organisations substantially increased LGBT visibility and in response to their questions during **interactive dialogue**, the **High Commissioner for Human Rights** herself addressed these issues for the first time in a UN plenary.

Another significant event at the March session was the public release of the **Yogyakarta Principles** (read more on page 12-13).

As the Human Rights Council reached the end of its first year, there could be no doubt that sexual orientation and gender identity issues have found their way squarely onto the agenda.

The year ahead will hold its own challenges, but ILGA-Europe is already making its presence as a UN-accredited group felt, and will continue to work towards the day when LGBT people can live our lives and celebrate our identities with the equal dignity and respect to which all human beings are entitled.

Recognising and embracing rights of LGBT people

In recent years, Hina Jilani, Special Representative of the Secretary General on the Situation of Human Rights Defenders, has been one of the most supportive United Nations human rights independent experts, taking a strong stand to bring about an explicit recognition of the rights of LGBT persons as human rights.

Not only has she done so by intervening with governments on 36 cases of arbitrary detention, harassment and torture against those who defend the rights of LGBT people in the world and identifying defenders of LGBT rights amongst human rights defenders who are at particular risk in her reports. She also repeatedly affirmed that those who defend LGBT rights are protected by international human rights treaties¹ as well as by the Declaration on Human Rights Defenders which specifically says that “everyone has the right, individually and in association with others to develop and discuss new human rights ideas and principles and to advocate their acceptance” (art.7). As such, Hina Jilani has been contributing significantly to a greater recognition by UN human rights bodies of the need to respond to human rights violations based on sexual orientation and gender identity, and in many ways, to the growing inclusion of LGBT rights in the broader human rights discourse.

One violation to which Hina Jilani has paid particular attention is violation of the right to peaceful assembly. Over the last 2 years, she has intervened with governments, including numerous European States, when authorities prohibited demonstrations (bans of prides in Latvia and Poland in 2005 and 2006) and meetings of LGBT activists (such as the detention of Belarusian LGBT activists planning an international LGBT conference in November 2006). In her interventions, she expressed her concerns that such actions were at “preventing defenders of the rights of sexual minorities from carrying out their peaceful activities to raise awareness of the universality of human rights, to be applied to all persons regardless of their perceived sexual orientation”. She also recognised that bans of LGBT events were often inscribed in a general climate of intolerance towards the LGBT community (e.g. her November 2005 letter about Poland).

In relation to prides, Hina Jilani not only looked at bans of marches but also at the failure to provide adequate police protection to participants. She did so for example when police officers failed to protect participants in the service at the Anglican Church in Riga (July 2006), and when the police delayed its intervention against members of a right wing group who were harassing and intimidating individuals taking part in the Poznan Equality March (2005). On two occasions, Ms. Jilani acted preventively, calling for authorities’ support and adequate protection for upcoming prides where there was fear of violence (e.g. before the 2006 Krakow March for Tolerance) or indications that parade may be stopped (the 2006 Moscow Gay Pride Parade).

In dealing with governments on these issues, Hina Jilani has systematically rejected attempts to justify action against LGBT defenders by arguing that “the public” does not want these demonstrations to take place, or these organisations to be registered,

or that “the people” do not want LGBT people in their community. Where authorities prohibited events on “grounds of security concerns” – such as the 2006 ruling of the Administrative Court of Latvia and the ban of then 2005 Equality March in Poland – the Special Representative pointed to the Declaration on Human Rights Defenders which reminds States of their responsibility for protecting defenders against violence and threats (art. 2 and 12). In addition, she has clearly affirmed that the protection of international human rights norms is to be universally applied by States, “regardless of their political, economic and cultural systems” (Report A/HRC/4/37).

Another challenge faced by LGBT defenders that Ms. Jilani addressed is the denial of registration and legal recognition of organisations working for LGBT rights. For instance, in September 2005, she wrote to the Turkish government about the lawsuit against Kaos GL, which faced closure by the authorities on the ground that the organisation violated a provision in the Civil Code that forbids “establishing any organisation that is against the laws and principles of morality”. She also paid attention more generally to laws which affect the existence and action of LGBT organisations. One such example is her November 2006 communication to Belarus concerning amendments to the country’s criminal code which may be used to detain members of LGBT groups, or discredit their legitimate activities.

As UN Special Representative on human rights defenders, Hina Jilani has been a staunch and courageous ally of those who defend LGBT people, and has not shied away from asserting loud and clear that human rights apply to everyone regardless of their sexual orientation and gender identity, even it meant opening herself up to criticism. One such instance was her letter to the UN’s economic and social committee members in 2006 about their refusal to grant consultative status to three NGOs working on human rights for LGBT persons, an act for which she was strongly criticised by African States. By giving heed to cases of rights violations against those who defend the rights of LGBT people, not only is she continuing to increase the visibility of LGBT issues within the UN system and paving the way toward a clear affirmation of the application of international human rights law to issues of sexual orientation and gender identity; she is also giving defenders of LGBT rights more powerful tools to claim the freedom and equality which LGBT people are rightfully entitled to as human beings.

***Hina Jilani’s reports, including information about communications with governments, are available at*

www.ohchr.org/english/issues/defenders/index.htm

EVELYNE PARADIS

¹Based on the non-discrimination clauses of the International Covenant on Economic, Social and Cultural rights CR (art. 2 (2)) and International Covenant on Civil and Political Rights (art. 2 (1)).

How the EU's foreign policy can support LGBT rights around the world

Over the last 10 years or so human rights have become an increasingly important component of the EU's foreign policy. Indeed, the EU's website now describes human rights as the cornerstone of its foreign policy.

The EU promotes human rights in third countries through two main areas of policy:

(i) The Common Foreign and Security Policy (CFSP), conducted by the Council of Ministers. A series of human rights policy guidelines provide a framework for the CFSP. One of these, on Human Rights Defenders, is particularly important for LGBT issues.

The CFSP is operated both through international fora such as the UN, where the EU member states adopt a common approach, and are represented by the country holding the Presidency, and in bilateral communications with third countries. The latter are conducted through a number of mechanisms including:

- démarches (i.e. diplomatic initiatives with third countries, addressing a single issue and usually confidential);
- public statements addressing an issue;
- country visits by senior officials.

(ii) The promotion of human rights and democratisation through the External Relations and Development Directorates-General of the European Commission. Here the basis for action is the human rights clause which exists in co-operation and assistance agreements with more than 120 third countries. These stipulate that human rights principles are an essential element in the relations between the parties and allow the EU to take certain measures if the principles are breached, ranging from refusal to grant visas to senior government members to the freezing of assets held in EU countries. A further possibility is financial support, particularly through the European Initiative for Democracy and Human Rights Programme.

How has the EU supported LGBT rights in its foreign policy so far?

There is evidence that the EU has become increasingly active in support of LGBT rights in the past few years.

At the United Nations it has been consistently supportive, for example, over the "Brazilian resolution" (an unsuccessful attempt in 2003/2004 to pass a major resolution in support of LGBT rights), same-sex partner benefits for UN employees (2004), a general statement on behalf of 34 European countries in support of non-discrimination at the UN Commission on Human Rights (2005), the (unsuccessful) attempt to include a reference to "gender identity" in a resolution on Extrajudicial Executions (2005), a Norwegian statement at the Human Rights Council on sexual orientation (2006) and votes on various occasions around applications by LGBT organisations for consultative status.

Its level of activity in support of the LGBT rights in particular countries is more difficult to assess, since much of such activity is not made public. It is known that in 2006 the EU conducted a démarche with the Russians over the banning of Moscow pride,

while there were interventions over the banning of the Chisinau pride, both in the context of the CFSP procedures, and by the European Commission. There are also reports of diplomatic interventions in Rwanda over the possible criminalisation of same-sex relations, and Nigeria, regarding plans to introduce laws criminalising any involvement in same-sex marriage ceremonies.

LGBT organisations have also received grants under the European Initiative for Democracy and Human Rights in countries such as Ukraine and Peru.

How can LGBT organisations in countries outside the EU get EU support?

The best approach is to develop a working relationship with the local Delegation of the European Commission, so that when help is needed, there is rapid and effective cooperation.

EC Delegations should be willing to develop such relationships since this is set out as policy in the the EU Guidelines on Human Rights Defenders. These require that EC Delegations:

- adopt a proactive policy towards human rights defenders
- maintain suitable contacts, receiving them in Delegations and visiting their areas of work
- provide (where appropriate), visible recognition to human rights defenders, through publicity, visits or invitations
- observe trials of human rights defenders,

In addition, you should identify the local EU Presidency and make yourself known to it. This is the Embassy of the Member State that is responsible for co-ordinating EU work with other EU member states in the country during the rotating EU Presidency. It is the local Presidency that will make representations to the host government on behalf of the EU. Where the Member State that holds the Presidency has an embassy, that will be the local Presidency. Where it does not, it will ask another EU Member State embassy to be the local Presidency. You can find out who is the local Presidency from any EU Member State embassy. You can find a list of all the forthcoming EU Presidencies on the EU Council website – www.consilium.europa.eu

Once good relationships are established, obtaining help and political support in relation to particular human rights violations should become very feasible. Serious incidents would be reported to the EU Council in Brussels for possible diplomatic action.

So far as funding is concerned, there would be two broad possibilities: EU Missions have small grants programmes; alternatively, applications can be made under European Initiative for Democracy and Human Rights.

Using EU authority to improve situation for LGBT people worldwide

Last year, when the European Parliament's Intergroup on Gay and Lesbian Rights adopted a priority campaign system, the topic of third countries (i.e. non-EU countries) quickly made its way to the top of the priorities of the Intergroup's officers.

This priority is also reflected in the broader EU context – a great many policies and decisions that are taken at the EU level deal with such global issues as human rights, trade, climate change, and so on. There are literally thousands of pages written on the European Union's impact on the global stage; terms like "soft power," "positive attraction" are all terms used by experts to explain the EU's growing influence on the global stage.

Before we can proceed and explain the whole breadth of actions that the Intergroup undertakes on a daily basis to combat discrimination of LGBT people in non-EU countries, it is important to set into context the role of the European Parliament in foreign relations. The European Parliament has what some might call a fairly weak role in influencing EU foreign policy. Indeed, this is a policy area that is considered to be very politically sensitive. As a result, the bulk of the decision making and implementing remains with the European Parliament's sister institutions, the European Commission and the European Council of Ministers.

As LGBT activists, we are nevertheless aware that the European Union is, for many countries, their number one trading partner and their number one export destination. The European Union, through its economic strength, can have a tremendous influence on the domestic economies of its partners. It is this bargaining chip that allows the EU to be potentially quite persuasive on human rights. The European Union also has a lot of partners; it regularly signs partnership agreements with countries in which it links trade and development aid with respect for human rights.

Through the Cotonou Agreement, the European Union is in a close partnership with countries from the African, Caribbean, and Pacific belt (ACP). This is the European Union's flagship programme for new and emerging economies – through the ACP nearly all of the countries which have reportedly poor LGBT rights records are covered by a comprehensive agreement in which clauses on human rights are included. The EU also maintains a number of bilateral agreements which enable the EU to link trade to human rights with a number of non- ACP countries. ILGA-Europe published a report¹ several years ago which delved quite deeply into these issues and identified which countries were linked to EU trade agreements with clauses enabling the EU to question a country's human rights record.

Equipped with this analysis and a realisation that there was an urgent need to help LGBT organisations working in countries with partnership agreements, the Intergroup decided to act. The Intergroup adopted as one of its priorities the undertaking of specific actions in third countries. It was the Intergroup's wish to raise awareness of the existence of these agreements and to encourage relevant policy-makers to actively employ these

human rights clauses with a view of discussing with the partner governments better respect of equality and non-discrimination principles for their LGBT communities.

The Intergroup decided to raise awareness through a number of mechanisms that were available to MEPs: the first was to use press releases to increase media interest in the topic and to report some of the most worrying examples of discrimination on the basis of sexual orientation. The second was to actively use the Intergroup's abilities to table parliamentary questions, thereby raising awareness within the relevant policy units in the Council and the Commission and encouraging them to take action in their regular bilateral meetings with partner government officials. The third was to invite MEPs who were not only members of the Intergroup but also members of the European Parliament's delegation for ACP states to raise these topics in the relevant committees.

Throughout the year, the Intergroup monitored media reports coming from Africa and the Middle East very closely. It wasn't long before this monitoring paid dividends when reports came in that Nigeria was planning to toughen its stance on LGBT individuals. The country, which already criminalised same-sex sexual relations, intended to go even further. Intergroup MEPs rallied together to collaborate on a press release expressing serious concerns about this draft law. Parliament followed suit: following a question during the Parliament's plenary session, the European Parliament's major political groupings agreed to discuss the Nigerian draft law as an urgent matter in plenary. Intergroup MEPs were in a position to work together to try and get a tough resolution adopted. In the end, a resolution tabled by the EPP-ED group and adopted in plenary called upon Nigeria to drop this new draft law.

The resolution was adopted in urgency, thanks to the vigilance of the Intergroup's members. It refocused attention on the country and the Council of Ministers later responded to an oral question tabled by the Intergroup's President in which it explained that the Council agreed that the adoption of the law would be an "infringement of universal human rights standards" and added EU authorities in Nigeria had been discussing the issues with the competent Parliamentary committees. The incompatibility with human rights standards was also raised by EU mission leaders. The Nigerian draft law was later tabled following this pressure, highlighting the important influence the EU can have on the world stage – especially if all its institutions speak with one voice as was done in Nigeria.

MICHAEL CASHMAN

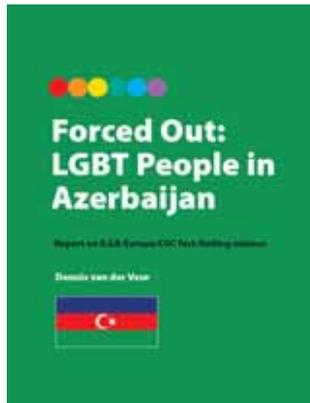
Member of the European Parliament, President of the Intergroup on Gay and Lesbian Rights

¹Rights, not crimes: the EU's role in ending criminalisation of same-sex acts in third countries
www.ilga-europe.org/europe/publications/non_periodical/rights_not_crimes_april_2005



“Going Beyond the Law: promoting equality in employment “

This is a second edition of a report originally published in April 2005. The current edition, significantly revised and updated, looks at the state of transposition of the EU Directive, discusses its limitations and weaknesses in ensuring equality of LGB people in the employment, as well as the experience of LGB people of the legislation.



“Forced Out: LGBT People in Georgia”

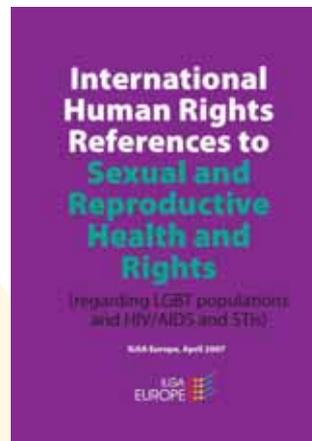
“Forced Out: LGBT People in Azerbaijan”

These two reports focus on the situation of LGBT people in Georgia and Azerbaijan. The reports are based on information gathered before, during and after a fact-finding mission in January 2006. This mission was conducted by COC Netherlands and ILGA-Europe jointly. It is the first time that systematic research on the situation of LGBT people in Georgia and Azerbaijan has been carried out.

ILGA-Europe Annual Report 2006-2007



This Annual Report is the report from the Executive Board to our members on the activities of the staff and the board in relation to the Work Programme contained within the Strategic Plan approved by the Budapest conference in October 2004. It covers the period between the Sofia conference in October 2006 and our Vilnius conference in October 2007.



International Human Rights References to Sexual and Reproductive Health and Rights (regarding LGBT populations and HIV/AIDS and STIs)

ILGA-Europe has created this compilation of international human rights references to sexual and reproductive health and rights (SRHR) to assist advocates locate, interpret and utilise existing international instruments and standards in their own work. There is a particular focus throughout this compilation on statements and progress made in relation to HIV/AIDS and other sexually transmitted infections (STIs) as relevant to LGBT persons.



Beyond the Pink Curtain: Everyday Life of LGBT People in Eastern Europe

Roman Kuhar, Judit Takács, eds.

The idea of this book was born in the Intimate/Sexual Citizenship conference in October 2005 in Ljubljana where scholars focusing on the lives of LGBT people in post-socialist Eastern Europe were gathered to discuss the everyday life experiences of LGBT people regarding the functioning of social, political and cultural boundaries that separate the “good heterosexual citizen” from the rest. These experiences are analysed and mirrored in the 21 articles illustrating the increasingly conspicuous ways of LGBT existence being specifically characteristic to Belarus, Bulgaria, Croatia, the Czech Republic, East-Germany, Estonia, Hungary, Latvia, Lithuania, Poland, Serbia, Slovakia, and Slovenia.

To order this book, please contact Jasna Babič - jasna.babic@mirovni-institut.si

Price: 15€

**40 years after Stonewall -
Conference on LGBT Human Rights
27-29 July 2009**

The 2nd World Outgames international conference on LGBT rights will be held in Copenhagen, Denmark from 27-29 July in 2009

Under the banner "Love of Freedom. Freedom to Love", a major objective of the World Outgames international conference on LGBT rights in Copenhagen will be to gather and disseminate best practices and tools for promoting diversity and tolerance.

Among the wide range of important topics and themes concerning LGBT rights to be covered are being out in sports and business, recognition of same-sex partnerships and marriage, parenting rights including adoption and medically assisted insemination, and LGBT history and heritage.

The conference program will be finalised by World Outgames 2009 in co-operation with co-presidents Rebeca Sevilla from Peru and Svend Robinson from Canada, along with an international advisory group consisting of 15 members from all over the world.

Further information:

World Outgames 2009

Farvergade 10

1463 Copenhagen K

Denmark

Telephone +45 70 2009 37

Fax +45 70 2009 57

www.copenhagen2009.org

The Vilnius conference team led by Lithuanian Gay League (LGL), which will proudly celebrate its 15th anniversary next year, is delighted to welcome ILGA-Europe members to the first European Capital of Culture among the new member states – a city of multicultural life and vitality. Together we can make Vilnius the city of diversity too.

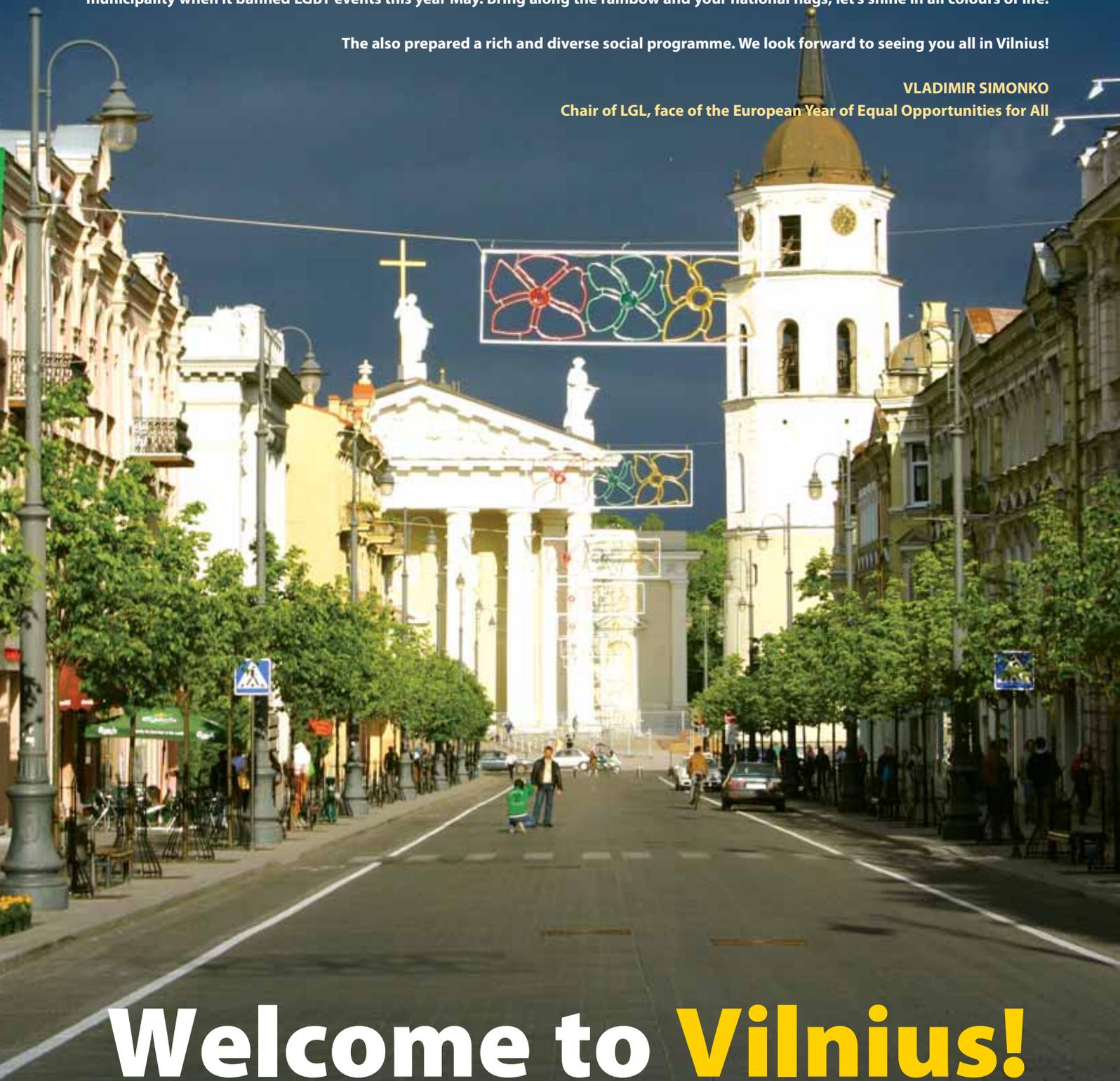
2007 is an exceptional year for all of us: we are celebrating the European Year of Equal Opportunities for All, which is officially supported by the Lithuanian government. Moreover, the Lithuanian Social Ministry is backing the ongoing EQUAL project, promoting equality in the workplace, and the National anti-discrimination programme 2006-2008. The annual conference in Lithuania will be a great opportunity for you to join our experience, ambitions and competence for discussing urgent problems and creating a powerful strategy for promoting equality and LGBT rights for 2008-2011. We need your presence, your spirit of freedom and courage in order to combat the vastly spreading homophobia in the region.

The conference will be held in the heart of the Old Town, the historical centre of Vilnius and one of the largest in Eastern Europe. The Old Town of Vilnius has been inscribed on the UNESCO World Heritage List, and it is enchanting with narrow streets, cosy courtyards, lively cafés and inns.

The Vilnius conference team would like to invite you to join the public action and fly the 30-metre rainbow flag in central Vilnius. The aim of this action is to highlight the importance of solidarity in safeguarding human rights and to stand up to the unlawful actions of the Vilnius municipality when it banned LGBT events this year May. Bring along the rainbow and your national flags; let's shine in all colours of life!

The also prepared a rich and diverse social programme. We look forward to seeing you all in Vilnius!

VLADIMIR SIMONKO
Chair of LGL, face of the European Year of Equal Opportunities for All



Welcome to **Vilnius!**