

# Towards a Europe of equality ?



photo: "Normgivande mångfald" Sweden by Elisabeth Ohlson Wallin



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## Table of contents

- 3 Editorial and Personnel news
- 4 Social Platform update and EU Coordination Network meeting
- 5 The Convention on the Future of Europe and The Act4Europe Campaign
- 7 Free movement campaigns
- 8 Asylum regulation and Fundamental Rights in the EU in 2002
- 9 Human Rights: Increasing EU pressure on Egypt and Enlargement: LGBT rights in an enlarged Union
- 11 Enlargement: Important step in Malta and Enlargement: Poland – “Let them see us!”
- 13 Islamophobia and Muslim Capacity Building
- 15 Intergroup on Gay and Lesbian Rights
- 16 Sexual orientation in transnational projects
- 17 Corporate Social Responsibility – EU awards
- 18 News clips

“Families, Partners, Children and the European Union”

# New Policy Paper published in April 2003

Issues such as marriage, partnership and parenting have been traditionally treated as falling within national legal competence and hence outside the powers of the European Union. However, this situation is now rapidly changing. The boundaries between national and EU competences have gradually blurred over time. The Union is now committed to promoting social inclusion through policies in a wide range of fields such as employment, education, healthcare and housing. Moreover, the creation of the “Area of Freedom, Security and Justice” has demanded much greater involvement of the Union in the co-ordination of civil law systems, including family law.



In this policy paper, we examine how various aspects of EU law are impacting upon national rules relating to “personal status” in its broadest sense.

This Policy Paper is available in English, French, German, Italian and Spanish.

Order your printed copy from the ILGA-Europe office. Electronic versions can be downloaded from our web-site.

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# Personnel news

## Interim policy and research officer in post



Sheila Swatschek recently joined the team of ILGA-Europe as the interim policy and research officer. She will likely be with us until the annual conference in Glasgow.

Sheila is a fully registered barrister who has practised law in a law firm in Berlin for the last three years after working in London for a business law firm. One of her majors in legal training was European Law. Since she has, however, also obtained a MA in Political Science from the Freie Universität in Berlin and has always had a keen interest in politics - particularly the politics of rights - she was seeking work that would combine both her degrees and her political drive. She first spent a stage at the European Parliament as a legal adviser to a German Socialist MEP, chairwoman of the committee

of economic and monetary affairs and substitute in the committee for Women's Rights and Equal Opportunities, before moving to ILGA-Europe's office. While working as the policy officer for ILGA-Europe she is not only finally combining her fields of training, but working for equality, anti-discrimination, and social justice towards lgbt communities which is also close to her heart.

In ILGA-Europe, Sheila will be working in several areas, such as the establishment of an Information Centre of Discrimination, which will obtain information on factual and legal discrimination in all European countries as well as best practice, specially coming from LGBT related European Projects. This centre aims at providing information and promoting change and action. Another focus will be the human rights clauses in EU's association, trade and development agreements with third countries. Other tasks will include monitoring developments in relevant EU policies, initiating proposals for appropriate responses by ILGA-Europe, producing reports, policy and research papers on discrimination and human rights (including for the EU presidencies) and projects such as capacity building with the Muslim LBGT community. Her contact details are: sheila@ilga-europe.org; phone: +32 2 7345526

AILSA SPINDLER



**Third ILGA-Europe EU network meeting took place on 5-6. April 2003 in Ghent. Please read article on p. 4.**

## Editorial

Welcome to the June issue of the *ILGA-Europe Newsletter*.

The last three months were busy as ever and saw plenty of exciting development on many fronts. For one, we are happy to announce the arrival of our new colleague, Sheila Swatschek, who will be our interim policy and research officer. For details please see the *Personnel news* section.

### EU Funding Initiatives

The focus of the political lobby work of ILGA-Europe is often on legislative measures. Yet, it is important to remember that this is but one step. Though a vital tool to fight discrimination, such policy needs to be followed by concrete, practical measures. In the Union context, this is generally done through so-called action programmes funding transnational cooperation projects. We are hoping to focus more on such opportunities in the *newsletter* in order to increase lgbt content in the project selected for financial support. In this issue, we will introduce the Community Initiative *EQUAL*. Please go to page 16 to read more about it.

### News from the Union institutions

With the signature of the accession treaties, the Union's enlargement is fast approaching reality. We chose to mark this important occasion by featuring a series of three articles. Following the summary introduction from an EU perspective, you will find an engaging account of the recent 'Let them see us' campaign in Poland as well as an update on the situation in Malta. Please refer to page 11 for further detail.

With regard to legislative initiatives, there is news concerning both the asylum and immigration and the free movement directives. Following the encouraging position of the European Parliament on definitions of family in the context of free movement, the Commission in its very disappointing response to the EP amendments has opposed equal treatment for same-sex and unmarried couples. The Council is currently considering both drafts and will come up with its first position in early autumn.

The Convention on the Future of Europe is entering its hottest phase. On 20 June the draft constitution will be handed to the member states at the Salonici Summit. ILGA-Europe has continued its collaboration with both NGOs and MEPs in order to ensure that the fight against discrimination remains high on the future agenda of the EU (see page 5). This *newsletter* will also introduce the act4europe campaign, an initiative organised by the Civil Society Contact Group, in order to strengthen the concept of participatory democracy in Europe's future constitution (see page 6).

### Thank you to Christian Högl

We would like to take this opportunity to express our gratefulness to Christian Högl, whose company CreativBox in Vienna has so far been responsible for the layout and design of this newsletter. For the past two years Christian has done an excellent job in producing this newsletter for us. Thank you! Due to the fact that the responsibility for the newsletter lies increasingly in the hands of ILGA-Europe's office staff in Brussels, we have decided to move on and in future work with a Brussels-based company. We look forward to our future cooperation.

THE EDITORIAL TEAM

Social Platform update

# Anti-discrimination policies vital

The range of issues that the Social Platform deals with is as broad as its membership that represents a diverse set of organisations working in the social field. Though anti-discrimination is one concern amongst many, it continues to be addressed not only via the Anti-Discrimination Working Party (cf. *Newsletter* # 1/03, p.13), but also through the Platform at large.

Anne-Sophie Parent, the Platform's new president, highlighted the importance of EU anti-discrimination measures at the Mid-Term Review of the EU Social Policy Agenda, organised by the Commission in Brussels on 19-20 March 2003. The Social Platform stressed that only through political will and leadership would the EU be able to make a decisive impact on poverty, social exclusion, inequality and discrimination and thus redress the balance between social and economic policies. It was in this context that the Platform urged the Commission to propose further directives on the basis of Article 13, which would go beyond the employment field. "Without further direc-

tives toward social protection and pensions, toward mobility between work, family life and training, Article 13 will not guarantee a discrimination-free Europe", Anne-Sophie Parent stated. ILGA-Europe shares these concerns and is pleased to see the Platform's efforts to push this objective back onto the Commission's agenda.

On a day-to-day level, representatives of the major European anti-discrimination NGOs have continued successfully to collaborate on common policy objectives. Set up in January this year, the Anti-Discrimination Working Party aims at raising the visibility of anti-discrimination matters at EU level. This includes collaboration in lobbying the Convention on the Future of Europe as well as efforts in connection to the implementation of the framework directive and the European-wide information campaign initiated by the Commission. In early May the Working Party initiated a successful meeting with the Commission's Anti-discrimination Unit aimed at developing a "horizon-

**Since January 2003, ILGA-Europe director Ailsa Spindler has been representing the views of the Social Platform on an EU advisory group which is steering a major information campaign to combat discrimination in the EU. The campaign is funded through the same Action Programme which provides ILGA-Europe with core funding for its EU work. It will concentrate on fighting discrimination in the workplace in its first year and be launched at the European level on 16 June, under the slogan "For Diversity Against Discrimination". In the autumn it will be developed at national level, taking into account the differences in national legislation in this field. Some ILGA-Europe members have already been involved in the preliminary work, and others will be invited to participate in national working groups which will continue the campaign. This is a great opportunity for us to use a large Commission-funded campaign to help LGB persons understand their new rights under the Framework Directive. We will keep you informed of new material and information sources as the campaign develops. After the launch on 16 June you will find more information at [www.stop-discrimination.info](http://www.stop-discrimination.info), the web-site devoted to this campaign.**

AS

tal approach" – getting the Commission to think of the activities of the four main Article 13 NGOs in a more unified way.

Of particular concern to us all these past months has been the lack of political will to ensure the adequate inclusion of anti-discrimination and equality in the future constitution (see

also p. 5). We devoted much energy and time to this matter.

One positive result has been the strengthened co-operation not just between the NGOs but also with the respective Intergroups in the European Parliament.

BIRGIT HARDT

Third ILGA-Europe EU Co-ordination Network meeting

# Toward improved EU lobbying

From 5-6 April 2003, ILGA-Europe hosted its 3rd annual EU Co-ordination Network meeting in Ghent, Belgium. In total 38 people, delegates from national member organisations, ILGA-Europe board members and staff as well as legal experts and experts on transgender issues, participated.

The network came to life in 2001 in order to foster effective co-operation in lobbying for LGBT rights at EU level. This year, we focused on a wide range of EU-relevant themes, from anti-discrimination legislation to definitions of family in EU directives and the Convention

on the Future of Europe. Particularly, with regard to defining families, there are many legislative proposals relevant to us, both in the field of asylum and immigration and in the context of free movement of EU citizens. Another theme we addressed was to what extent transgender issues could and should be incorporated into our common work. It was an opportunity to look at the core issues and explore their European dimension. Following on from this, a Trans Working Party within ILGA-Europe was set up.<sup>1</sup>

The meeting was also an opportunity to clarify the scope and working

method of the network. By introducing the EU decision-making process in detail, we hoped to raise awareness of what EU lobbying entails. Using the example of the "free movement directive" that is currently still going through the institutions, we tried to come up with concrete proposals on how to co-ordinate our campaigning. Finally, a whole session was dedicated to evaluate both communication and information strategies and the lobbying process.

On the whole, the event was a great opportunity for networking and exchanging information. To me, as the office contact person for

the network in Brussels, it was a wonderful chance to meet everyone face to face and to get a first feeling for what the Network entails. It was an important step in an ongoing exercise aimed at strengthening our collaboration in fighting for equality and against discrimination.

A detailed report of the workshops as well as an evaluation of the meeting as a whole will be made available on the ILGA-Europe web-site in the near future.

BH

<sup>1</sup> The Trans Working Party held its first meeting on 27 April 2003 in Brussels and is scheduled to meet again on 27 July. For further information, please contact: Nico Beger via the ILGA-Europe office: [info@ilga-europe.org](mailto:info@ilga-europe.org).

The Convention on the Future of Europe

# Will anti-discrimination be given due attention?

From the outset of the Convention's work, ILGA-Europe has lobbied intensively on the adequate inclusion of anti-discrimination and equality issues. Yet, when Part I of the constitution on values, objectives and competencies was presented in February, there was no mention of equality or the fight against discrimination on any ground other than nationality (cf. *Newsletter # 1/03*, p.5). Subsequently, ILGA-Europe and other European anti-discrimination NGOs intensified their lobbying efforts to remedy this flaw. Whilst we succeeded in having our amendments tabled by Convention members, the responses received to date from the Praesidium – the Convention leaders – were disappointing, to say the least. We were consoled that the present Article 13 EC would be included under "Policies" (i. e. Part III of the constitution) and therefore need not be repeated under values or objectives.

This lack of continuity between the different elements of the future constitution is worrying enough. More alarming, however, is the

question of EU competency on anti-discrimination measures. Member states are very hesitant to hand over further powers to the Union. This is reflected in the decision-making process that will in future govern any measure relating to the anti-discrimination article. Currently, any Article 13 measure has to be adopted in Council by unanimity after consultation with Parliament. In an enlarged Union of 25 member states, this could pose serious problems. The Convention has tackled the overly complex decision-making procedures in general by recommending a simplified, so-called "ordinary legislative procedure" to govern the majority of policy fields. This "ordinary legislative procedure" would give the Commission the power to initiate, would have the European Parliament and the Council share decision-making power via co-decision and would install qualified majority voting as the general procedure for a decision to be reached in Council. Yet, there are strong indications that anti-discrimination will fall outside the realm of this procedure

## Debate on the Future of Europe enters hottest phase

At the Laeken Summit in 2001, the European Council set up the *Convention on the Future of Europe* to address the challenges of a new enlarged Europe. The aim is to rethink the Union's role, respond to citizens' concerns, improve its operations and finally propose a draft constitution to the next Intergovernmental Conference (IGC). The Convention is now entering its hottest phase as the draft text is to be presented to the Salonika Summit on 20 June 2003.

On this occasion, complete drafts of Part I ("Values/Objectives and Structures"), Part II ("Charter of Fundamental Rights") and Part IV ("Final Provisions") will be handed over to the member states whilst the Convention will likely be given a three-week extension to finalise its draft of Part III ("Policies").

Until that date, a series of plenary meetings and work group debates are scheduled to revise the draft further. ILGA-Europe will be on the ball to ensure full human rights, equality and anti-discrimination for LGBT people during the last stages of the Convention. For further information on the Convention, please see: <http://european-convention.eu.int>.

and will continue to be subject to unanimity voting in Council, a development we observe with increasing discomfort.

The final decision has not been reached yet and, with a broad

coalition in favour of the ordinary legislative procedure approach – including the Commission and many leading MEPs – there is a chance yet of the issue to be redressed.

BH

Strengthening participatory democracy in an enlarged Union

# The Act4Europe Campaign

The Convention on the Future of Europe is a once in a life-time chance to influence the architecture of the enlarged Union from the perspective of fundamental rights, environmental protection, equality and anti-discrimination as well as solidarity with the world. Many NGO networks, including ILGA-Europe, have

followed the activities of the Convention actively ensuring that LGBT rights are firmly maintained in the future constitution of the EU.

In February 2002 the four large NGO families – social, environment, developmental and human rights – got together with the

European Trade Union Confederation (ETUC) and formed the largest NGO group in the EU. The so-called Civil Society Contact Group represents millions of people across Europe, organised in local NGOs that are members of European umbrella networks and as such form part of their respective sector

platforms, the Human Rights Group, Green 8, Concord, and the Social Platform. ILGA-Europe is a member of the Social Platform.

The objective of this collaboration is to bring together representative elements of civil society to promote their concerns

## The Vision Statement

**The Vision Statement of the Civil Society Contact Group includes the following aims with regard to the future constitution of the EU:**

- ensure that this constitution respects and reflects the diversity and the views of all people living in Europe;
- ensure that the new institutional framework of the European Union is truly effective, democratic and participatory, transparent and accessible;
- ensure that the constitution strengthens the fundamental values of Europe, so that the European Union is an advocate for and guarantor of peace, solidarity, justice and equality for all, equality between women and men, sustainable development, protection and improvement of the environment to ensure a high quality of life for present and future generations, the eradication of poverty and the observance of human rights within the EU and globally.

and ensure that the Laeken mandate is observed within the Convention and beyond. The Contact Group further strives to firmly root the concept of participatory democracy in the future constitution. This includes regular, transparent, guaranteed, and structured consultation with civil society, which we understand to include clearly and explicitly NGOs, in all decision-making stages of the EU.

The Contact Group sees itself as an interlocutor with the Convention and the Intergovernmental Conference, hoping to strengthen meaningful consultation and co-ordination of all levels of civil society. Though it does not claim to represent civil society as a whole, it is a forceful means to focus the substantive concerns of a vast range of civil society organisations during both the Convention and the Intergovernmental Conference stages. The emphasis is on horizontal issues that are of concern to the membership of the Civil Society Contact Group as a whole. Action so far included lobbying for the establishment of a working group within the Convention to deal with social issues and campaigning on sustainable development and the draft articles on participatory democracy.

A specific campaign was launched in autumn 2002, the “act4europe campaign”, to support its aims and values with concerted lobby actions

### The unique chance to shape the future of Europe should not pass by unnoticed.

in Brussels, but particularly at national level. Specifically, the act4europe campaign has been developed in order to directly connect hundreds of thousands of people in Europe who are active in civil society organisations with the complex and dynamic processes of shaping Europe’s future. It seeks to establish a long-term network of NGOs throughout a European Union of 25 member states that will help establish and maintain lasting access to information, public participation in decision-making (participatory democracy), a more democratic structure (co-decision and qualified majority voting) and access to justice in matters of their concern.

The unique chance to shape the future of Europe should not pass by unnoticed. NGOs working for example for justice, equality, environmental protection, human rights and solidarity with the developing world can get involved to ensure that all our concerns are listened to. Receiving information on the

Convention/IGC and on lobby actions is easy. The campaign runs a yahoo list on which you will get the bulletin about every two to three weeks and the action calls. It is a strictly moderated list that will not flood you with information and material but only sends concise information on the convention and lobby material.

On 17 June 2003 the Civil Society Contact Group will organise a large event in Brussels to give NGOs from the national and EU context a chance to jointly benchmark the outcome of the Convention and send a strong message from Civil Society to the Summit in Salonika.

The Contact Group has hired a co-ordinator of the campaign and of their office, who is based

in Brussels. Most of you will know me from my work within ILGA-Europe, I have been a board member for many years. I am looking forward to continuously working with many of you in my capacity as a board member, but also within the broader scope of the act4europe campaign.

### Participatory democracy and the EU decision-making process

One of the principal aims identified at the Laeken Summit was to bring the European Union closer to its citizens. This involves increasing transparency and participation, an aspect important not only to ILGA-Europe but to all NGOs.

Draft Title VI of the constitution, “The Democratic life of the Union”, is a step in the right direction but not satisfying for NGOs. Article 34 on participatory democracy is both

restrictive and vague. The draft specifies, for example, that the appropriate means for consultation are to be restricted to the Internet only. It speaks of representative associations, yet limits them to social partners, regions and local authorities. Though civil society is included, there is no specific mention of NGOs or any guarantee of a structured dialogue throughout the decision-making process. Finally, access to justice via the European Court of Justice on issues of NGO concerns, is completely omitted.

What is more, the draft contains a separate article, Article 37, which establishes a specific dialogue with churches and non-confessional organisations. This would clearly privilege one part of civil society over the others and put a large percentage of EU citizens at a disadvantage. Such inequality is unacceptable, particularly in the context of some churches’ opposition to the fundamental values and objectives set out in the constitution’s first articles. Giving institutions such as the Roman-Catholic Church with its bad track record on human rights in general and LGBT rights in particular first access to consultation is therefore truly worrying to ILGA-Europe. The debate in the Plenary of these articles improved it on a specific reference to social partners, but the concerns outlined above were not really addressed by most speakers.

NICO J. BEGER



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European Commission responds to EP

# Free movement campaigns

It is now over two years since the Commission proposed to revise the legislation governing the free movement of EU citizens and their families within the Union (COM (2001) 257). The legislation is particularly crucial for couples where one partner or any children are non-EU nationals. ILGA-Europe has been campaigning for free movement rights to be extended to all married, registered and unmarried partners, irrespective of sex. This position was substantially supported by the European Parliament's first reading of the draft directive in February 2003 (see *Newsletter* # 1/03, p. 6). However, in its very disappointing response to the EP amendments (COM (2003) 199),<sup>1</sup> the Commission has opposed equal treatment for same-sex and unmarried couples.

First, the Commission rejects express recognition of same-sex married couples in the directive. It suggests that as only two member states (Belgium and Netherlands) permit same-sex marriage, the term "spouse" in EU law cannot yet be interpreted as covering same-sex couples. However, marriage is a status that can only be conferred by national law, therefore it is difficult to understand why EU law should not recognise all marriages legally contracted in the member states.

Secondly, the Commission rejects the Parliament's extension of free movement rights to registered and unmarried partners. The Parliament wanted no restrictions on the free movement rights of registered partners, e. g. a Swedish registered couple could move anywhere in the EU. In respect of unmarried partners, the Parliament proposed

that they would possess the right to free movement where they enjoyed legal recognition in either their home state or in the host state (e. g. a Greek couple could move to Sweden). In contrast, the Commission seeks to restrict free movement rights to situations where registered partners or couples in a "durable relationship" move to states where national legislation "recognises the situation of unmarried couples in accordance with the conditions laid down in any such legislation".

The Commission text is rather vague, but its practical impact would be the following. First, there would be no right for registered partners to move to states that do not recognise unmarried partners in national law. This probably includes Austria, Ireland, Luxembourg, Spain, Italy, Greece and most of the accession states. Second, registered and unmarried couples could only move to those states that recognise (in some form) unmarried couples – probably, Finland, Sweden, Denmark, Netherlands, France, Germany, Belgium, United Kingdom, Portugal and Hungary. However, it is not at all obvious how much recognition is needed in the host state legislation. The amended Commission proposal not only rejects the far-reaching demands of the EP, but even goes below ILGA-Europe's fall-back position of "mutual recognition", i. e. that all member states should at least be obliged to recognise same-sex couples who are married or legally registered in any other member state.

The Commission's general argument is that extending free movement rights further would impose changes in national family law for those states without any

recognition of same-sex couples. However, the directive primarily concerns the right of EU citizens and their family members to enter, reside, work or study in the host state. For example, the Parliament's text would give German registered partners the right to move to Ireland, but it would not compel Ireland to provide this couple with the same tax advantages as domestic married couples.

At the same time, the Commission has accepted the Parliament's amendment (lobbied for by ILGA-Europe) to add gender identity to the anti-discrimination clause. Unfortunately, this has been translated as "sexual identity" in the English version of the Commission's paper. The Commission has also supported protecting the residence rights of registered and unmarried partners in the host state where the partnership comes to an end.

The next stage in this long-running saga is for the Council to deliver a Common Position on the Commission and Parliament texts. This will provide a vital indication of the attitudes of the governments, but it is not expected until at least September 2003.

## The rights to family reunion

Parallel to the debate on reforming the free movement rules for EU citizens and their family members, the EU institutions have been considering the rights to family reunion for families where all members are non-EU nationals. Regarding the right to family reunion within the EU, the Commission has amended its original proposal (COM (2000) 624) and it is seeking to leave the situation of unmarried partners and their

children to the discretion of the member states (COM (2002) 225).<sup>2</sup> In practice, this means that a Canadian woman working in the Union who seeks to be joined by her Canadian unmarried partner will face a different set of rules depending on the member state in which she is living.

Interestingly, the EP in its consultative role had partly taken up ILGA-Europe's demands and opted for "mutual recognition" of married and registered same-sex partners in the amendments adopted on 9 April 2003.<sup>3</sup> Unmarried partners in a durable relationship, would have to be recognised if the host state "treats unmarried couples in a corresponding manner". These amendments, however, were not taken up

A different legislative proposal seeks to regulate the situation of "long-term residents", i. e. those third-country nationals with more than five years of legal residence in the Union (COM (2001) 127).<sup>4</sup> The Commission suggested that long-term residents should have the right to free movement within the Union (like EU nationals). In the initial proposal, ILGA-Europe noted that the long-term resident who exercised the right to move within the Union would have the right to bring his or her family members with them, "as already constituted in the first EU state" (Article 18). This would have had the advantage of allowing, for example, the Canadian couple to establish residence in the United Kingdom (which does permit certain immigration rights for same-sex couples) and then to move anywhere else in the Union. However, the Council has apparently identified this potential and has altered the text of this draft directive to exclude subsequent movement by unmarried couples (MIGR 16, 28-02-03).

<sup>1</sup> The full title is: Amended Proposal for a Directive of the European Parliament and the Council on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States, published on 15 April 2003.

<sup>2</sup> The full title is: Amended Proposal for a Council Directive on the right to family reunification.

<sup>3</sup> EP-Resolution T5-0179/2003, based on the report (EP doc. A5-0086/2003) drafted by MEP Carmen Cerdeira Morterero (PES/E)

for the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs.

<sup>4</sup> The full title is: Proposal for a Council Directive concerning the status of third-country nationals who are long-term residents.

European Union

# Asylum regulation published

After the Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers (see Newsletter # 1/03, p. 18), the second of a series of new EU legislative measures on asylum matters was published in the Official Journal of the European Union on 25 February 2003 (L 50/1).<sup>1</sup>

This regulation is also known as the Dublin II Regulation and determines the state responsible for processing an asylum application where an application is made in more than one member state. After the Commission had published its proposal for this regulation – COM (2001) 447 – ILGA-Europe drafted a position paper in January 2002 (IE doc. # 2/2002).<sup>2</sup>

Unfortunately, the proposed amendment to the anti-discrimination clause was not accepted. In fact the anti-discrimination clause was replaced by a general reference to the EU Charter of Fundamental Rights in the preamble – as is by now normal. The definition of the family proposed by ILGA-Europe was also not accepted. Instead the formula found already in the Temporary Protection (2001/55) and Reception Conditions (2003/9) Directives is used, i. e. recognition of an “unmarried partner in a stable relationship” only “where the legislation or practice of the Member State concerned treats unmarried couples in a way comparable to married couples under its laws relating to aliens”.

<sup>1</sup> Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national

<sup>2</sup> For details see ILGA-Europe Activity Report 2001-2002, p. 8.

<sup>3</sup> The full title is: Proposal for a Council Directive laying down minimum standards for the qualification and status of third-country nationals and stateless persons as refugees or as persons who otherwise need international protection.

As reported in previous Newsletters ILGA-Europe also campaigns to secure an EU-wide recognition of LGBT refugees in the context

The Commission proposal had already suggested to recognise persecution on “sexual orientation” grounds. This was maintained

## It is a clear sign of the Council's hostility to same-sex couples that even a small avenue for progress is being removed.

of the Commission's draft directive COM(2001) 510.<sup>3</sup> Two items are of importance:

- to ensure that persecution on grounds of sexual orientation and gender identity is recognised;
- the extension of the definition of family members.

in the version that passed through the European Parliament. The draft proposal also includes “gender related” aspects as possible grounds for persecution, which is again a success. The draft directive is on the agenda of the Council of the European Union meeting on 8 June 2003 (after this Newsletter is printed).

The Council will have to adopt the final text of the directive by unanimity. While it is expected that the Council will support ILGA-Europe's demand with regard to the first item, it is already clear that it will not accept the definition of family members proposed by ILGA-Europe. The Council will very likely adopt the same restricted definition of family members as already used in the other EU asylum regulation and directives mentioned above.

MARK BELL  
KURT KRICKLER  
SHEILA SWATSCHEK

European Parliament report

# Fundamental rights 2002

Previous European Parliament annual reports on the respect of fundamental rights within the Union/Community have included lesbian and gay rights issues since at least 1985. In the past ILGA-Europe has provided information to the various rapporteurs on a regular basis.

In March 2003 ILGA-Europe again submitted its contribution to the EP report on fundamental rights in the European Union in 2002, which first points out the positive developments in terms of LGBT rights which occurred during the year in Europe; then highlights the existing sexual orientation discrimination within member states and candidate countries' legal provisions; and finally, recommends actions by the EU and these individual states to eliminate sexual orientation discrimination. On 24 April, the report's rapporteur, MEP

Fodé Sylla (EUL, France), welcomed representatives of national governments and NGOs to a plenary hearing in the Parliament. This was to be an opportunity to discuss the draft text of the report. Many submissions, however, were general statements of aims, and several interventions by national

of recommendations to national governments and the EU institutions.

The event was an opportunity to reinforce many of our key demands, and we anticipate working with Fodé Sylla as his report progresses through the system. The report is scheduled

## The event was an opportunity to reinforce many of our key demands.

governments representatives seemed to be addressing a very different agenda, namely issues surrounding terrorism and security.

ILGA-Europe's position was presented by executive director Ailsa Spindler. She concentrated on the summary points from the written submission, calling for the report to make a number

to be adopted in the “LIBE” Committee in mid-July. Its final adoption by the European Parliament should occur in the plenary session of the beginning of September 2003. The full text of ILGA-Europe's contribution is available at: [www.ilga-europe.org](http://www.ilga-europe.org).

## Human rights violations

# Increasing EU pressure on Egypt

Cairo, once described as “the scene” in Egypt, with vibrant gay bars and clubs, is now more subdued. Over the last two years there has been a crackdown on homosexuals with over 100 arrests. There has been an ongoing campaign involving international NGOs and politicians, including ILGA-Europe, but so far success has been limited.

In the now infamous “Queen Boat” case, 52 men were arrested on a floating disco on the Nile in May 2001. A fierce campaign by NGOs and MEPs, including Michael Cashman (PES/UK), led to a retrial in March this year. Yet, alarmingly, 21 defendants convicted in the first trial were convicted again – receiving harsher sentences of imprisonment and forced labour. There has been a new wave of arrests following police entrapment

<sup>1</sup> OJ C 53 E, 28.02.2002, p. 406; OJ C 153 E, 27.06.2002, p. 332.

<sup>2</sup> P5\_TA(2002)0378.

<sup>3</sup> Article 2, Euro-Mediterranean Agreement with Egypt.

operations in which the police placed personal ads on the Internet and then arrested gay men who replied and showed up at the arranged meetings. Another tactic is to raid private homes, apparently tipped off by the host. The men are arrested for “habitual debauchery”, despite the fact that homosexuality is not illegal under Egyptian law. This harassment continues in custody, with allegations of torture and degrading treatment.

Appallingly, Egypt carried this disregard for human rights to the recent UNHRC meeting in Geneva, actively lobbying against a proposed resolution on gay and lesbian rights and joining a coalition of Muslim countries to delay the motion until next year’s meeting.

In a number of resolutions<sup>1</sup> members of the European Parliament from across the parties and nationalities have voiced their concerns and urged the Egyptian government to cease

its abuses – most recently during the April plenary, calling for a “halt to all prosecution of citizens on grounds of homosexuality and to protect their individual freedoms”;<sup>2</sup> Michael Cashman has led the demands for the release of the men, enlisting the support of over 100 MEPs and celebrities such as Sting and Sir Elton John. There have been a steady stream of letters and many meetings with the Egyptian authorities at all levels, raising concerns and demanding the release of the men. Pressure has also been applied more widely. Thus, the European Parliament has urged Commissioner Chris Patten to ensure that the human rights clause in the EU-Egypt Association Agreement are adhered to.<sup>3</sup>

Many politicians and human rights group worldwide have started campaigning, disseminating information and lobbying the Egyptian authorities and key figures such as the EU High Representative Javier Solana

prior to his recent visit to Egypt. Members of the US Congress and House of Representatives have joined the campaign, urging Congress to withhold financial assistance until the situation improves. On 9-11 May, a weekend of action and protest was organised by a broad coalition of international NGOs to mark the two-year anniversary of the Queen Boat arrests.

It is vital that momentum for the campaign is not lost. The European Parliament’s Intergroup on Gay and Lesbian Rights plans to discuss the way forward in its forthcoming meeting in June (see article on p X). This fight will continue until these inexcusable human rights violations cease.

If you wish to join the network of letter-writers and supporters, please contact the office of Michael Cashman: [mcashman@europarl.eu.int](mailto:mcashman@europarl.eu.int).

TIFFANY VENNING  
Office of Michael Cashman

## Enlargement

# The precarious place of LGBT rights in an enlarged Union

With the signature of the accession treaties in Athens on 17 April 2003, the Union is one step closer to enlargement. If the treaty is ratified by all twenty-five contracting parties, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia will join the Union on 1 May 2004, conclusively

bridging the geographical and political divide between East and West Europe.

Whilst full membership of the Union is still one year away, the signing of the treaties was but one of many steps currently undertaken. On 1 May 2003, 162 members from the 10 potential new member states

joined the European Parliament as observers. Though they do not yet enjoy voting rights, they are already forming alliances with the different political groups and adjusting to the complexities of the EU political arena. Likewise, the Council of the European Union welcomed observers from future member states to their meetings for

the first time on 5 May. At national level, things are also moving along swiftly as four out of the ten states have held their national referenda approving EU membership.

Yet, amidst the excitement, the divergence of opinions is apparent. With the 1997 Treaty of Amsterdam, the EU

put in place powers to combat sexual orientation discrimination. This was followed in 2000 with the adoption of two key instruments: the EU Charter of Fundamental Rights, which prohibits sexual orientation discrimination, and the Employment Directive (Directive 2000/78/EC) which lays down precise rules for the banning of sexual orientation discrimination at the workplace. These form part of the Union's so-called *acquis communautaire*, the laws that all new members must adopt. But doubts remain with regard to the accession countries' willingness to embrace these values and policies to their full extent – doubts that are just as valid for some of the "old" member states.

A monitoring exercise by the Commission last February revealed shortcomings in legislative areas in many of the prospective EU entrants. This will be followed up in the course of the next

are the most obvious suspects, most of the accession country governments would probably avoid the issue if they could.

In January the Polish government, pressured by the church hierarchy, decided to attach a unilateral declaration to the accession treaty stating that "nothing in the provisions of the Treaty on European Union (...) prevents the Polish State in regulating questions of moral significance" (see ILGA-Europe's press release of 4 February 2003). In April 2003, the Lower House of the Polish Parliament focused once again on the matter, spelling out clearly that the "moral order of the social life, family dignity, marriage and education" must not be challenged by international regulations. There is a real tension when it comes to respecting the equality of minorities.

Both the European Commission and the European Parliament are aware of these issues.

**The Commission follows the implementation of the EU anti-discrimination acquis carefully and has, on numerous occasions, expressed concern about the hesitant progress being made.**

months. An updated report will be published by early summer, and a comprehensive final report which will form the basis for so-called "safeguard clauses", measures that could be enforced in areas where severe gaps have been identified, will be presented in November.

Despite repeated statements by Enlargement Commissioner Günter Verheugen that "the prohibition of discrimination based on sexual orientation is part of the political criteria of accession to the EU" there is mounting evidence of hesitation to accept this. The first case in point is the outstanding implementation of the provisions on sexual orientation discrimination contained in the Employment Directive. A real trend of watering down the legal provisions of this directive can be observed.

10 While Malta, Slovakia or Poland

**Enlarged Parliament**

On 1 May 2003 the European Parliament grew to 788 members as 162 observers from the 10 new member states joined. Of the newcomers, 42% have already joined the European People's Party, EPP-ED. It will thus maintain and further strengthen its position as the largest group in the European Parliament, with more members than the Socialists and Liberals combined. The remaining new members chose the following political alignment:

- European Socialists: 36%**
- Liberal Group: 8%**
- United Left/Nordic Green Left: 4%**
- Union for Europe of the Nations Group: 1%**
- Not aligned yet: 8%**

The Commission follows the implementation of the EU anti-discrimination acquis carefully and has, on numerous occasions, expressed concern about the hesitant progress being made. Both with regard to Slovakia and Malta, Commission Director General for Employment and Social Affairs, Odile Quintin, publicly highlighted the need to openly address sexual orientation discrimination in the new anti-discrimination legislation (see subsequent report for detail). The European Parliament, likewise, pointed out in the Brok Report of March 2003 (A5-0081/2003) that "in many candidate countries situations of abuse and discrimination persist due to shortcomings in the judicial and law enforcement systems". The report then goes on by reiterating that "the EU anti-discrimination acquis must be implemented as defined in Article 13 of the EC Treaty

and according to the Charter of Fundamental Rights".

Close monitoring of the legislative process is important but not enough. A clear statement reinforcing the unshakeable nature of the values and principles at the core of the EU is needed. In this context, the debate on the future constitution of the European Union takes on a new urgency. ILGA-Europe continues to push for a strengthening of the equality principle in the constitution (see article on p. 13). The EU Charter of Fundamental Rights already recognises the right to non-discrimination on the grounds of sexual orientation. Yet, it is essential that the constitution commits itself to the fight against discrimination: by defining it as a value and an objective and by designing a procedure that would truly allow the EU to act upon this commitment.

BH

**Results to date of the referenda on joining the EU on 1 May 2004:**

**Results to date of the referenda on joining the EU on 1 May 2004:**

Country	Participation	% of participants voting in favour	% of participants voting against
Malta	91%	54%	46%
Slovenia	61%	90%	10%
Hungary	46%	84%	16%
Lithuania	63%	91%	9%
Slovakia	52%	92%	6%

## Enlargement

# Important step in Malta

Odile Quintin, Head of the European Commission's Directorate General for Employment and Social Affairs, came to Malta on 8 May 2003 on her tour of accession countries. The purpose of her visit was to monitor progress and to lay the basis for a report on Malta's compliance with the social *acquis* of the European Union.

Faced with the persistent unwillingness of the Maltese government to fully transpose the provisions on sexual orientation discrimination contained in the Employment Directive, this visit presented a golden opportunity to the Malta Gay Rights Movement (MGRM) to clarify the situation.

MGRM has been lobbying for a full and adequate implementation of Directive 2000/78/EC. Clear

<sup>1</sup> Quoted word by word from a television interview aired on Net News, Net TV, 10/5/2003.

proposals were submitted in relation to the relevant acts of Parliament, and the matter was taken up in three different meetings with the Minister for Social Policy, Lawrence Gonzi. Yet, the government was hesitant to explicitly mention sexual orientation discrimination, stating that – based on the legal advice they had received –

**There still needs to be more precision about anti-discrimination on all grounds, including age, including race, including sexual orientation.**

the proposed new legislation in the field of anti-discrimination covered all the grounds and that an explicit mention of sexual orientation was not necessary. What is more, the draft legislation also ignored the Directive provisions on harassment at the workplace, discrimination by trade unions and professional bodies and the shift of the burden of proof from the employee

onto the employer. In the context of a survey MGRM conducted last year, the negligence with regard to harassment is particularly upsetting: more than 40% of respondents claimed they had suffered from harassment at work.

Ms Quintin's public statements on the serious shortcomings

of Malta's anti-discrimination legislation posed a clear and uncompromising challenge to the government to rectify the situation. Contrary to government impressions that there was no need to explicitly mention sexual orientation as a ground of discrimination, Ms Quintin categorically affirmed that it was absolutely necessary to do so. According

to her, "there still needs to be more precision about anti-discrimination on all grounds, including age, including race, including sexual orientation, and this still needs to be further addressed".<sup>1</sup> This statement by one of the highest EU officials on social policy matters was an important signal that is already showing first positive effects. In the light of the Commission's diverging opinion, Minister Gonzi confirmed the need to further substantiate the legal advice he had received concerning the required specificity of anti-discrimination legislation.

MGRM will continue its efforts in lobbying the government and also, with the assistance of ILGA-Europe, the European Commission, in order to ensure that the Directive is fully implemented in Malta.

CHRISTIAN ATTARD  
Malta Gay Rights Movement

## Awareness campaign in Poland

# "Let them see us!"

With close to 39 million inhabitants, Poland is by far the largest of the accession countries to join the EU in May 2004. Over 90% of the Polish population are Roman-Catholic, and the church continues to be a very influential institution. This is clearly reflected in social perceptions of homo. It comes as little surprise in this context, that – despite some improvement – the general public continues to perceive homosexuality in a negative light. This is reflected in the high percentage (57%)

<sup>1</sup> OBOP (2000): *Social perception of homosexuality*, Warsaw.

of Polish citizens that expressed an adverse attitude to gays and lesbians in a public opinion poll in July 2000.<sup>1</sup> Many continue to link homosexuality to paedophilia and condemn it either from a moral and/or a medical perspective.

To live one's homosexuality openly in such a context is difficult. Still, the Polish LGBT environment is thriving and, despite justified fear of discrimination, increasingly acts in the open. The Equality Parade, Poland's first gay pride parade, that took place in Warsaw on 1 May 2003 and attracted over 3000 participants, is one

case in point. Another example that received much media attention in Poland and beyond was the "Let them see us" poster campaign. Amidst public controversy,

**The church continues to react to homosexuality in a hostile manner, often depicting homosexuality either as morally deviant or a curable medical condition.**

it still continues, sending a strong message to Polish society: "Look at us! We are here and we are a part of this country just like anyone else. Like it or not, you cannot ignore us forever!"

There are differences in the way one is perceived, treated, and looked upon as a homosexual in different countries. Those differences are most visible

and striking when moving from one country to another. Karolina Bregula, a photographer, moved from Stockholm to Warsaw and decided to challenge the common perception of gays and lesbians that she encountered.

Her idea was to take pictures of 30 ordinary lesbian and gay couples: happy and sad, serious and funny, tall and short – portraying the diversity of the homosexual community in Poland. However, Karolina did not want to be provocative. On the contrary, the pictures were to be innocent and simple, capturing the couples just standing there, holding hands. Her aim was to combat the stereotypes of what a queer person looks like. More than anything, she wanted to show that gays and lesbians look just like everybody else. The biggest problem to start with was to find the 30 couples willing to show their faces to the homophobic public. Although it took over six months to find them, it proved to be possible.

*Kampania przeciw homofobii* (“Campaign Against Homophobia”), a Polish nation-wide LGBT association, took over the organisation of the campaign. It being the first social advertising campaign, we were not aware of all the difficulties we would encounter, nor did we really know what to expect in general. However, we were clear about the aim of this project, i. e. to raise the issue at national level and to make the biggest Polish minority more visible.

The beginning was promising. The concept appealed to Izabella Jaruga-Nowacka, Minister for the Equal Status of Men and Women, who subsequently decided to act as the campaign’s patron and support it financially. She stated: “It is very good to live in a pluralistic society that respects everyone’s rights, tolerates various life-styles, religions and sexual orientations. Up to now, we have not had a debate on homosexuality in Poland. Stereotypes and fear abound which need to be challenged.” It is worth stressing that it was the first time that the Polish government gave money to an LGBT organisation. The campaign was also funded by the embassy of the Netherlands as well as a long list of private sponsors.

The plan was very simple. Pictures were taken in the cities of Warsaw, Kraków, Gdańsk and Sosnowiec. They were to be exhibited in different galleries as well as on billboards across

and on national television, not to mention the press that still continues to mention the campaign. The media hype was enormous. And all this in reaction to two friendly-looking people

**The campaign led to an open debate on homosexuality and made the Polish society at large aware that we are part of this society, comprising at least 5% of the population.**

the four cities. *Kampania przeciw homofobii* managed to find suitable galleries and advertising space fairly easily. Everything seemed to go smoothly – until the media started announcing the campaign.

of the same sex, holding hands! It seems that this simple deed was enough to provoke resistance and opposition, leading to a social controversy more intense than anything Poland had experienced in a long time.



One the one hand, we were getting more attention by the media than anyone could have ever hoped for. There were several polemic reports on the radio

On the other hand, all this hype meant more work for the volunteers involved in the project. Some of the advertising agencies and galleries that had previously

signed contracts with the organisers pulled out of their contractual obligations for fear of the difficulties it might entail. Luckily, alternatives were found so that the campaign could still go ahead as planned. We never thought it would be a bed of roses, and indeed it was not. We had politicians offering to “cure us”, we faced fierce opposition by right wing organisations such as the “All-Polish Youth” (*Młodzież Wszechpolska*) and the “Polish Families’ League” (*Liga Polskich Rodzin*) that protested to the mayor of both Gdańsk and Cracow, calling the campaign the “propagation of evil”. In addition to this the opening of the exhibitions were disturbed and the billboards were vandalised in the hope of discouraging the campaign. In short, we were faced with strong obstacles opposing the creation of a society free of discrimination and injustice.

Despite all this, the campaign goes on. And despite all the harsh reactions, it is a success. It led to an open debate on homosexuality and made the Polish society at large aware that we are part of this society, comprising at least 5% of the population. Even if the posters might only lead to a small fraction of people changing their perception of homosexuality and of lesbians and gays, it is an important first step in the right direction.

SYLWESTER GUMIENNY  
*Kampania przeciw homofobii*

## Islamophobia

# Inter-cultural dialogue on the EU's political agenda

On 20 March the third and final Round Table on anti-Semitism and Islamophobia took place in Brussels. This event, on the eve of the International Day Against Racism, was organised by DG Employment and Social Affairs of the European Commission in co-ordination with the Vienna Monitoring Centre on Racism and Xenophobia. It gathered over 50 high-level experts, including religious leaders, academics, journalists, decision-makers and NGO representatives and aimed at discussing the practical possibilities of promoting inter-cultural dialogue and co-operation between religions in the fields of education and the media. Guest speakers of the Round Table included Lord Amir Bhatia of the UK House of Lords, chief rabbi Bent Melchior of Denmark and Austrian bishop Egon Kapellari.

After the presentation of the conclusions of the two previous meetings discussing anti-Semitism and Islamophobia on 5 December 2002 and 6 February 2003 respectively, the speakers were

asked to present some suggestions of promoting inter-cultural dialogue as well as good practices in the fields of:

- Education – the development of teaching materials for young people;
- Religion – analysing the religious teaching systems in the member states;
- Media – ways of providing accurate information to the media in order to eradicate discriminatory stereotypes; and
- Civil Society – promote exchange of information and experience.

In discussing Islamophobia, some interesting reflections expressed during the meeting are worth pointing out:

- Islamophobia is a different issue than racism although it is connected to immigration;
- The term itself is not yet clearly defined but normally implies multiple discrimination;
- Since 11 September 2001 it has risen due to the narrow connections with terrorism;

■ The Muslim community is becoming more conscious of this problem and is getting more organised to fight it;

■ At EU level more developments need to take place in order to ensure the non-discrimination of Muslims, for example in terms of legislation, in terms of promoting inter-cultural dialogue and exchange, and at a high political level no discrimination should be allowed; and

■ The role of the media is crucial in dealing with this issue, therefore relations with the media must be developed in order to ensure that no discriminatory information is published and to better tackle the problem of economic related needs, sensationalism and professionalism.

A very interesting practice has been taking place in Germany where *Interkultureller Rat*, an organisation specialised in inter-cultural dialogue, runs a programme of tri-party presentations of the Catholic, Jewish and Muslim religions to religious institutions, schools and other public institutions, such as the police.

The initiative for holding these three-fold meetings has originated in Commissioner Anna Diamantopoulou's interest in promoting the discussion of these issues in view of the recent European and international developments, in particular in the Middle East and the US (9/11). Following the Round Table she commented: "Political leaders, religious leaders and community leaders must accept their responsibility and take action now to promote co-operation and understanding between the different groups in society. The Round Table concluded that we must promote 'a culture of healing'".

In order to receive the conclusions of the Round Table and further information, please contact the ILGA-Europe office or Adam Tyson at the Anti-discrimination Unit of the European Commission's DG Employment and Social Affairs: [adam.tyson@cec.eu.int](mailto:adam.tyson@cec.eu.int).

## Muslim Capacity Building: Al-Fatiha UK

# The struggle to reconcile Islam and Homosexuality

The issue of Islam and homosexuality is complex, highly charged and often controversial. There is no single view accepted by all Muslims, and therefore there are no clear-cut answers. The majority of lesbian and gay Muslims in the United Kingdom acknowledge both the strict censorship

surrounding homosexuality in Islamic religious texts (i. e. the Quran, the Shari'a, and the Hadiths) and the importance of Islam in their lives. While some do not consider themselves "practising" Muslims, most, particularly lesbian and bisexual Muslim women, recognise the

significance of the "Muslim" label in an ethnically and religiously different British society, as a potent cultural and political marker of difference.

Mainstream Islam officially condemns homosexuality and considers it unlawful. Many

traditional Muslims feel that it is impossible to be both gay and Muslim. Homosexuals are viewed with contempt in most Islamic societies and seen as an evil influence of western society – "A white man's disease", in other words. Muslims' difficulties in dealing with homosexuality

are exacerbated by their inhibitions surrounding discussions of any sexual matter. Although the Quran and the Hadiths<sup>1</sup> openly talk about procreation, menstruation, kissing, intercourse and ejaculation, Muslim societies have

sexuality is condemned. When it comes to lesbian relationships, little is said in the Quran or the Hadiths. Yet the Shari'a laws do define strict punishments of same-sex acts between women.

## For Muslim gay men and women this is a challenging labyrinth of contrasting feelings and attitudes.

developed a taboo around the public discussion of these matters. Some Islamic clerics believe that mainstream Islam's condemnation of homosexuality may have more to do with its insistence on discretion in sexual matters than with any specific animosity towards homosexuality.

It should be noted, though, that despite the emphasis on religion, it is social prejudice that mostly influences the attitudes of the Muslim community at large. Similarly to the Christian tradition, homosexuality is a social taboo, and religion is merely a weapon to fight against it. In fact, the majority of the Muslim community would not be able to state what precisely Islam says about homosexuality (or gender awareness and sexuality in general, for that matter). Another element that informs public perception is the view of masculinity in Arab culture. Particularly male homosexuality is frowned upon as it is seen as a compromise of a man's masculinity, since one partner possibly takes a passive role in a homosexual relationship. The homosexual act or even just identity in this light becomes a serious blow to the dominant macho-masculine culture. It is in this context rather than with a view to the intricacies of theological discussions that homo-

Besides the religious situation, living as a lesbian or gay Muslim in the UK has its more social implications. Not only that there is an awful lot of homophobia and prejudice in the mainstream Muslim community and other communities at large, there has been a strong evidence of Islamophobia in the mainstream (predominantly white) gay community. Let it be due to the lack of awareness about ethnic minority issues surrounding the modern British society or the post September 11 scenario where Islam has become much of the focus of negative media attention. Being a minority within a minority the present day LGBT Muslim community struggles to fight at both front.

Some Muslim gay men and women have managed to reconcile being both gay and Muslim by questioning whether the conventional or orthodox interpretation of Islamic laws, which apparently forbid homosexuality, is authentic. Refuting the narrow interpretation of religion, many choose to focus on the life of the prophet as a model of deep spirituality, compassion and care for the disadvantaged and suffering, instead. This leads many to assert that not only is it possible to reconcile being gay with being a Muslim, but also to be a Muslim

in a new and more compassionate way, countering common media images of Islam as oppressive and orthodox. Our argument is that love is at the heart of all great religion, including Islam. When two adults love each other responsibly and want to share their love physically, then this is an expression of love for the creator, and cannot be a "sin". For many such Muslims the essence of Islam is not a set of stifling rules<sup>2</sup> but rather a submission to Allah that liberates one from the submission to the judgement of anyone else in the world.



Others, however, do find it difficult to reconcile their sexuality and their faith and feel that they have no real alternative but to leave Islam. Yet, many of them see their homosexuality as a punishment from God that must be fought with every day. The attraction and love for people of the same sex thus turns into a constant struggle and a source of frustration. Many Muslims today cannot imagine that Islam could be a religious practice that acknowledges and respects diversity in sexuality and sexual practices. They may not even recognise the aspects of patriarchy that oppress people characterised by same-sex desire and erotic longing.

For Muslim gay men and women this is a challenging labyrinth of contrasting feelings and attitudes. Increasingly, networks are formed that specifically address these issues. *Al-Fatiha UK* is a social support group for Muslims (culturally and/or religiously identified), who are lesbian, gay, bisexual and transgender and their friends. It was informally formed in November 1999 in London as a chapter of the *Al-Fatiha Foundation US*, which represents more than 1,500 LGBT Muslim members. Part of a global movement dedicated to empowering Muslim sexual and gender minorities, it is a full-time volunteer run group. The name *Al-Fatiha* is an Arabic word that means the opening or the beginning<sup>3</sup>. *Al-Fatiha UK*'s goal is to provide a safe space and a forum for LGBT Muslims and friends to address issues of common concern, share individual experiences and institutional resources. We hope to support LGBT Muslims in reconciling their sexual orientation and/or gender identity with Islam, within Muslim communities and society at large. The group strives to promote the Islamic notions of justice, peace and tolerance in an effort to bring about a world free from prejudice, injustice and discrimination. In this context, any support and co-operation with allies of all religious persuasions and sexual orientations is welcome. For further information, please contact:

ADNAN ALI  
*Al-Fatiha, UK*  
 alfatiha\_london@hotmail.com

<sup>1</sup> Traditional stories from the Prophet Mohammed's life.  
<sup>2</sup> Such as the undoubtedly man-made Shari'a law.  
<sup>3</sup> *Al-Fatiha* also refers to the opening book in the Quran, the equivalent to the Genesis of the Bible.

your source of information on European LGBT issues :

[www.ilga-europe.org](http://www.ilga-europe.org)

## Intergroup on Gay and Lesbian Rights

# The fight against discrimination

Dear ILGA-Europe readers,

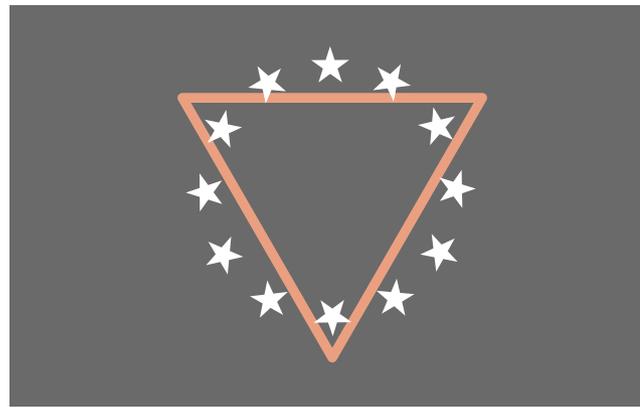
On behalf of MEP Joke Swiebel (PES/NL), chair of the Intergroup, we welcome you to the "Intergroup corner".

This time, we would like to focus on anti-discrimination. As this *Newsletter* reports in detail, there is a lot of concern about what the Convention on the Future of Europe has been doing, both in a general context and, particularly with regard to equality, which has not been recognised as a value in Part I of the draft constitution. Moreover, non-discrimination has been defined neither as an objective nor as a competence. There seems to be some kind of (deliberate?) omission.

The Intergroup believed that it was important to use the momentum and to bring together all parties concerned. Accordingly, on 9 April we hosted a meeting that gathered three EP Intergroups (LGBT Rights, Disability and Anti-Racism) and the three European umbrella organisations representing people affected by discrimination on the grounds of sexual orientation, disability, racial or ethnic background. As main speakers we had three members of the Convention: MEPs Andrew Duff (ELDR/UK), Carlos Carnero (PES, Spain) and Lone Dybkjær (ELDR/DK).

The meeting attracted a great deal of attention; the discussions were intense, and finally the participants agreed to set up an Equality Coalition and to make a joint public statement. Based on this initial consensus, a follow-up meeting was organised for the 8 May in Brussels,

in order to decide on concrete action to be taken. The importance of the subject was marked by the high involvement of MEPs and their determination to take a stand on it. As a direct result of these encounters, a political statement<sup>1</sup> was drafted and presented in a joint press conference on 21 May at the EP in Brussels.



The key message of the Coalition is that the draft constitution must not retreat from the present treaty commitments to equality and anti-discrimination. What is more, attention to equality issues should be paid throughout the entire constitution including Part I on values and objectives. Finally, the coalition calls for a better decision-making process to be extended to the treaty article on anti-discrimination. We really hope that this action will put enough pressure on the Convention to guarantee that the final text of the constitution will reflect all these points.

The second reason of our present focus on discrimination is linked to our plans of organising a meeting on the implementation of the framework employment directive. Preparations have already started, and we hope to realise it in November, a few weeks ahead of the deadline

for implementation by member states, i. e. 2 December 2003. The idea is to have a one-day event hosted by the European Parliament, but with a large representation of member states, national parliaments and NGOs working in the field of non-discrimination.

## Other topics

On 13 March, the Intergroup discussed the concept of family within the EU and the member states: *the way forward in the struggle for equality and against discrimination based on sexual orientation*. It was a follow up after the adoption by the European Parliament of the Santini report on the free movement of EU Citizens and their families on 11 February, which crucially opened the way towards a broader concept of family. The speakers were Robert Wintemute, professor of human rights law at King's College, London, and, Angela Martini, representative of the Commission.

On 26 March the EP discussed and voted in favour of the Commission's proposed reform package for modernising the EU staff regulations, draft directive COM (2002) 213. Despite the

European Parliament's positive endorsement of amendment 39, which recognises non-marital partnerships, if formally registered or convincingly established, Commissioner Neil Kinnock openly rejected in a plenary session the following day to take such a suggestion to Council. By recognising non-marital, and specifically same-sex partnerships for staff regulations, the European Union would follow suit with similar recognition of non-marital partnership already in place in the European Central Bank (ECB) and other international organisations. The *ad hoc coalition* (cf. *Newsletter* # 1/03, p. 9) is waiting for the Council opinion, but it is already getting prepared to take further action. We will keep you informed.

## Next meeting

Our next meeting is to take place in Strasbourg on 5 June to discuss the Egyptian dossier. The idea is to analyse the situation in this country, where, so far, dialogue with the authorities has not been productive (see separate report on p. X). There will also be discussion on what is to be done: particularly, whether the human rights clause in the association agreement can be invoked and, if so, when this will be done.

## Last but not least...

Our so much longed-for web-site is ready at [www.gayandlesbianrightsintergroup.org](http://www.gayandlesbianrightsintergroup.org).

Please, take the time to visit it and feel free to circulate the link and/or add the link at your own web-site.

ROSA SANTRICH

<sup>1</sup> For the minutes of the May meeting and the Coalition statement, please contact us directly.

Sexual orientation in transnational projects

# The Structural Funds make up 1/3 of the EU budget – are we tapping its full potential?

In previous *Newsletters* (# 1-3/01, #1/02), we introduced transnational projects funded both under the Community Action Programme to combat discrimination (2001-2006) and under *Daphne*, the EU programme to combat violence against children, young people and women (2000-2003). The anti-discrimination programme in particular has supported a number of projects directly addressing sexual orientation, yet the relative involvement of the LGBT community in projects funded by the European Union is low. Take for example the *Daphne* programme: of the 270 projects funded since 1997, only two deal with violence in the context of sexual orientation, that is less than 1%!

Whilst both action programmes constitute an important tool to reinforce the Union's policy objectives, they are not the only sources of funding potentially relevant to LGBT organisations. Looking at the EU budget overall, the Community Initiative *EQUAL* (2000-2006), part of the so-called Structural and Regional Funds, is particularly relevant. In the context of the EU's promotion of social and economic cohesion, it seeks to eliminate inequality and discrimination in the labour market. Yet, despite its direct relevance to the LGBT community, out of the 1,400 *EQUAL* projects, there are only four dealing explicitly with sexual orientation.

Though traditionally an object of national competence, with the foundation of a Common Market the co-ordination of social policy has become increasingly important at EU level. One of the most prominent aspects has been the reduction of the disparity

between the levels of development of the various regions. More than one third of the Community's budget – € 195 billion between 2000 and 2006 – is dedicated to this aim through the so-called Structural Funds. The majority of this money is distributed through national and regional authorities of the member states in the context of these four funds:

- European Regional Development Fund (ERDF)
- European Social Fund (ESF)
- European Agricultural Guidance and Guarantee Fund
- Financial Instrument for Fisheries Guidance.

Yet, 5.35% of the Structural Funds – that is € 10.44 billion – are assigned specifically to four Community Initiatives aimed at finding common solutions to problems affecting the Union as a whole. One of them is *EQUAL*. Compared to a budget of just under € 100 million for the anti-discrimination action programme (2001-2006), the budget for *EQUAL* is impressive: € 2,847 million in total will be distributed to the member states in the context of creating more and better jobs and ensuring that no one is denied

access to them. To put it more officially, the aim is to “promote new ways to tackle all forms of exclusion, discrimination and inequality in relation to the labour market”.

*EQUAL* aims at translating the European Employment Strategy into action. Projects can either have a geographical focus (e. g. in urban and regional districts) or a sectoral approach (e. g. focus on discrimination as a theme). It needs to bring together at least two different types of national partners, such as NGOs, social partners or the business sector. They form what is called a national-level *Development Partnership*. If this partnership is selected, it has to find a transnational partner in order to develop a so-called transnational *Co-operation Agreement*.

## **EQUAL Sexualities at Work**

Of the 1,400 *EQUAL* projects, the one that explicitly deals with sexual minorities and employment is the so-called *EQUAL Sexualities at Work* project. It is a transnational co-operation between four national projects in Finland, the Netherlands and Sweden.

Out of the 15 member states, these countries are the only ones clearly including sexual orientation in their national *EQUAL* programmes.

The common interest of these projects is to abolish discrimination and the inequality of LGBT persons in the area of employment and to enable LGBT persons to work under equal circumstances as their colleagues. The underlying problem is inequality and discrimination related to sexual orientation in the labour market.

## **These are the projects:**

“Sexual and Gender Minorities at Work” is a Finnish project based at Helsinki University. The goal of this project is the development of research methods and concepts, publication of research in two books and web-pages.

“Enabling Safety for LesBiGay Teachers” is a Dutch project. The emphasis of this project is the improvement of working conditions for LGB teachers/personnel within the education system.

“Homosexuals and Bisexuals in the Care System” is a Swedish

## Web info

More information on the *EQUAL* programme is available at:

[http://europa.eu.int/comm/employment\\_social/equal/index\\_en.html](http://europa.eu.int/comm/employment_social/equal/index_en.html)

[http://europa.eu.int/comm/employment\\_social/equal/data/document/broch\\_en.pdf](http://europa.eu.int/comm/employment_social/equal/data/document/broch_en.pdf)

More information on the four *EQUAL* projects dealing with sexual orientation discrimination at:

[www.normgivande.nu](http://www.normgivande.nu)

[www.lesbigayteachers.nl](http://www.lesbigayteachers.nl)

[www.valt.helsinki.fi/sosio/tutkimus/equal/](http://www.valt.helsinki.fi/sosio/tutkimus/equal/)

[www.rfsi.se/equal/](http://www.rfsi.se/equal/)

project working in the area of child and elderly care from a caregiver perspective. The gender situation in this area is predominately female.

“Normgiving Diversity” is another Swedish project. The emphasis of this project is improving the situation for LGBT employees within the Swedish police, armed forces and the Church of Sweden.

While each of the projects works individually and independently, they also co-operate with each other in *EQUAL Sexualities at Work*, e. g. in areas such as research

and developing feasible models for training and the necessary tools to fight prejudice and discrimination and for giving correct scientific information about homosexuality and bisexuality to the various target groups. Other fields of co-operation include organising international conferences and workshops and influencing legislation and policies within the European Union.

The projects firmly believe that by working together they can influence European Union policy in the area of anti-discrimination and equality in the labour market

for persons with minority sexual identities. The next ILGA Europe conference in Glasgow will offer a workshop where results and information on the effects of the four projects after more than a year of running will be presented. In addition a network shall be created to prepare for more successful applications in more member states in the next round of the *EQUAL* programme expected in 2004.

For ILGA-Europe transnational co-operation projects are a clear priority. They are an important means in fostering the transition

from policy to practice, from legislation to social change. We hope to co-operate closely with the organisations receiving funding in order to help increase the success rate of applications with LGBT elements both within the action programmes mentioned above and beyond. Contribution such as this one in the *Newsletter* as well as at the Glasgow conference will be important steps in reaching this objective.

SW  
ARTHUR THIRY  
Normgiving Diversity

## Corporate Social Responsibility

# European companies awarded

On 27 March 2003 European Commissioner Anna Diamantopoulou announced the winners of an EU-wide competition to find companies demonstrating excellence in the fields of life-long learning, diversity and gender equality. More than 1000 organisations from across the EU had entered

the competition. Based on national pre-selection, a group of experts for each category selected 11 companies short-listed for the awards.

The Special Awards are part of a series of initiatives by the Commission to stimulate public

awareness regarding life-long learning, gender equality and diversity in the workplace. The idea is to spotlight and disseminate best practice in order to ensure better quality and high-performance jobs. In addition to the awards, the Commission has initiated a campaign called the “100 Best Workplaces in the EU”, which, based on organisations’ staff practices, selected the 100 most attractive employers across the EU. The initiatives constitute an important step in encouraging corporate social responsibility at a European level. Though there may still be ample room for improvement, it was encouraging to see that in the category of diversity Ford Germany

was one of three final nominees due to their commitment to anti-discrimination based on all Article 13 grounds, but specifically on sexual orientation. With the national transposition of the framework directive on anti-discrimination in employment to be completed by December this year, we will have a powerful legal tool to foster equality of LGBT people. However, for it to have real effects in people’s everyday lives, the move from theory to practice is indispensable. Encouraging those employers that already commit to concrete anti-discrimination measures in their daily working practice fosters this transition at exactly the right moment in time.

BH



## EU Framework Directive

# UK government publishes draft employment regulations

On 8 May 2003, the UK government published regulations intended to transpose the EU anti-discrimination directives in employment law. The LGBT lobby group Stonewall believes

that the Government’s draft regulations contain major flaws with regard to the protection of LGB people from discrimination by organisations claiming to operate on a religious basis.

Stonewall plans to work with other LGB groups and trade unions to react to these draft regulations and to campaign for ensuring that LGB people are offered the protection in law

that the EU actually requires. For more information on this issue and to download Stonewall’s response to the regulations, visit: [http://www.stonewall.org.uk/stonewall/issue\\_bank/employment/](http://www.stonewall.org.uk/stonewall/issue_bank/employment/).

# news clips

## Spain: Same-sex partnerships

On 7 May 2003, the parliament of Spain's northern Basque country adopted legislation strengthening the legal position of non-married partners. The new laws will give equal rights to non-married partners on adoption, taxation and health care, ending the privileged status of married couples in these areas of the law. As such, it paves the way to the rights of same-sex couples to adopt children, a development much welcomed by GEHITU, the main Basque LGBT organisation. The new legislation puts the Basque country in line with other Spanish autonomous regions that have already adopted similar legislation.

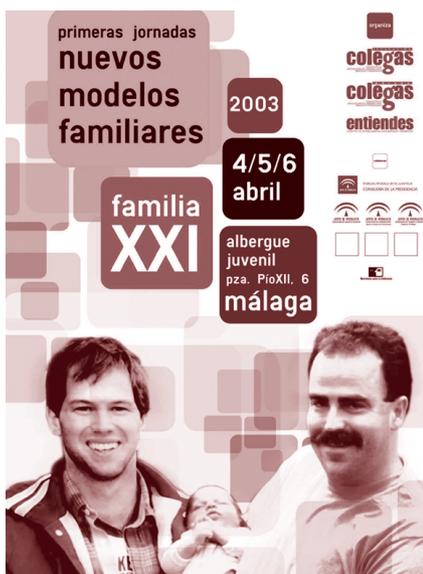
## Greece: Discrimination continues

On 21 February 2003 Greek police raided the gay-friendly Spices Club in Athens, Greece. The background to these arrests was an investigation into child pornography and the discovery of a paedophile web-site that included an open invitation to the Thursday parties at Spices. Yet, in the course of the evening, it was not only people accused of paedophile activity that were arrested. In addition to the Internet site owner, the organiser of the party and some other men, three people were arrested in the club's darkroom accused of committing crimes under article 347 of the Greek penal code prohibiting male prostitution.

Article 347 punishes those found guilty of engaging in indecent acts between males for financial gains, or when committed by an adult through the seduction of a person under 17 years of age, with imprisonment between three months and five years. The persistence of this discriminatory provision on the age of consent and male prostitution has been criticised both by *amnesty international* and the Greek LGBT community, who will continue to lobby for the repeal of this law and the end to such prejudicial treatment of homosexual men in the Greek legal system.

## Spain: Conference on alternative family models

More than 250 people participated in a conference organised by the Spanish organisation COLEGAS in Málaga on 4 to 6 April. It was the first conference ever in Spain to exclusively look at gay parenting and alternative definitions



of family. In the backdrop of recent attacks by the Catholic Church and other conservative organisations defending a more restrictive understanding of family, it is particularly important to foster debate and gather support for a more inclusive approach to what constitutes a family. At the opening of the conference, Málaga's mayor Francisco de la Torre stated: "It is indispensable to advance the legal situation of homosexuals and to foster true legal equality. To this end, an open and integrative political approach needs to be followed, challenging any type of discrimination, rejection and intolerance".

In a series of workshops, the participants looked both at same-sex partnerships and parenting. Themes included the legal perspective, sexuality and affection, new models of families, the media as well as new models of family in the education system. The conference will be followed up by a summer school taking place in Cádiz this July. For further information, please contact Paco Ramírez at: [prensa@colegaweb.net](mailto:prensa@colegaweb.net).

## Council of Europe: ILGA-Europe continues lobbying

ILGA-Europe delegates to the Council of Europe, board members Nigel Warner and Maxim Anmeghichean, participated in the April 2003 session of the Parliamentary Assembly of the Council of Europe (PACE). During the visit meetings were held with Hanne Severinsen, rapporteur for the PACE Monitoring Committee on Ukraine, and with members of the secretariat of this committee. They drew Ms Severinsen's attention to an incident involving police malpractice against the LGBT community in Ukraine. She agreed to try to raise the issue with the Ukrainian Minister of the Interior. They also briefed the secretariat of the Monitoring Committee about the situation for LGBT people in Albania, Bulgaria, Moldova, Armenia and Azerbaijan,

including discriminatory age of consent legislation and cases of discrimination on the basis of sexual orientation. The agenda of the visit also included meetings with the European Commission on Racism and Intolerance, the director of the Police and Human Rights Programme (Human Rights Directorate), the NGO unit and others. The visit represents one stage in ILGA-Europe's plans for a more extensive programme of activity at the Council of Europe, following a couple of years of more limited involvement due to resource constraints. For more information, please contact Maxim Anmeghichean at: [maximanm@hotmail.com](mailto:maximanm@hotmail.com).

## United Nations: Resolution on sexual minorities postponed

On 25 April 2003 the UN Human Rights Commission deferred a landmark resolution on human rights and sexual orientation until 2004. The draft resolution tabled by Brazil and co-sponsored by 19 European nations, was the first ever of its kind in the UN's 60-year history. It expressed "deep concerns at the occurrence of violations of human rights in the world against persons on the grounds of their sexual orientation and urged all states to promote and protect human rights of all persons regardless of their sexual orientation".

The Muslim bloc nations, namely Saudi Arabia, Pakistan, Egypt, Libya and Malaysia, succeeded

in delaying a vote by proposing five different amendments to the resolution. Despite obvious anger and disappointment at the opposition of the Organisation of the Islamic Conference (OIC) and the pressure of the Vatican leading to the deferral of a decision on the resolution, many human rights organisations do not view this as a defeat. "We now have one year to act. (...) The issue of discrimination on grounds of sexual orientation is on the table, the OIC and other opponents of the resolution will not get rid of it", a member of the Brazilian delegation commented.

BH

NIGEL WARNER/KK

## South Eastern Europe: Beyond homophobia

On 27-30 March 2003 a workshop on homophobia in South Eastern Europe took place in Timisoara, Romania. Around 50 LGBT activists from five countries – Bulgaria, Macedonia, Moldova, Romania and Serbia – participated in the workshop, the first of its kind in the region. The countries selected for invitations were those where the Orthodox Church still is very dominant, and in most instances actively promotes homophobia. Three days of presentations and debates were centred on homophobic public opinion and how to change it, building partnerships for tolerance, non-discriminative policies and drafting action plans "Beyond Homophobia", which included sustainable

regional initiatives on fighting discrimination. One of the practical impacts of the conference was the creation of a web-site as well as an e-group dedicated to LGBT issues in South Eastern Europe. However, it also became clear, that any regional initiative of this sort must have a lead organisation to follow up plans and decisions. At the moment this proves difficult, as there is no LGBT organisation in the region eager and capable to take on this role. For further information, please contact Ilona Mihaies, executive president of the Euroregional Centre for Democracy: [imihaies@regionalnet.org](mailto:imihaies@regionalnet.org); see also: <http://hosted.regionalnet.org/lgbt>.

## Stockholm: International Conference in September 2003

This conference will introduce national and international research on LGB issues and work and present how trade unions, employers and NGOs work with these issues. Focus will be on people working within churches, defence forces, police, elderly care and the education system. The conference is organised by the two EQUAL projects "Normgiving Diversity" and "Homosexuals and Bisexuals in the Care System". More info about these projects can be found on p. 16 in this Newsletter and at the following web-sites:

[www.normgivande.nu](http://www.normgivande.nu) and [www.rfsl.se/equal](http://www.rfsl.se/equal). The conference programme is available at [http://www.rfsl.se/equal/konf\\_int.pdf](http://www.rfsl.se/equal/konf_int.pdf).

## Manchester: Europride 2003

Things are set to get a little bit fruity in Manchester, England's gayest city. Europride 2003 is on its way and promises to be the hottest lesbian, gay, bisexual and transgender festival of the year. The honour of hosting the largest pride event in Europe was previously bestowed on cities including Rome, Berlin, Paris, and Vienna. The programme of this 9th Europride promises to deliver something to everyone. The ten-day spectacle will make this a summer to remember.

"Manchester Comes Out" is the launch weekend from 15-18 August. This will be a celebration in the city centre with street entertainment,

music and dancing setting the tone of respect, understanding and inclusivity – key aspirations to each Europride. There is a full programme



of sport, film, arts, music, youth events and a one-day conference with the participation of ILGA-Europe executive director Ailsa Spindler. The last weekend, 22-25 August, is the Mardi Gras weekend with the Parade taking place on 23rd and the Vigil on the 25th. Tickets cost £10.00 for the four days and are available on our web-site. A substantial amount of money raised will go to LGBT charities in the North-west. For more information, see: [www.europridemanchester2003.com](http://www.europridemanchester2003.com)

JANE PRICE

europride

# 25<sup>th</sup> ILGA European Conference



15<sup>th</sup> / 19<sup>th</sup> October 2003  
Central Hotel Glasgow, Scotland

Plans for the 25th ILGA European conference in Glasgow are well advanced, and we can confirm that this will be the biggest yet! With more workshops than before, a wider range of issues of concern to our audience, and plenty of opportunity to get involved in the discussions, this is YOUR chance to make a difference.

The conference theme is “Policy into Practice – making LGBT Equality happen”, and this will be explored in a number of ways. The conference will appeal to policy makers, academics, lawyers, government and public service workers, as well as LGBT activists.

In addition, a programme of social events will help you to understand why Glasgow



has been European City of Culture, and remains one of Europe's great tourist destinations.

**ALL THIS for LESS COST than last year!**  
The delegate fee in standard accommodation is actually less than for our 2002 conference, even though we have a city centre location and a conference venue with space for more than 200 participants. Combined

with the fact that Glasgow has budget flight connections to many European cities, makes this great value – **SO BOOK NOW!**

Full details for registration can be found on our website [www.ilga-europe.org](http://www.ilga-europe.org) and a brochure describing the conference is inserted in this newsletter.

#### REMINDER

The conference will select a new Executive Board, and the venue for our conference in 2005. Details of procedures are included in the conference mailing and on the website, but if you need help with a bid, or advice on any procedural matter, please contact the office on [info@ilga-europe.org](mailto:info@ilga-europe.org)