



European campaign:

**“I don't mind
lesbians, BUT...”**



The European Region of the International Lesbian and Gay Association

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Editorial

Important and crucial advocacy and lobbying is ahead of us, both at the EU and national levels. The European Council and Parliament are debating and negotiating a series of Commission proposals in the areas of free movement, immigration and asylum. They are all relevant for LGBT people. ILGA-Europe has prepared the ground for successful advocacy by producing eight position and policy papers on these proposals, all drafted by legal expert Mark Bell, and formulating amendments in order to guarantee full equality for LGBT people in these areas. Now, positive results will very much depend on persuading the governments of the 15 EU member states to adopt and implement these proposals without any discrimination on the grounds of sex, sexual orientation and gender identity. Read more about this important campaign on pages 3 and 4 and visit the section on the EU "area of freedom, security and justice (AFSJ)" at our web-site.

ILGA-Europe is now in its second EU Commission core funding period that started on 1 December and will already end on 30 April 2002. This short period is due to the Commission's intention to start the next contracts with all European networks receiving core funding under the Community action programme at the same time, i. e. on 1 May 2002. For ILGA-Europe, this arrangement is causing a lot of work these days, in particular for our treasurer Nigel Warner. He is busy concluding the accounts for the last funding period and the financial year 2001. At the same time the final report for the last grant had to be written and the application for the next grant had to be finalised, and on top of that the interim report for the current grant has already been due. We are definitely looking forward to longer funding periods as the current arrangement has also caused cash-flow problems for us.

Speaking of finances: ILGA-Europe will have to raise 10 % of its budget for EU activities and 100 % of all expenditure outside EU activities. Therefore, we appeal to all our members, to individuals, to foundations and other sponsors and funders to support our work financially and to fundraise for ILGA-Europe. Over the past years, we have seen that our successful advocacy work at European level can make the difference and has positive repercussions in the EU member states and the accession countries and beyond. Donating money to ILGA-Europe, therefore, will be a very good investment that certainly will pay off in a future with less discrimination against LGBT people in Europe.

THE EXECUTIVE BOARD

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European Union

ILGA-Europe launches freedom of movement campaign

ILGA-Europe is launching a campaign to gain equality of treatment for lesbian, gay, bisexual and transgender citizens of the European Union and their partners/families in the field of immigration and movement within the European Union. The start point for the campaign was the publication last year by the European Commission of a draft directive completely revising and updating the European Union's rules covering the right of EU citizens to move between member states (COM (2001) 257).

Freedom of movement within the European Union in one of the cornerstones of EU citizenship. Under existing EU law this right has been denied to same-sex partners and their families (and to some couples where one partner is transgendered) because it is available only to married couples. Unfortunately, the draft directive proposed by the European Commission goes only part of the way to addressing this problem. It would extend the right of free movement to unmarried partners and their families, but only if "the legislation of the host Member State treats unmarried couples as equivalent to married couples". This is unsatisfactory: first, it is unclear how far this would apply in those countries where there is some form of recognition of same-sex partnerships, since it is not clear which of these laws (if any) qualify as being "equivalent" to marriage. Secondly, freedom of movement would not exist for those countries where there is no such recognition of same-sex partnerships. Thirdly, such rights would not cover those couples (whether same-sex or opposite-sex) who do not wish to enter into marriage or registered partnership.

ILGA-Europe has published a position paper proposing amendments to the draft Directive which would ensure that family members were not at risk of separation where one partner needed to move within the Union. These amendments would also result in the recognition for immigration purposes of same-sex partnerships between an EU and non-EU citizen, where the EU citizen remained in her/his own country. At the moment approximately half of the existing member states do not recognise such relationships for the purposes of immigration. The Directive will also have to be implemented by the 12 accession countries, not one of whom currently recognises same-sex couples in this situation. So the potential benefits of these amendments are very great.

A major Directive such as this is extremely rare – the previous Directive has been in force since the 1960s. So there will probably not be another opportunity to bring about these changes for many years. Therefore, we face an historic opportunity to bring about major changes in recognition of same-sex partners and their families for immigration purposes across a high proportion of Europe.

The Freedom of Movement Directive is subject to "co-decision" by the European Parliament. This means that the Parliament has considerable power to influence the content of the Directive, since its agreement is required to the final text. The centre and left of centre political parties in the Parliament form a majority. They are generally supportive of LGBT rights, so there is a real possibility that the Parliament may support our proposed amendments.

On 24 January, ILGA-Europe had a meeting with MEPs Joke Swiebel and Michael Cashman (PES) to discuss our proposed amendments and future lobbying activities. ILGA-Europe has also requested a meeting with the rapporteur for the main Committee (the Citizens' Freedoms and Rights, Justice and Home Affairs Committee – LIBE), Spanish MEP Ana Palacio (PPE).

On the other hand, the Directive must be agreed by all the member states. Given the likely hostility of at least one country (Italy), very considerable pressure will be needed on other member states if the member states as a whole are to take up our proposals.

ILGA-Europe and its network of main national member organisations has therefore together launched a campaign which involves urgent lobbying of national governments, the European Parliament, Commission, and the Presidency of the Union. A key element of this campaign is the timetable of the European Parliament, where a vote in the LIBE Committee is scheduled to take place on 19 March 2002, with a vote in the Parliament itself scheduled for the second week of April.



Freedom of movement within the EU should also be possible for gay and lesbian couples

If your organisation wishes to lobby its government, please e-mail the office (info@ilga-europe.org) for lobbying guidelines.

Currently, there are more Commission proposals in the field of free movement, immigration and asylum on the table. They all are relevant for LGBT people. For more background information and an overview, please read Mark Bell's contribution on the following page. (We have already reported about these developments in our August 2001 *Newsletter*, p. 6, and November 2001 *Newsletter*, p. 8.)

Update on one of ILGA-Europe's current priorities

EU justice & home affairs policies

In 1999, the European Council (EU Heads of State and Government) meeting in Tampere, Finland, agreed to construct an "Area of Freedom, Security and Justice (AFSJ)", with 2004 as the target date for completion. The Area should be a European space characterised by common policies on issues such as free movement, immigration and asylum, as well as enhanced police and judicial co-operation. Importantly, the European Commission and the European Council have both recognised the need for combating discrimination to be a central feature of this Area.

During 2000-2001, the Commission produced a wide variety of legislative proposals dealing with the core elements of the AFSJ. Since summer 2001, ILGA-Europe has been making an active and constructive contribution to the development of these rules and standards. There are a number of key issues raised here

for lesbian, gay, bisexual and transgender persons. First, most of the legislative proposals concern the rights of individuals and their family members. ILGA-Europe has been seeking to ensure that the definition of "family" is inclusive and non-discriminatory, reflecting the full diversity of families in Europe. In particular, ILGA-Europe has opposed the limitation of rights to married couples. Second, in the area of asylum, it is vital that persecution on grounds of sexual orientation and gender identity are explicitly recognised in law, as well as an accommodation of the needs of LGBT asylum applicants and their family members.

To this end, ILGA-Europe has produced seven position papers; these are evaluations of individual legislative proposals with suggested amendments to reflect LGBT issues. In addition, a policy paper on integrating equality for LGBT persons throughout justice

and home affairs policies has been produced (also in French). These are available from the ILGA-Europe web-site.¹ All of these proposals are now either pending at the European Parliament or the EU Council of Ministers. It is essential that national partners actively lobby national governments – in particular the Ministry of the Interior/Justice – to support the amendments ILGA-Europe is advocating. For a general overview of the state of play, the Commission produces a biannual "Scoreboard" of progress in this policy area. This is available at: http://europa.eu.int/comm/dgs/justice_home/index_en.htm.

In the coming months, there are two legislative proposals of special significance before the European Parliament. First, there is a proposal for a new Directive governing the rights of EU citizens to move within the European Union. Currently, EU citizens are

only entitled to be joined in another state by their "spouse", which the Court has interpreted as married partners. This is an opportunity to ensure all legally recognised and unmarried partners, and their children, are included in the right to free movement – a fundamental aspect of EU citizenship (see p. 3). Second, the Commission has proposed that persecution based on sexual orientation is expressly recognised as a ground for the award of refugee status. ILGA-Europe welcomes this, but we hope the Parliament will amend the text to include also explicit recognition of persecution based on gender identity. Future editions of the *Newsletter* will continue to provide updates of progress in this field.

MARK BELL,
UNIVERSITY OF LEICESTER

¹ Click on "Campaigns/Activities", then on "European Union" and then on "Area of Freedom, Security and Justice (AFSJ)".

Laeken Civil Society Summit

Citizens' Assembly 2004

The Citizens' Assembly is part of a series of events, which will be held during each EU presidency at least until the next reform of the European Union in 2004. It is based on previous events and conferences held during various EU presidencies, such as the *Meeting of Civil Society for a Europe of Democracy and Solidarity* in Nice in December 2000, which attracted more than 2500 participants. The aim of this Citizens' Assembly is to give the citizens of Europe the opportunity to enter into a constructive and peaceful dialogue with the EU institutions and governments to create a democratic Europe.

the same time as the Laeken Summit in December and was organised by the Platform of European Social NGOs and the Permanent Forum of Civil Society. The event brought together over 600 delegates – from all parts of civil society: social, developmental, human rights, environmental, together with federalists and trade unionists – to discuss the future of Europe. Delegates included NGO leaders and activists, local residents, university students, school children and interested citizens from across Europe. "The Assembly demonstrated that peaceful dialogue is the way forward and strongly emphasised the importance of including civil society in



Citizens' Assembly panel with Jackie Lewis, Laurette Onkelinx and João Prouença

the construction of a new European Union", says Simon Wilson, director of the Social Platform.

The three-day long Assembly consisted of a series of work-

shops and plenary sessions. While the six plenary sessions allowed participants to engage in wide-ranging debates with politicians, focusing on the need to find integrated solutions, the

nine workshops provided participants with the space and opportunity to share experiences and arrange future collaborations.

ILGA-Europe's participation in the Assembly

Jackie Lewis, co-chair of ILGA-Europe, together with Yannis Vardakastanis, president of the European Disability Forum (EDF), chaired the second round table of the opening session with prominent speakers including Laurette Onkelinx, Belgian Deputy Prime Minister and Minister for Employment. The theme for the round table was "A Europe for All", and generated a debate on whether we are building a Europe for all or excluding certain groups.

At the plenary session on the "Unification of Europe in parallel with the European Conference of Laeken" Adrian Coman, director of Romania's gay and lesbian organisation *ACCEPT* and member of the executive board of ILGA-Europe, spoke on the role of civil society in the accession countries and the co-operation with the EU delegations.

ILGA-Europe also participated in the preparation and presentation of the workshop on "Fighting Discrimination", together with SOLIDAR and other European NGOs fighting discrimination on grounds of race, age and disability (see article below).

Like many other European NGOs, ILGA-Europe had an information stand throughout the Assembly where participants

could collect copies of its publications and get more information on ILGA-Europe's campaigns and areas of work.

Assembly conclusions

A delegation of eight civil society representatives were invited by Belgian Prime Minister and Council President Guy Verhofstadt to attend a press conference at the end of the Laeken Summit, and presented the results of the Assembly to Commission President Romano Prodi.

The alliance of NGOs involved in organising the Assembly pressed strongly for the involvement of civil society in the work of the Convention on the Future of Europe, which was officially established by the Council of

Ministers at the Laeken Summit. In discussing future relations with this Convention, there was a strong desire from all NGO sectors to repeat the Assembly in parallel with future Summits in the run-up to the treaty revision in 2004. The co-operation between civil society groups in the framework of this Assembly was unprecedented, and "it is perhaps in this collaboration that the most productive long-term results of the Assembly will be felt", concludes Simon Wilson.

For more information on the Citizens' Assembly see the website www.citizensassembly2004.org, which is currently in English and French.

METTE VADSTRUP

Citizens' Assembly 2004

The "horizontal approach"

It was first with the adoption of the Amsterdam Treaty in 1997, that non-discrimination was included, in the EC Treaty's new Article 13, as a basic founding principle of the European Union. The Community action programme to combat discrimination (2001-2006) is based on this article and seeks in several ways to promote a horizontal approach in the fight against discrimination. One way is to fund so-called transnational projects in which organisations and institutions from various EU member states work together on different areas of discrimination and exchange best practices.

The preparation of the Citizens' Assembly workshop "Fighting Discrimination" was based on existing co-operation between SOLIDAR and other European NGOs fighting discrimination: ENAR (European Network Against Racism), EDF (European Disability Forum), Eurolink AGE, EWL (European Women's

Lobby) and ILGA-Europe. These organisations are all members of the Social Platform and active in the Platform's anti-discrimination working group where the concept of anti-discrimination goes beyond the grounds listed in Article 13.

The aim of the workshop was to inform participants about the fight against discrimination that takes place at European level and then look together ahead at the new challenges in making further use of Article 13 and fighting discrimination.

The workshop was divided into two parts, the first being an introduction session of the above mentioned NGOs and their areas of activities. Here Nico Beger, member of the executive board of ILGA-Europe, emphasised that: "when we talk about anti-discrimination measures we should not be thinking only about discriminated minority groups. Anti-discrimination

measures are important for every single human being: every person is gendered, every person has different abilities, every person has a sexual orientation, every person has a race (or sometimes many) and every person has an age...". This statement goes to the core of the horizontal approach and opened up the discussions in the second session of the workshop.

The second part was more interactive, separating the participants into three discussion groups dealing with the topics: Non-discrimination and fundamental rights at the core of the debate for the future of Europe, the role of NGOs and the importance of building partnership, and possible new legislative proposal for fighting discrimination. Common to all three round tables was the intense interest participants showed in debating these topics. The more than 100 participants, ranging from NGO activists to students, were creative in the ideas and proposals they put for-

ward, such as demanding more diversity in education material.

The workshop concluded with a summary of the discussions in the three round tables. These generated new ideas and approaches in fighting discrimination at the European level, which will be further explored in the Platform working group on anti-discrimination.

One of the points made in the discussions is that there has been a considerable increase in reported attacks against Muslims and people from Middle Eastern, South Asian and other minority communities since the events of 11 September. "This underlines the necessity for a joint approach. It is crucial that European NGOs work together in the fight against all forms of intolerance and discrimination, and to promote the benefits of a diverse society", says Jackie Lewis, co-chair of ILGA-Europe and moderator of one of the round tables.

Gay and lesbian youth from EU candidate countries speak out IGLYO hearing on LGBT youth

No EU candidate country should be allowed to join the European Union unless legislation discriminating against lesbians and gays is repealed before accession. This demand was stressed by the participants of an international hearing on the discrimination of gay and lesbian youth in the EU accession countries, held in the capital of Slovenia on 18 January 2002. The hearing was organised by the International Lesbian, Gay, Bisexual and Transgender Youth Organisation (IGLYO), the Stu-

In the last years, IGLYO has observed a widening gap in the opportunities for LGBT youth in Central and Eastern Europe compared to those of their peers in Western Europe. There are only some LGBT youth groups in the countries of Central and Eastern Europe (CCEE), including the Baltic states, and even fewer in Central Asia. In the process of political and economic transition, the human rights of LGBT youth are often overlooked and/or violated.



Lesbian and gay youths from many European countries attended the hearing in Slovenia

dent Organisation of the University of Ljubljana and the Dutch lesbian and gay organisation COC. Around 25 representatives from 18 countries participated in the event presenting their views and reviewing the laws and practices that discriminate against LGBT youth. The hearing received financial support from the Open Society Institute and the Student Organisation of the University of Ljubljana.

IGLYO was founded in 1984 to respond to the need for better co-operation among regional, local and national LGBT youth and student organisations. It is an important network and LGBT youth rights advocate in the European region. IGLYO is also a major source of information relevant for local youth groups and organisations.

on the contrary, it is adding to the process of stigmatisation.

■ In many countries, LGBT youth is not protected from different forms of hate speech, many times also reflected in the media.

■ Being open about one's sexual orientation at school can lead to bullying by schoolmates; young lesbians and gays are also often victims of police harassment and/or gay-bashing in public places.

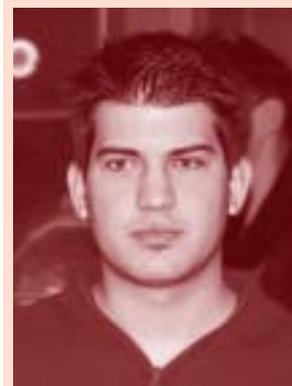
■ In nearly all candidate countries being open about one's sexual orientation will cause intolerance. When young people become aware of their homosexual orientation, they will undergo psychological crisis due to the hostile social environment.

The mayor of Ljubljana, Mrs Viktorija Potočnik welcomed the delegates. Secretary of State Alenka Kovšca addressed the hearing, as did Tatjana Greif on behalf of ILGA-Europe. Tomo Juvan, speaking on behalf of the Student Organisation of the University of Ljubljana, suggested that more student organisations follow the example of Ljubljana and accept LGBT activism as part of their student structures. Dennis van der Veur from COC Nederland expressed the hope that, like COC, more LGBT organisations in the West would also start (or continue) to pro-actively support the LGBT movement in the CCEE.

A key speaker at the event was Dutch Socialist MEP Joke Swibel. She assured that the European Union is committed to fight against all forms of discrimination on the basis of sexual orientation, stating that "lesbians and gays do not demand special rights, they are not some kind of rare species that need to be protected. We demand human rights for all".

Representatives of the Delegation of the European Commission in Slovenia, the negotiation team of the Republic of Slovenia and of

Miha Lobnik, IGLYO executive board member and one of the organisers of the hearing:



"IGLYO wants to ensure that LGBT youth issues are taken into account when human rights are discussed in the EU accession process. We would like to encourage young people to take a more active role in the fight against intolerance and discrimination. LGBT organisations need to take the responsibility to include young activists and youth issues in their work. To overcome discrimination against LGBT youth is the task of everybody who believes in equal rights."

several embassies and human rights NGOs attended the hearing. The event also received extensive coverage in the media, stressing that gay and lesbian rights are an indivisible part of human rights and should therefore be respected by accession states.

The delegates concluded the hearing agreeing to continue developing a common strategy for the fight against all forms of sexual orientation discrimination. They made an appeal to the governments of the accession countries to repeal all existing discriminatory laws and provide new laws to pro-actively protect lesbian and gay youth from discrimination. They also called

upon the European institutions to enforce and broaden their existing anti-discrimination policies and not to accept the accession of any country that does not respect the basic human rights of lesbian and gay youth.

The IGLYO hearing proved successful in gathering participants from a large number of countries and in attracting the attention of the mass media. Joke Swiebel said after the hearing that she thought the event was a great success because “it put the gay rights issue more firmly on the EU enlargement agenda. In this respect it was a very appropriate follow-up to the hearing held in the European Parliament in Brussels in June 2001” (see *IE Newsletter # 2/01*, p. 4). “But youth groups such as IGLYO must continue their campaigns to get the still existing discriminatory provision eliminated from the law books”, she added. Swiebel reminded of the youth and student protests of the 1960s and 1970s that, for example in the Netherlands, were instrumental in sexual law reform. Discriminatory age of consent provisions clearly run against the self-interest of young people, it is an issue that could mobilise them. For Tatjana Greif, who is also active in the Slovene lesbian association *ŠKUC LL*, the event was a success because high ranking politicians attended the hearing: “This is rather surprising for Slovenia. It seems as if greater interest is attached to any issue as soon as it is linked with the European Union and the accession process.”

At the IGLYO general assembly, which took place one day after the hearing, three new board members were elected: Bogdan Stefan (Bulgaria), Konstantin Sudakov (Kyrgyzstan) and Kris Vanhemelryck (Belgium).

A full report about the hearing will be published. For more information, please contact IGLYO at: iglyo@wxs.nl or www.iglyo.org.

KRIS VANHEMELRYCK

“I don’t mind lesbians, BUT ...”

Violence against lesbians

Violence against lesbians is as invisible as lesbians are. Lesbians are subsumed either under homosexuality/homosexuals or women. Both categories are too universal to describe the specific social situation of lesbian women in Western societies. Even more, they are used to keep lesbians invisible. In most European countries homosexuals are not only defined but also recognised as gay men. For example, the Flemish term “holebi” movement equals homosexuals with gay men, who again dominate and coin the movement. Possible differences within gays, lesbians and bisexual people are evened out and more or less denied. The situation is very similar in Germany: Lesbian women usually are not present in public consciousness. People talk about “homosexuals and lesbians”, registered partnership is reflected in the media as “gay partnership”,¹ and violence is mostly restricted to “gay bashing”. Similar problems appear in subsuming lesbians under the category of women: By virtue of a structural embodied heterosexism women are generally recognised in public as heterosexual beings.

Between 1998 and 2001 three German studies have been published mapping the amount of violence and discrimination against lesbians: Almost 98 % of lesbian women experienced verbal harassment, 44 % experienced sexual attacks, and 24 % physical attacks – for being lesbians (Bielefeld 2000). The figures of verbal harassment/mental violence are four times and those of sexual violence twice higher than the figures of physical attacks (Frankfurt 2001). The mentioned research defines violence not according to the penal code but as a tool to establish power and control: Violence is defined as a behaviour or structure having a negative impact on the spiritual, mental and physical health/well-being of lesbian



Posters like this were displayed in Vienna and several German cities

women. Violence thus includes verbal and sexual harassment as well as the denial of access to public spaces, labour market, medical resources etc.

In 1999 a project was born: “Violence against lesbians”. The project is funded by the European Union within the Daphne initiative and run by the Lesbian Information and Counselling Service in Frankfurt/Main, Germany. Co-operation partners are from Belgium, Austria and Great Britain. The idea was to develop a lesbian-specific concept of prevention and intervention and to implement aspects of it in the following years.

Gays and lesbians: differences and similarities

The first step was to find out more about violence specific to lesbians. Our assumptions had been: *Gays and lesbians experience different forms of violence. Gays and lesbians perceive violence differently. Gays and lesbians develop different coping strategies.*² New research carried out by the

German LGBT youth network, *Lambda*, revealed that in schools young gay men experience physical violence and even sexual violence more often than young lesbian women. Young lesbians experience sexual harassment and anti-lesbian jokes and in general are not taken serious.³ Research of the University of Bielefeld shows that, although verbal discrimination is predominant, physical attacks against lesbian children tend to be crueller in the family than in public space (rape, torture, sexual exploitation). Furthermore, lesbians perceive violence as a widespread phenomenon – it can happen anywhere at any time. Thus their awareness might differ from gay men. Gays tend to connect possible experience of violence with certain places, for example cruising areas, and with physical expressions of violence.

Women and lesbians: sexism and homophobia

The correlation of sexism and homophobia is illustrated by the following example: It can be

¹ Not too long ago a colleague of mine was asked whether two women could also get registered under the new German same-sex partnership law. The person thought it was restricted to men.

² See: C. Ohms/K. Stehling: *Violence against lesbians – violence against gay men: Differences and similarities*. In: 1st European Symposium “Violence against lesbians”, Berlin 2001.

³ Jugendnetzwerk Lambda Berlin-Brandenburg, 2002.

assumed that every fourth girl is sexually exploited. Some of them try to cope with it by keeping the abuse as a secret. Girls might feel guilty, even responsible for what had happened. They are afraid of speaking about the abuse, sometimes caused by threats of the perpetrator. If they take the risk and talk about it, there is no guarantee that people will believe them. They learn to hate themselves and to mistrust their social environment. If a girl then realises that she feels attracted to other girls/young women, she may repeat the same coping strategies, keeping her feelings secret, developing multiple personalities or denying her biological sex. She may even hate herself for her feelings or deny them.

The anticipation of violence

According to research, there is a phenomenon occurring more and/or differently with lesbians than gay men: the anticipation of violence. Violence does not necessarily need to have a physical expression, the risk of becoming a victim is enough to change individual behaviour. In order to avoid possible violence lesbians tend to not appear in public as visible as gay men. They avoid a “lesbian appearance” or showing their love. It is a classical catch 22

situation: on one hand there is no public awareness of lesbians, on the other hand they do not appear as visible as other social minorities.

Invisibility and ignorance can lead to ridiculous decisions. Substantiating why the higher age of consent for male homosexual acts (18) does not apply to lesbian sex (14), the Constitutional Court of Austria, in 1989, argued that it is impossible to differentiate between lesbian sex and mutual support in personal hygiene.⁴ The judges repeated the arguments put forward by the legislator when the law was adopted in 1971. Thus, even homophobes do not acknowledge female homosexuality to be as big a “social danger” as they consider male homosexuality.

Indeed, it seems as visibility is “punished” with a higher possibility of being attacked. But a perpetrator would attack any woman fitting into his picture of how a lesbian looks like. Therefore, heterosexual women can be victims of homophobic attacks, too.

Poster campaign

In 2001 the anti-violence project started a poster campaign challenging the following prejudices against lesbians:

I don't mind lesbians, BUT why do they have to look like men?
I don't mind lesbians, BUT not my daughter.
I don't mind lesbians, BUT children need a father.
I don't mind lesbians, BUT they are not normal.
I don't mind lesbians, BUT they just couldn't get a man.
 Posters with this text were displayed on public transport advertising space in Vienna and several German cities.

In Germany the project initiated national meetings of lesbian counselling services and lesbian help-lines to exchange experiences in providing support for lesbians who were exposed to violence and/or discrimination. Standards have been developed to register the cases and in this way make research comparable. There are only three lesbian counselling services (Munich, Frankfurt/Main, Berlin), about 40 lesbian help-lines and some women centres offer lesbian counselling. In Austria there is one specific lesbian counselling service, *Lila Tipp* in Vienna. In the Netherlands one organisation provides counselling for gays and lesbians, *Schorerstichting* in Amsterdam. In other European countries, there are no support systems specifically addressed to lesbians.

In good hands?⁵

Where can lesbians then find help and what kind of help do they get? Research shows that lesbians try to find places where they expect a lesser risk of being again treated in a discriminatory or humiliating way, i. e. women centres, women hot-lines and, if possible, lesbian counselling services. In institutions where they consider this risk to be quite high, they would not mention their psycho-sexual identity.⁶

The anti-violence project asked by way of questionnaire almost 2000 social institutions (family care centres, women centres, victim support organisations, women shelter houses, hot-lines, youth centres, etc.) and the police in Austria, Belgium and Germany about their accessibility for lesbians experiencing violence and/or discrimination. Three aspects had been asked for: visibility of lesbians, specific knowledge of their situation, and attitudes of the social workers and police officers. 532 questionnaires were evaluated.

The results were appalling – but expected. The importance of including psycho-sexual identity as a major aspect of describing the social situation of lesbians is yet underestimated. A target specific approach – in this case a lesbian specific approach – is not implemented into the discussion of violence against social minorities. Most institutions feel competent counselling lesbians but do not regard their specific background as relevant.

Some answers:
 “We do not include lesbians into our public presentation. We treat everybody equal, regardless of their background. Naming their background promotes stigmatisation.” (Family centre, Belgium).
 “We think that lesbian women use our institution, but we are not sure of. Lesbians do not talk about their identity.” (Family centre, Belgium).
 “We only offer counselling for victims of crime.” (Victim support, Germany).
 “Only when lesbians have problems with their own identity, their environment will have, too.” (Lesbian police officer, Germany).
 “I know the gay scene. It won't be different with lesbians.” (Male heterosexual police officer, Germany).

Violence against lesbians –

A project supported by the European Commission under the Daphne Programme

The aim of the project is to make violence against lesbians visible. Recognising violence against lesbians as part of lesbian reality makes it possible to provide adequate support and to develop comprehensive strategies and measures to fight violence. Lesbians represent a social minority and they get attacked as representatives of this minority. It is inevitable to include this aspect into any kind of support provided. Establishing a target group specific approach including the psycho-sexual identity opens the door for various other social minorities, including transgendered people or transsexuals. The forced homogeneity of homosexuals has to stop and differences have to be made visible. Communalities and common grounds between gays, transgendered people, transsexuals and lesbians or heterosexual and homosexual women need to be based on the acceptance of differences.

Further information about the project is available at: www.lesben-gegen-gewalt.de, and soon in English at: www.lesbians-against-violence.com. E-mail: daphne@lesben-gegen-gewalt.de.

⁴ Österreichischer Verfassungsgerichtshof, case G 227/88 + G 2/89.

⁵ The research is available in German: *Gut aufgehoben? Zur psychosozialen Versorgung lesbischer Frauen mit Gewalt- und/oder Diskriminierungserfahrungen im europäischen Vergleich*. It will be available in English at the end of 2002.

⁶ I am very well aware of the criticism regarding the term “identity”. “Identity” in this context refers to how the individual reflects the world and the world is reflecting the individual. Identity never is singular but a “patch work” identity. We are moving within a continuum where the importance of each aspect can change at any time.

⁷ See: *Gut aufgehoben?*, above note 5.

“Every woman is welcome, as long as she is victim of male violence.” (Women shelter house, Germany).
“Other things are more important.” (Family centre, Austria).

The knowledge regarding violence against gays and lesbians is poor. Furthermore, in psychological counselling an individual approach is widespread. It regards the experience of violence as a single incidence an individual has to cope with. Matter of fact is, that lesbians as well as gay men, migrants or women, are not attacked as individuals but because they represent a social “minority”. It is this representative function that makes the difference. And it is exactly this representative impact that

defines their position in society and their risk of being attacked. These facts need to be incorporated into counselling and other intervention measures.

International networks

Co-operations are essential for the success of this project. They are built upon several strands: lobbying, networking with lesbian organisations in European countries, training of social institutions and the search for experts.

The exchange with other lesbian organisations is fruitful and empowering. Networks have been built up with lesbian organisations in England, France, Italy

and Serbia. Building an information pool of (lesbian) experts on violence, the impact of violence on health, identity, etc. is essential to gain more knowledge and to share it.

Perspectives for the future

In 2002 this European project will focus on a big taboo: domestic violence. The research mentioned shows that lesbians who are victims of domestic violence cannot use women shelter houses without either hiding the sex of the perpetrator or taking the risk of being mistreated once more. The results from Belgium even demonstrate that a lot of lesbians who use shelters for homeless people try to escape from domes-

tic violence.⁷ Isolation of battered lesbians is at high rate, support at very low rate. Feminist explanations of domestic violence cannot be used to analyse the dynamics of lesbian domestic violence. The anti-violence project will do research in this field and provide information in a brochure at the end of the year.

In 2003 the 2nd European Conference on Violence against Lesbians will take place in Germany. The documentation will be published in German and English.

CONSTANCE OHMS,
FRANKFURT AM MAIN

EU Enlargement

Romania repeals anti-gay law

In December 2001, the Romanian Parliament finally abolished the notorious anti-homosexual provision of the penal code, Article 200. It provided for a discriminatory age of consent, a discriminatory definition of what could constitute a “public scandal” in case of same-sex relations, and limitations to the rights of freedom of association and expression of lesbians, gays and bisexuals. The definite repeal has only become known after its publication in the Official Journal of Romania on 31 January. Both the Chamber of Deputies and the Senate kept completely quiet before and after their vote on 18 and 20 December respectively. Parliament obviously wanted to avoid provoking any further opposition, in particular from the orthodox Church. By these votes, Parliament endorsed the suspension of Article 200 already decreed by government ordinance in June 2001, which had the immediate effect that Article 200 could not be used in the courts any longer.

On the same occasion, the Parlia-

ment, moreover, fully approved and enacted a government ordinance, issued in August 2000, on the prevention and punishing of all forms of discrimination, including discrimination on the grounds of sexual orientation.

ILGA-Europe issued a press release on 2 February 2002 welcoming this historic step that brought to an end more than ten years of campaigning, led for much of this period by Romania’s national organisation for lesbian, gay, bisexual and transgendered persons, *ACCEPT*. ILGA-Europe board member Tatjana Greif from Slovenia commented: “This is a great moment for Romania’s lesbian, gay, bisexual and transgendered community. *ACCEPT* has fought a determined and courageous battle for the repeal of Article 200, in the face of intense homophobia, and their example is a very positive one for LGBT communities everywhere.” Also for ILGA, the campaign for law reform in Romania – the total ban on male and female homosexuality was only lifted in 1996 – was the largest and longest

in its history.

Pressure from the European Union was certainly an important contributor to this final development. Indeed, as recently as September 2001 the European Parliament had again called on Romania to repeal Article 200 as a step towards membership of the European Union (see *Newsletter* # 3/01, p. 9).

And also the EU Commission in its 2001 Regular Report on Progress towards Accession published on 13 November 2001 had made once again reference to Article 200 as a matter of concern. For the first time, the Commission has also made reference to anti-homosexual legislation in its reports on Bulgaria, Hungary and Cyprus, now the only accession countries left with discriminatory criminal law provisions.¹ This “first” is certainly to a great extent due to ILGA-Europe’s lobbying efforts and the EP hearing held in June last year (see *Newsletter* # 2/01, p. 4). ILGA-Europe board member Nigel Warner comments: “There is no

doubting the seriousness of the European Union’s insistence on lesbian, gay and bisexual rights in the context of Enlargement. Cyprus, Hungary and Bulgaria must recognise that their membership of the European Union will be refused unless they withdraw their discriminatory laws.”

But there is another aspect emphasised by co-chair Kurt Krickler in ILGA-Europe’s media release. He pointed out to a serious credibility problem for the EU: “These developments highlight yet again the shameful double standards operated by those EU member states, Austria, Greece, Ireland, Portugal and the UK, which still maintain discriminatory laws. If Romania, a relative newcomer to democracy and human rights, can conform to Europe’s human rights standards, what is stopping these countries?”

KURT KRICKLER

¹ The 2001 reports for all 12 accession countries are available at: <http://europa.eu.int/comm/enlargement/report2001/> (scroll to the bottom of the page to find the links to each country report).

Since March 1998, ILGA-Europe has been a member of the Platform of European Social NGOs. Through this network, we participate in many relevant activities at EU level, and with various Platform members we work together on specific issues. After the establishment

of the ILGA-Europe office in Brussels, co-operation with the Platform and its members has even increased. In this section we present our partners and some of the joint projects. In the last issue (p. 14), we introduced the Social Platform, this time it is SOLIDAR's turn.

NGO co-operation at EU level

The SOLIDAR alliance

SOLIDAR is an independent international alliance of NGOs involved in social service provision, international co-operation, humanitarian aid and life-long learning. They are historically linked to the free and democratic labour and trade union movement. SOLIDAR has 25 members in 15 European countries, 6 affiliated members and 1 observer.

SOLIDAR and its member agencies are united in their beliefs that social, economic, civil, political, and cultural human rights are indivisible and affirm that equity can best be achieved through solidarity. As an international association SOLIDAR is

involved in activities both related to the European Union as well as international trade, development and humanitarian aid. The main areas of SOLIDAR's activities are:

- Promoting workers' rights in a global economy
- Citizens' Europe: involving people in building a social Europe
- Building respect for migrant domestic workers – a European campaign
- Exchange of good practices between NGOs in fighting discrimination
- Co-ordination, training and capacity building in humanitarian aid for the SOLIDAR network.

European project lagged behind economic and trade concerns. The budgetary constraints put in place to facilitate the introduction of the Euro meant that we saw unemployment and poverty levels increase to record highs", comments Giampiero Alhadeff, secretary-general of SOLIDAR and president of the Social Platform. "We have made progress. The Amsterdam Treaty gave us new instruments to fight unemployment, social exclusion and discrimination. And then last year we welcomed the introduction of the Charter of Fundamental Rights. All of these are real achievements. However, it takes time from Treaty change to making a real difference to the lives of women and men. In the meantime we must work together to make sure that the fight against discrimination becomes a reality."

enough. It had been selected under the preparatory measures aimed at combating and preventing discrimination in accordance with Article 13, financially supported by the European Commission.

"The idea was to bring together some of our members that have direct experience with providing services and a group of European NGOs with the expertise in the different fields of discrimination", explains Roshan Di Puppò, SOLIDAR's anti-discrimination officer. *Status quo is not enough* brought together five SOLIDAR members: four large social service providers in different EU countries (*Arbeiterwohlfahrt-Bundesverband*, Germany; *Volks-hilfe*, Austria; *La ligue française de l'enseignement et de l'éducation permanente*, France; and *Lega Provinciale Cooperative Bolzano*, Italy) and a trade union (UNISON, UK). "We set out as main objective to examine together with our members the best practices for non-discriminatory access to services provided by NGOs in co-operation with three European NGOs: ENAR, the European Network Against Racism, Eurolink AGE and ILGA-Europe", says Roshan.

A series of meetings, each organised by one of these SOLIDAR members in its respective country, examined the glass walls that inhibit equal access to services provided by the voluntary sector. The aim was to improve the expertise of the voluntary sector on how to better address the needs of elderly people, gays and lesbians, people with disabilities, and ethnic and religious minorities.

ILGA-Europe's co-operation with SOLIDAR

Since December 2000, ILGA-Europe, together with other European NGOs, had been participating in an anti-discrimination project co-ordinated by SOLIDAR (see also *Newsletter* # 1/01, p. 7, and # 2/01, p. 10). Through this work, which also involved four SOLIDAR members at national level, ILGA-Europe was able to help promote diversity in particular in the area of social service provision.

The title of the project was *Non-discriminatory access to services provided by the voluntary sector: Promoting best practice*, but it is also referred to as *Status quo is not*

The Silver Rose Awards for Social Justice



The SOLIDAR Silver Rose Awards aim to celebrate the achievements of individuals and organisations throughout the world who have made an outstanding contribution to social justice.

SOLIDAR are now seeking nominations for the Silver Rose Awards for 2002. There will be two awards – one will be given to an organisation or individual working within the European Union and one

will be given to an organisation or individual working in any country outside the European Union. If you know an individual or organisation deserving this award, please fill in a nomination form (available at the Silver Rose Award section of the SOLIDAR web-site at www.solidar.org) and return it by 30 June 2002 to:

Silver Rose Award 2002, SOLIDAR, Rue du Commerce 22, B-1000 Brussels.
Tel: +32-2-500 1020; fax: +32-2-500 1030; silverrose@solidar.org.

To raise public awareness for the fight for social justice and for those fighting social injustice both in Europe and internationally, SOLIDAR launched, in 2000, the Silver Rose Awards for Social Justice, which are presented each year in Brussels.

SOLIDAR is also a member of the Social Platform and has played an important role in the Platform's development, in particular in the area of social policy and civil dialogue. "Until recently the social dimension of the

+ake posi+ive ac+ion

How can we take positive action?

Organisations should take steps to increase the complement of staff from under-represented groups, such as people from ethnic minorities, people with disabilities, older people and gay, lesbian and transgender people. Even if there is no legal obligation to address this issue, equality targets should be set in order to achieve or maintain credibility as anti-discriminatory organisations.

Where is positive action already being taken?

Public institutions have used positive action for many years to promote women. They check areas where women are under-represented, and decide that, at the same level of competence, women will be preferred to men. In some EU Member States, companies of a certain size have to employ a quota of disabled persons or pay a fine. We should make sure that service providers always respect these quotas. Similar schemes are not yet in force for other vulnerable groups - for instance, ethnic minorities are often found doing low-income jobs in social welfare organisations.

solidar

The main outcome of the project is a "Guide of good practice on a non-discriminatory access to services provided by NGOs". The guide is the result of these five seminars held in Brussels, Bolzano, Vienna, Bonn and Paris, which amongst others developed a questionnaire to learn about the experiences and the anti-discrimination policies of the organisations involved. On the basis of the answers to this questionnaire and 30 interviews with people working in the SOLIDAR member organisations, the guide sets out 17 recommendations for good practice. "The idea developed with this guide is for NGO service providers to work both internally and externally for the promotion of diversity on the basis of a clear mission statement", explains Roshan, adding that "later this year we will also publish 'Test your organisation', an online questionnaire for individuals to check if their organisation is free from discrimination".

When asked about the co-operation with ILGA-Europe, Giampiero Alhadef adds: "SOLIDAR has been proud to be able to collaborate with ILGA-Europe. The work of ILGA-Europe is making a great difference both because of the quality of its information and lobbying and because of ILGA-Europe's ability to build alliances with all those who are committed to a Europe where all of us have a place irrespective of our colour, religion, ethnicity, sexual orientation, disability or gender." The added value of working together across different fields of discrimination is in itself also an educating process for all, and Giampiero adds: "We have seen that for many of our fellow citizens discrimination on the grounds of sexual orientation is unfortunately still one of the big hurdles to cross. We will need to continue our joint efforts to campaign and educate to drive this type of

The Guide

Guide of good practice on a non-discriminatory access to services provided by NGOs – 17 recommendations:

SAY IT AND DO IT!

1. Develop a clear mission statement

INTERNAL MEASURES – DO WHAT YOU SAY!

2. Create guiding principles to define your role
3. Make sure your employees know your mission statement and guiding principles
4. Train staff to work in a diverse environment
5. Train workers' council
6. Develop a transparent recruitment procedure
7. Develop a transparent workforce development strategy

8. Take positive action
9. Take symbolic action
10. Promote workers' rights

EXTERNAL MEASURES – SAY WHAT YOU DO!

11. Empower people
12. Use marketing tools to fight discrimination
13. Provide the right services
14. Evaluate yourself
15. Educate against discrimination
16. Raise awareness and lobby
17. Balance ethics and commerce

To get a copy of the guide contact:
SOLIDAR, Rue du Commerce 22, B-1000 Brussels;
phone: +32-2-500 1020; fax +32-2-500 1030;
solidar@skynet.be; www.solidar.org

discrimination out of our public and private spaces".

Who is the driver?

There may indeed be soon an opportunity to continue these joint efforts. SOLIDAR is applying to receive funding for a follow-up project called "Who is the driver? Building capacity in fighting discrimination in NGO service providers". The project was pre-selected for phase 1 under the Community action programme's call for transnational projects (see *Newsletter* # 3/01, p. 11). If eventually selected, the new project will involve again the same SOLIDAR members and

European NGOs and, in addition, be joined by the European Women's Lobby (EWL).

"Welfare organisations do play, because of their social mission, a key role in fighting discrimination. SOLIDAR believes that access to services can only be fully secured if the service provider has undertaken to structure and build-in the concept of diversity, both inside and outside the organisation. Too often this wide and complex task is not entrusted to one person in particular, and organisations assume that the goodwill of employees is sufficient", says Roshan. The project will therefore be based on the work that has already been done

in developing the guide to good practice and concentrate on building capacity inside the social service providers in order to effectively fight discrimination in the access to services and to promote diversity.

In the preparatory phase 1, the project partners have developed a work programme, which will be submitted to the European Commission at the end of March 2002. If the project is selected for Community funding in phase 2, the project partners will start to implement their work programme over a two-year period starting in September 2002.

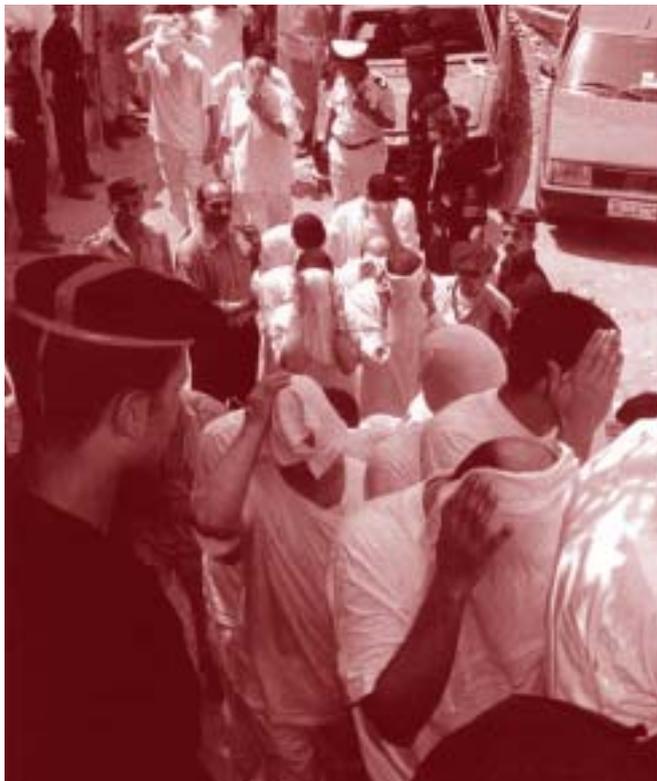
EU and human rights in third countries

Continuing pressure on Egypt

In the August *Newsletter* (p. 11) we reported about ILGA-Europe's actions regarding the prosecution of 52 allegedly gay men in Egypt. This was followed up in the November *Newsletter* (p. 16), which, however, had gone to the printer before the Court in Cairo handed down the sentences on 14 November 2001. Now we can inform that ILGA-Europe issued a press release on the day of the verdict protesting against the conviction of 23 of the men on trial and encouraging our members and others to take action. ILGA-Europe also continued its own activities in this matter.

Firstly, we sent another letter to Commissioner Chris Patten, who is responsible for External Affairs including the Mediterranean Area Development Programme, questioning the financial allocation and the EU support to co-operation programmes with Egypt. In a letter dated 8 January 2002, a member of his Cabinet, Miriam González-Durantez, informed us that the "EU, through the appropriate channels, has made its concerns known and will certainly continue to follow events". She explained the position of the EU by stating: "We believe that the EU should continue supporting the programmes that contribute to Egypt's social and economic development, and to develop a close partnership based on the Barcelona Declaration and the recently signed Association Agreement which cover explicitly human rights. One of the aims of the relationship is indeed to allow both sides to build on areas of common interest, and to discuss, and hopefully resolve, areas of concern such as the one you raise."

Secondly, we sent a similar letter to the President of the EU Foreign Affairs Council, Belgian minister Louis Michel. In a letter dated 20 December 2001, he stat-



The prosecution of 53 allegedly gay men in Egypt led to protests all over the world

ed: "There is a clear contradiction between the severity of the verdicts pronounced by an Egyptian State Emergency Court against the 23 people of this group and our approach of human rights. Therefore, the European Union immediately decided to carry out a démarche with the Egyptian authorities." And Michel continues: "The EU appeals to clemency and the presidential pardon and is determined to keep a close eye on the evolution of this case."

Thirdly, we followed the debate and approval of the Association Agreement between the European Union and Egypt in the European Parliament. On 8

November, MEP Elmar Brok (PPE/D) submitted, on behalf of the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy, an oral question (O-0103/01) to the Council requesting the following clarification: "In what way does the Council propose to monitor the fate of Egyptian citizens arrested on account of their sexual orientation and take progressive and proportionate measures to ensure respect for their fundamental rights, in accordance with international human rights legislation?"

In the run-up to the vote in the EP, a group of 32 members, led by Marco Cappato and Olivier Dupuis (Lista Bonino/Italy), expressed serious concerns and tabled a motion to delay the debate and the voting of the Association Agreement. This should allow the Egyptian authorities to provide the Parliament with further and complete

information about the initiatives they will undertake to solve important human rights questions, such as laws restricting the building of churches and the poor protection of Christians, the persecution of intellectuals and homosexuals.

When we learned that the motion was defeated and the EP would proceed with the debate and the vote, we carried out a fax campaign requesting MEPs to vote against the approval of the agreement "because Egypt is manifestly failing to honour its human rights obligations". However, on 29 November, the EP approved the agreement with a great majority (429 against 11 and 58 abstentions; EP Doc. A5-0387/2001). Due to procedural constraints, the EP cannot make any changes to agreement. It can only agree to it or refuse it. The EP obviously considered it to be more expedient to say yes to the agreement and use it as a tool for further democratisation in Egypt. However, in order to highlight the various issues of concern, including the arrest and conviction of allegedly gay men, the EP adopted another resolution on the same day (B5-0740/2001; for the full text see box on the next page).

As a reaction to these two resolutions, ILGA-Europe issued a media release emphasising that the human rights clause in the agreement must be used to further encourage Egypt to comply with its human rights obligations. ILGA-Europe urged "all EU institutions to closely monitor developments in Egypt and insist that human rights abuses as described come to an end and the convicted men be pardoned and released from prison".

And the European Parliament continued to keep up the pressure on Egypt in various ways. By 12 February 2002, 127 MEPs of all political groups signed the

Web info

Further information available at: www.gayegypt.com
www.iglhrc.org
web.amnesty.org

appeal to the President of the Republic of Egypt, Hosni Mubarak, for the release of the 23 Egyptian citizens condemned to prison sentences between 2 and 5 years. The appeal, launched by French artist Jean Michel Jarre and signed by more than 6000 persons from all over the world, including Catherine Deneuve, Bernard Henri-Lévy, Charlotte Rampling, Juliette Binoche, Jean Réno, Frédéric Mitterrand, Anthony Delon and Isabelle Giordano, had been diffused in the European Parliament on the initiative of MEPs Cappato and Dupuis and of Ottavio Marzocchi, member of the political board of the Transnational Radical Party. In the letter sent to their colleagues, and co-signed by Michael Cashman, Joke Swiebel, Gianni Vattimo (PES), John Bowis (PPE), Sarah Ludford (ELDR), Alima Boumédiène-Thiery (V), Pernille Frahm (GUE), the Radical MEPs underlined the importance of exerting political pressure on President Mubarak at European level in order to convince him to pardon the 23 men in jail.

On 31 January, Michael Cashman sent a letter to the Egyptian ambassador to Belgium, co-signed by 30 MEPs: "We are dismayed yet not deterred to learn that not only is Egypt as yet not prepared to go back on its actions against the 23 still serving hard labour, it is even allowing further abuses to occur. We refer specifically to the arrest of four homosexuals on similar charges by the Central Vice Squad in Giza, a suburb of Cairo, *the very day after* the sentencing of the 23 presumed homosexuals." The members of the European Parliament ask that both the ambassador and President Mubarak respond to these concerns. Cashman moreover invited the ambassador to a meeting in the Parliament to discuss the issues with MEPs.

On 4 February, Egyptian ambassador Soliman Awaad visited – not the European Parliament but – "Het Roze Huis", the gay and

European Parliament resolution

on the conclusion of an Association Agreement with Egypt (B5-0740/2001)

The European Parliament,
■ having regard to the proposal for a Council and Commission decision (COM(2001) 184),
■ having regard to the draft Euro-Mediterranean Association Agreement between the European Community and its Member States and the Arab Republic of Egypt,
■ having regard to its assent of 29 November 2001 to the proposal for a Council decision concerning the conclusion of a Euro-Mediterranean Association Agreement between the European Communities and their Member States, of the one part, and the Arab Republic of Egypt, of the other part (8220/2001 – COM(2001) 184 – C5-0381/2001 – 2001/0092(AVC)),
A. having regard to the European Union's long-standing special political, economic and cultural relations with the Arab Republic of Egypt,
B. having regard to Egypt's crucial Middle East role in the Israeli-Palestinian conflict with regard to both the peace process and stabilisation of the region,
C. having regard to the agreement's potential effects, and in particular its role both as an instrument driving forward political partnership and closer relations between the European Union and the Arab Republic of Egypt, and as a force for social, economic and cultural development, in a climate of mutual respect,
D. whereas the reference made to political dialogue between the European Parliament and the

People's Assembly of Egypt as a way of ensuring scrutiny of the implementation of the Association Agreement is inadequate,
E. whereas, despite substantial efforts, progress still needs to be made in the Arab Republic of Egypt with regard to human rights, freedom of expression and freedom of religious conscience, these being areas in which civil society has a major role to play,
F. Expresses its regret concerning certain paragraphs of the letter from the President of the People's Assembly of the Arab Republic of Egypt on this resolution;
G. whereas efforts should be made to develop and consolidate a strong civil society which, through its action, could play an effective role in the process of democratisation in Egypt and support the values upon which the Euro-Mediterranean partnership is based,
1. Welcomes the conclusion of a draft agreement by the Council and the beneficial consequences, both economic and political, that such an agreement must have for relations between the two parties;
2. Points out that respect for human rights constitutes a vital component of the Association Agreement;
3. Stresses the need to recognise the ability of the Arab Republic of Egypt to play a part in stabilising the Middle East region, and to involve it even more than in the past in the resolution of the Israeli-Palestinian

conflict;
4. Regrets the fact that the text of the agreement does not make a more explicit reference to relations between the European Parliament and the People's Assembly of Egypt;
5. Calls on the Egyptian authorities to continue and step up their efforts to ensure greater respect for fundamental rights and for the freedom of all faiths, and to enhance the ongoing dialogue with civil society;
6. Expresses deep concern at the arrest, detention and trial of 52 men on grounds relating to their homosexuality and calls upon the authorities to free the 23 men given custodial sentences as a matter of urgency;
7. Calls on the Egyptian Parliament to abolish the death penalty;
8. Calls on the Council and the Commission to devise practical arrangements for regular assessments of compliance with Article 3 by all contracting parties to the Euro-Mediterranean Association Agreement, with a view to bringing about verifiable progress with regard, in particular, to regular and impartial monitoring of developments in the field of human rights and the extent to which human rights activists are free to act and speak out in defence of the rights of others;
9. Instructs its President to forward this resolution to the Commission, the Council and the Government and People's Assembly of Egypt.

lesbian centre in Antwerp. The ambassador declared that an Egyptian court would consider the appeal of the 23 convicted men in March as they have all made use of the possibility to appeal against their sentences. This piece of information conflicts with previous information that no appeal against the decisions of the State Emergency

Court was possible. During his visit in Antwerp the ambassador also explained that Egyptian law does not mention homosexuality: "The 23 men were convicted because of lewdness and contempt of religion." This was the same justification that the president of the Egyptian Parliament gave in a letter to the European Parliament.

It certainly is necessary to keep up the pressure on Egypt both from European and national organisations and politicians. In January, another case had been reported: Eight men were arrested for the "practice of debauchery" in Damanhour, capital of the province of Al-Beheira.

No equal rights yet:

Lesbians and gays in the EU institutions

In the disappointing ruling of the European Court of Justice in the case *D & Sweden v Council* (see *Newsletter # 2/01*, pp. 13-14) the Court found that registered partnership is not equivalent to marriage. The Court also clearly stated that it is for the legislators to adopt appropriate measures to alter the situation of same-sex couples. In our August *Newsletter* we reported about the correspondence between MEP Torben Lund (PES/DK) and Commissioner Neil Kinnock, responsible for Internal Affairs, on the reform of the Staff Regulations of the European institutions.



Torben Lund (PES/DK) and a group of 32 other MEPs initiated a plenary debate with Commissioner Kinnock in the European Parliament in December 2001

In the light of this ruling, a group of 33 MEPs initiated a plenary debate with Kinnock in the European Parliament on 13 December 2001, who is currently preparing the reform of the personnel policy of the EU institutions. The debate was based on an oral question (B5-0533/2001) to the Commissioner stressing that today many EU member states grant cohabiting same-sex partners the same social and legal rights and duties as other citizens (as everybody contributes to the social security and health system

on equal terms). In several international organisations (e. g. the European Central Bank) and in many private companies employees with a same-sex partner could obtain the same rights as employees with an opposite-sex

partner in fields such as health insurance, family allowance and survivor's pensions, simply by presenting a statement of cohabitation. The Commission was asked how it will ensure that a homosexual employee and her/his permanent partner will be granted equal entitlements, not only to health insurance and family allowance, but also to a survivor's pension, which are important elements in the salary. The MEPs reminded the Commission that the question of cohabiting partners is not only a matter for same-sex partners but also for opposite-sex partners, and asked in addition if the Commission can confirm that it will assign couples of the opposite-sex the same rights as their married colleagues.

Torben Lund opened the debate in the Parliament by referring directly to the current version of the proposal for reforming the Staff Regulations according to which homosexuals can obtain equal rights if there is registered partnership legislation in their home country. "Since the registered partnership laws vary in the different member states in their level of similarity with marriage law, I would like the Commissioner to inform which countries' citizens would be granted full equal rights. Where will the Commission draw the line? Additionally, the Commission plans to

grant some rights to heterosexuals living in a domestic partnership, such as health insurance for their partners. This is progress, but I would like to know if this would also apply to cohabiting homosexuals in all member

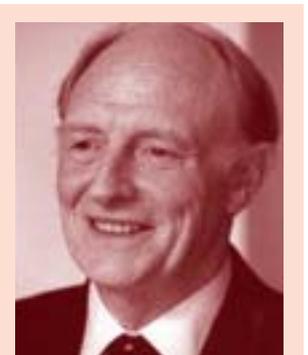
The Commission was asked how it will ensure that a homosexual employee and her/his permanent partner will be granted equal entitlements

states. Will for example British or Italian cohabiting homosexuals be able to obtain these limited rights?"¹

Commissioner Kinnock emphasised in his reply that the Commission would seek to modernise the Regulations in order to reflect the wide-ranging social change that has occurred since the adoption of the current Staff Regulations in 1968. Kinnock said in his detailed reply: "The Commission therefore proposes to ensure that staff who do not have access to marriage under the current national legislation are not discriminated against and to provide improved treatment for people who, for personal reasons, choose not to be legally married. To achieve this, the Commission seeks to provide full statutory recognition and commensurate benefits for all EU staff who are in partnerships that are shown to be stable in nature". And he added that "the Commission accords equal recognition to all existing national regimes which make provision for stable partnerships. So far as we are concerned, the stable partnerships to be recognised will include homosexual partnerships which will be regarded in the same way as heterosexual partnerships and subject to following conditions: firstly, the couple must provide a legal document of an EU member state which acknowledges

their status as non-marital partners. Secondly, neither partner may be married or in another non-marital partnership. Thirdly, there must be no blood relationship in the first or second line between the partners. Fourthly, that the couple must not have access to legal marriage in a member state."

According to the Commission, people in recognised stable relationships, who would meet the requirement set out above, would be entitled to family related benefits which, under the current Staff Regulations, are only avail-



Kinnock stated that „the Commission seeks to provide full statutory recognition for all EU staff who are in partnerships that are shown to be stable in nature“

able to heterosexual married couples and same-sex couples married under Dutch law. The entitlements include household allowance, health insurance coverage, survivor's pension and annual travel allowance.

Several other MEPs took the floor under the debate with Commissioner Kinnock. Michael Cashman (PES/UK) focussed on the requirement to procure a legal document by an EU member state, which is not available in the United Kingdom. Mari-

anne Eriksson (NGL/S) found it difficult to understand why, in this case, the EU institutions would treat their staff on a national basis and thus would discriminate against employees on the grounds of nationality: "If we follow this reasoning, it would imply that the staff of the EU institutions could also be paid on a national basis, which is not case".¹

At the end of the debate Mr Kinnock informed the Parliament that the Commission would submit its final proposal for the reform of the Staff Regulations to the Council and the Parliament in spring 2002.²

After the debate Torben Lund issued a media release – "years of discrimination of homosexuals in the EU institutions near the end" – stating that the overall proposal is a great step forward, however there is a group of people that still would not receive any family benefits according to the proposal. Cohabiting homosexuals from countries without any same-sex partnership legislation will not obtain any new rights. Torben Lund urges Mr Kinnock to continue the good work and fight for the proposal in the Council, where it has to be adopted by unanimity. "I hope that countries like Italy and Ireland will not block this excellent proposal in the Council. We have to keep up the pressure."

EGALITE, the organisation of lesbian and gay staff working for the European institutions, has been following and participating in the current negotiations on the revision of Staff Regulations with the cabinet of Commissioner Kinnock. In this context, EGALITE has asked ILGA-Europe to help collect comparative information on the situation at national level. We believe that these negotiations and the revision of the Staff Regulations are very important, and that a successful outcome would set a very useful precedent at European level. ILGA-Europe has therefore, in co-operation with members of EGALITE, put together a short

questionnaire which was sent out to the members of the ILGA-Europe EU national co-ordination network (see *Newsletter* # 2/01, p. 7). The answers serve as an overview of the current laws and practices for cohabiting and registered same-sex couples.³

As a follow-up to the debate in December, MEP Joke Swiebel (PES/NL) submitted a question (E-0516/02) to the Commission on 13 February 2002, asking

a Greek or Italian official in a stable partnership (irrespective of gender) does not get equal rights, as they cannot procure any national document for their partnership at all.

Swiebel then asks what the Commission plans to do to prevent this kind of discrimination of EU officials and to maintain their freedom not to marry, but to choose another partnership without getting fewer rights than

goes. For example, would a registered partnership certificate under the Catalan law be sufficient since the document has to be "of an EU Member State"? Moreover, the UK does not provide for registered partnership, but bi-national couples who obtain permission for the foreign partner to reside in the UK receive a document from the immigration authorities which gives recognition to their relationship. Would this constitute



Today only same-sex couples married under Dutch law are fully recognised by the EU Staff Regulations

amongst other things whether the Commission did realise that its four conditions for recognition of a stable partnership would lead to discrimination on the grounds of nationality.

She gives the following examples: a Dutch official of an EU institution with his/her registered

married EU officials.

The Commission is expected to reply to the question within two months from the date the question was tabled.

For ILGA-Europe Kinnock's explanations signify that recognition of same-sex partners who

"a legal document of an EU member state"? So, a lot of questions will have to be addressed and solved, and we are already curious about the final proposal of the Commission.

METTE VADSTRUP

A successful revision of the Staff Regulations is very important and would set a very useful precedent

same-sex partner would not be granted equal rights as they have the possibility to marry; a Swedish or Danish official with a registered same-sex partner would get equal rights, because they cannot marry;

are not married is restricted to couples who can provide a legal document of an EU member state which acknowledges their status as non-marital partners. It would, indeed, be interesting to know how far this definition

¹ Unofficial translation from Danish respectively Swedish by the author of this article.

² The full minutes of the debate are available at the web-site of the European Parliament: www.europarl.eu.int.

³ A copy of the overview is available from the ILGA-Europe office.

recent activities

Meeting with EuroFLAG

EuroFLAG, European Families of Lesbians and Gays, was set up by parents associations supporting lesbian daughters and gay sons from Belgium, France, Germany, Italy, Spain and the UK. Their aim is to combat all forms of discrimination and violence against lesbians and gay men and their families (see also *Newsletter # 2/01*, p. 15). The administrative council of *EuroFLAG* met in Brussels on 1 December 2001 to discuss and adopt their new project (see box). The delegates used this occasion to pay a visit to ILGA-Europe. Mette

THE EUROFLAG PROJECT

One of its objectives of *EuroFLAG* is the raising of public awareness on issues surrounding homosexuality. To this end the organisation is working on a small-scale information gathering project with advice from Nicola Douglas – a well-respected social scientist – who, together with her colleagues at the Institute of Education, University of London, has produced some of the most important recent research on lesbian and gay issues.

The project seeks to identify the concerns and experiences of families in supporting their young lesbian and gay members and how families themselves can be best supported in this. In order to gather this information, a research review will be carried out in each participating country. The reviews will examine particularly the topics of homophobic bullying, suicide and self harm, parental support and, where possible, identify information on both risk and protective factors.

A small number of in-depth family case studies will be carried out in each country to examine key issues in under 18 year olds. This information, together with that from the research review, will be drawn together in a report. The reports from each country will then be collated in a summary report to outline problems faced by this group of young people and an agenda for further action.

For further information, please contact *EuroFLAG* at: jennybroughton@eurobell.co.uk.

Vadstrup, Olivier Collet and Kurt Krickler welcomed them to the office where they had a warm, friendly and wide-ranging discussion on the issues facing lesbians, gay men and their families in the European Union, which continued over a common dinner. “We look forward to working together in the future”, said both *EuroFLAG* president Jenny Broughton and Kurt Krickler, who added that ILGA-Europe will give any support it can.

Human Rights Discussion Forum

On 21-22 November 2001, co-chair Kurt Krickler participated in the EU Human Rights Discussion Forum organised by the Belgian EU Presidency and the EU Commission in Brussels. This Forum has become an annual event since it was first organised under the Finnish Presidency in December 1999. At this Forum, the EU Annual Report on Human Rights is presented. Although focusing on the EU’s external relations, it also looks at specific internal topics, such as for example at racism in the 1999 report. While the 1999 report under the item “Non-discrimination and respect for diversity” had mentioned “sexual orientation” at least once, all reference to LGBT disappeared in the 2000 report prepared under the French Presidency. And no reference reappeared in last year’s report although ILGA-Europe had raised this omission in its talks with representatives of

the French, Swedish and Belgian Presidencies. Only the title of the item remained the same, reminiscent of what used to be addressed under it in the first report.

Religion in international policy making

On 28 November, information officer Mette Vadstrup attended a seminar in the European Parliament on the “Role of Religion in International Policy Making”. It was hosted by MEPs Louisewies van der Laan, Joke Swiebel and Elly Plooij-van Gorsel and co-hosted by MEPs Emma Bonino, Cecilia Malmström, Sarah Ludford, Anna Karamanou, Heide Rühle, Gianfranco dell’Alba, Kathleen van Brempt and Özan Ceyhun. The aim of the one-day seminar was the to provide for a thoughtful examination of the proper role of religions in international governance. More than 80 people participated in the event including MEPs and their staff, members of the European Catholic reform movement and representatives of various interest groups including LGBT rights and civil liberties organisations.

In the third session titled “The separation of Church and State, real life situations”, Imma Battaglia, president of the *DIGAYPROJECT* and one of the organisers of the World Pride in Rome in 2000, addressed the issue of “The Church and gay rights”. Although some participants spoke in favour of not conceding any role in international governance to religions, the outcome of the day was based on a consensus that churches are entitled to participate in governance like other organisations but should not occupy the privileged position that some feel they would be entitled to.



Frances Nicol (*FFLAG-UK*) and Jenny Broughton (*FFLAG-UK* and *EuroFLAG* president) met Kurt Krickler, Mette Vadstrup and Olivier Collet in the ILGA-Europe office in Brussels

Site 13 conference

On 30 November, Kurt Krickler attended a conference on the commitment of European local authorities against discrimination organised by the *Site 13* project in Brussels. This project, which is funded by the EU and six partners co-ordinated by the World Federation of United Cities, has the objective of creating a European network of local authorities on the issue of enforcing Article 13 of the Amsterdam Treaty at local level and in particular with regard to multiple discriminations. One of the speakers was Jordi Petit, former ILGA secretary-general and this time representing one of the *Site 13* project partners, the City of Barcelona. Highlight of the one-day conference was the presentation of *Site 13*, the Internet web-site created by the Network of Local Authorities Against Discrimination.

Address: www.site13online.org.

Seminar in Maastricht

On 18 January 2002, Mette Vadstrup attended the seminar "We are family? – Recognition of same-sex partners in EU law" organised by the University of Maastricht. Mark Bell, lecturer at the University of Leicester and author of many of ILGA-Europe's position papers, gave a presentation on the current status of the level of recognition in EU law and outlined areas where there is space for progress.

The seminar was attended by students and professors in both family law and private law. They engaged in a very interesting debate, in particular on the issues of non-recognition of same-sex couples as an obstacle to free movement of persons and mutual recognition of different partnership laws as an aspect of subsidiarity and respect for national identity.

A common EU immigration policy

On 1 and 2 February, Mette Vadstrup attended the seminar "A common EU immigration policy – Dream or reality?" organised by ENAR, the European Network Against Racism. Speakers included members of the European Parliament, Mr Joaquim Nunes de Almeida from Commissioner António Vitorino's cabinet (responsible for Justice and Home Affairs) and national and regional members of ENAR. Considering that the EU is seeking to harmonise legislation in the areas of asylum and migration, the two-day seminar provided a forum for discussing the issues and being updated on the state of play of the various Commission proposals (see also articles on p. 3 and p. 4). In particular Mr Nunes de Almeida shed light on the obstacles that exist not only within the Commission but also in the Council.

MV/KK

news clips

European arrest warrant

In the last issue of our *Newsletter* (p. 15), we expressed our concerns regarding the Commission proposal for a European arrest warrant which provided for the recognition of the entire criminal law of a member state by all other member states and the agreement to assist in enforcing it. This would have included legislation discriminating against homosexuals that still exist in some member states. At the Laeken Summit last December, the member states could not agree on such a far-reaching solution and finally established only a so-called positive list of certain explicitly mentioned crimes for which the European arrest warrant will be applicable. Thus, the danger of a gay man prosecuted by one member state under its discriminatory provision being extradited by another member state has been averted.

Arcigay national congress

2002 has already been a busy congress season for Italy's gay and lesbian movement. From 9 to 13 January, its 30th anniversary was celebrated with an exhibition, a national conven-

tion and various other events taking place in Rome. Italian board member Riccardo Gottardi represented ILGA-Europe at the celebrations and presented ILGA-Europe's work and relevant developments at European level in the international session of the conference.

From 1 to 3 February, *Arcigay*, the national Italian gay association, held its congress in Riccione. Once every three years, delegates from all local groups of the association meet and elect a president and a secretary for the organisation and its National Council, the parliament-like body of the association.

A key issue in the document presented by the president, Sergio Lo Giudice, who was standing for re-election, was the involvement of *Arcigay* in EU and international activities. In the last three years, *Arcigay* has been a partner in several transnational projects (Be Equal, Be Different, CERIS, Consultancy, etc.) and has played a growing role in ILGA-Europe, hosting its annual conference in Pisa in 1999, "providing" a member for its board since 2000, and taking part in the ILGA-Europe EU network. "The past three years", said Sergio, "have been very important to increase our knowledge and our skills. We are now at the beginning of a road that we shall follow till



From 1 to 3 February 2002, *Arcigay*, the national Italian gay association, held its congress in Riccione

the end in the fight against discrimination, building partnerships with other organisations also in fields different from that of sexual orientation, co-ordinating our efforts with other LGBT organisations in Europe. We cannot but look at the European Union that will be our key instrument in the coming years to achieve full equality for lesbians and gays in Italy." Sergio Lo Giudice was re-elected as president for the next three years, and Aurelio Mancuso is the new Secretary for the organisation.

Riccardo Gottardi attended the Congress as a delegate of *Arcigay*'s Pisa branch and delivered the greetings of the ILGA-Europe board. He also gave a brief presentation of the papers the 105 delegates found in their folders: a complete overview (18 pages) of the EU

framework directive, of the Community action programme against discrimination and of the EU policies on immigration, asylum and internal affairs. Many delegates expressed their appreciation, and the possibilities envisaged in the report raised the most interest.

Riccardo Gottardi was re-elected to the National Council that will soon meet to appoint the new board of Arcigay.

The congress laid the foundations for a new and more effective Arcigay that is better

placed to protect and promote the civil liberties and the social rights of gay people in Italy. A proposal was launched to establish a common platform of LGBT groups in Europe for the next European Parliament elections.

A sign of the growing relevance of Arcigay was the presence at the opening plenary, for the first time ever, of the political secretary of the main left-wing party. His presence and his speech showed that today it is impossible to further ignore LGBT rights. Even in Italy.

The congress documents can be found at the new Arcigay web-site at: www.arcigay.it.

Relevant EU funding opportunities

Call for proposals for Tacis institution building partnership programme Support to civil society and local initiatives

Publication reference:

EuropeAid/113150/C/G/multi.

The support to civil society and local initiative programme is a component of the Tacis institution building partnership programme, budget line B7-520 under Tacis.

The programme supporting civil society and local initiatives is designed to support an institution building process for a successful transition towards a market economy, the reinforcement of democracy and civil society and the establishment of the rule of law through partnership cooperation between non-governmental organisations, local and regional authorities or non-profit professional organisations from the European Union and their counterparts in Tacis countries.

Geographical area: Russia, Belarus, Moldova, Kazakstan, Ukraine, and Mongolia.

The European Commission will finance a maximum of 80 % of the total of the eligible cost up to a ceiling of € 200,000. The applicants and partners must provide co-financing of a minimum of 20 % of the overall budget in cash.

Applications should reflect partnerships between non-governmental organisations, local and regional authorities or non-profit professional organisations in the EU and in the Tacis countries.

Deadline for applications: 8 April 2002.

Detailed information on this call for proposals is contained in the guidelines for applicants, which are published together with the full text of this notice on the Internet website:
http://europa.eu.int/comm/europeaid/tender/index_en.htm.

Any questions regarding this call for proposals should be sent by e-mail (including the publication reference of this call for proposals mentioned above) to fabrizio.moroni@cec.eu.int. All applicants are encouraged to consult the above Internet web page regularly before the deadline for applications since the Commission will publish the most frequently asked questions and the corresponding replies.

Call for proposals for projects to preserve the sites of Nazi concentration camps as historical memorials (2001/C 374/06)

Under Article A-3035 of the European Union's General Budget, the Commission can award grants for projects to preserve, as historical memorials, the sites of the former Nazi concentration camps and the archives associated with the deportations to them.

The application must be for a project starting between 1 July 2002 and 15 December 2002 and finishing before 31 July 2003.

Application should be made on a special form which may be obtained from the following address:

European Commission, Secretariat General, BREY 9/232, B-1049 Brussels.

The form is also available at the following Internet address:

http://europa.eu.int/comm/secretariat_general/sgc/subvention/en/subv.htm.

Deadline for applications: 31 March 2002.

The full text of this call for proposal was published in the Official Journal of the European Communities of 29 December 2001, OJC 374 page 56, available also at: http://europa.eu.int/eur-lex/en/dat/2001/c_374/c_37420011229en00560058.pdf.

Forthcoming conference in Turin

"Marriage, partnerships and parenting in the 21st century –

The current international situation and new perspectives for gay, lesbian, bisexual and transgendered people and their families – a comparative approach".

This is the title of a conference the Centre for Research and Comparative Legal Studies on Sexual Orientation and Gender Identity (CERSGOSIG) will be organising in Turin, Italy, from 5-8 June 2002.



For information concerning the conference programme, please contact: glbtlaw.committee@informagay.it.

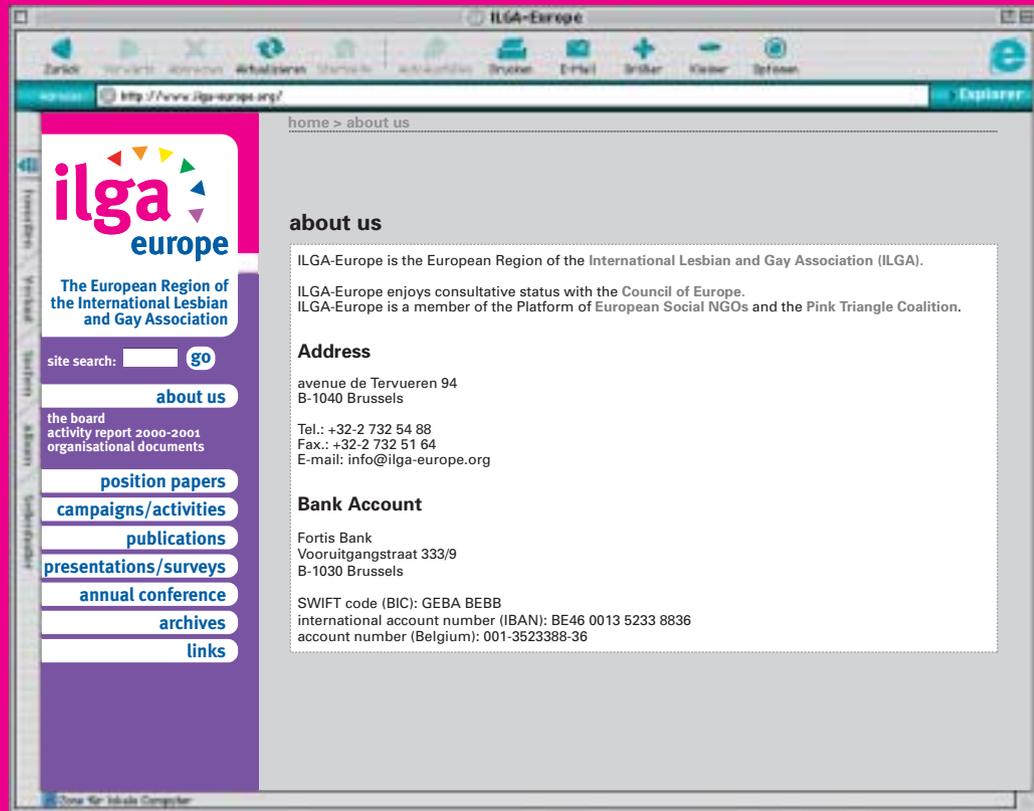
For information concerning registration, accommodation and travel, please contact: glbtlaw@informagay.it.

For detailed information, please see the conference web-site at: www.glbtlawturin2002.org.

RICCARDO GOTTARDI//KK

Visit the ILGA-Europe web-site

Come and visit us at our all new web-site. It features a variety of up-to-date information, logically structured and re-edited for the web. The functional design will help you find easily what you are looking for. With an archive section, download options (PDFs) and a site-wide full text search engine.



ILGA-Europe Activity Report 2000-2001 published

The 20 page report can be downloaded in PDF format at the ILGA-Europe web-site (see above), or you can order a (free) printed copy from our office:

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**ANNUAL CONFERENCE
AT LISBON, PORTUGAL**

23-27 October 2002

