



Scandal in Egypt

52 allegedly gay men on trial

creating
partnership
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conference snapshots





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Table of contents

- 2 Conference snapshots
- 3 Editorial
- 4 ILGA-Europe's Annual Conference
- 5 Creating Partnership in Europe
- 7 The new executive board of ILGA-Europe
- 8 Immigration and asylum: Major campaigns needed
- 9 LGBT rights continue to be on the EU enlargement agenda
- 11 Action programme: Phase 1 for the 71 pre-selected projects
- 13 Council of Europe: Historic statement
- 14 The Social Platform
- 15 Recent activities
 - European Arrest Warrant
 - Combating sexual exploitation of children
- 16 News Clips
 - Increasing pressure on Egypt
 - Will EU recognise Dutch same-sex marriages?
 - Finland adopts Registered Partnership Act
 - European Liberals unanimous on same-sex marriage
 - Compensation for Nazi victims
- 18 Moldova: Twinning project launched
- 19 Latvia: Lesbian and gay activists from Eastern and Central Europe met

Editorial

ILGA-Europe's annual conference in Rotterdam was a great success. Our host, *COC Nederland*, had arranged an excellent meeting including a theme day on partnership which aimed at sharing information on developments regarding partnership legislation and initiatives across Europe. The conference programme contained a broad range of workshops, some focusing on developing ILGA-Europe policies and others of a more project-related nature. The General Assembly adopted the work programme and budget for 2001-2002 and elected a new executive board. Much work went into preparing the conference, and several articles on the following pages will cover the events in Rotterdam.

The setting up an office in Brussels has also resulted in increased cooperation with other European networks fighting discrimination, in particular within the Platform of European Social NGOs. We, therefore, decided to start a new section in our *Newsletter* where we will introduce our European partners and the activities and projects we are involved in, hoping that this will also inspire and promote the horizontal approach to combat discrimination at national and local levels.

Another advantage of having an office in Brussels is the increased cooperation with members of the European Parliament (MEPs), notably of its Intergroup on Gay and Lesbian Rights. As the European Union is currently seeking to harmonise asylum and immigration laws, the relations with MEPs are very important. In order to influence the legislative processes, ILGA-Europe has been commissioning specific position papers for submission to the EP, the Commission and the Council. The increased communication with MEPs is reflected in many of the articles of this *Newsletter*, covering the many initiatives on the EP agenda at the moment. There have also been very positive developments in the area of EU enlargement. The EP hearing last June has really impacted on the Parliament's accession country progress resolutions adopted in September. But at the same time we should not forget that there is also a Europe beyond the member states and the accession countries, and we, therefore, have included an article on very exciting developments in Moldova.

We would also like to apologise for the delay in receiving our last issue. There were problems with the DHL dispatch outside our control. DHL obviously processed the *Newsletter* only ten days after our delivery – when we complained because the board members “control group” around Europe still had not received it.

THE EXECUTIVE BOARD

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Rotterdam, 24-28 October 2001

ILGA-Europe's Annual Conference

120 delegates from 31 countries attended ILGA-Europe's annual conference organised by the Dutch national lesbian and gay association *COC*. While it was the 5th annual conference of ILGA-Europe (after London 1997, Linz 1998, Pisa 1999, and Bucharest 2000), it was already the 23rd European conference of ILGA, as ILGA's European Region was only established in Madrid in 1996.



Delegates from 31 countries participated in the workshops

The opening plenary was addressed by Boris Dittrich, member of the Dutch Parliament for the liberal *D66* party, Renée Jones-Bos, Human Rights Ambassador at the Dutch Ministry for Foreign Affairs, and ILGA World secretary-general Kürşad Karamanoğlu. Jackie Lewis welcomed the participants on behalf of ILGA-Europe, COC board member Karin Hagelstein and Coen van Gestel on behalf of the organisers.

The theme of the four-day conference was "Creating partnership", and a whole day was dedi-

cated to discussing equality for all forms of partnerships and families of lesbian, gay, bisexual and transgender people (see separate article on page 5). The programme of the conference also included two pre-conferences, one on trade unions, one on community based working, the latter organised by the Dutch *Schorerstichting*, and a whole series of workshops dealing, for example, with potential further developments at EU level where new opportunities are opened up by the Community action programme to combat discrimination (see separate article on p. 11) and the legal changes envisaged in the field of immigration, free movement and asylum (see separate article on p. 8).

A special focus this year was given to defining the needs and issues of transgender communities in Europe and consequently increasing ILGA-Europe's own skills in arguing against gender identity discrimination and making the T in LGBT visible and strong in our work. A new working group was formed which will focus on the new gender directive to be proposed by the European Commission.

The conference received financial support from the City of Rotter-

dam, the German *Heinrich-Böll-Stiftung*, the Open Society Institute, the Dutch funding organisations *HIVOS* and *Mama Cash*, and from the *COC Haaglanden* branch. This support made it possible to bring many delegates

Opus Gay. António Serzedelo received the ILGA-Europe flag that is always handed over from the outgoing host to the next one. Glasgow, winning over Copenhagen, was chosen as venue for the 2003 annual conference.



from Central, Eastern and Southern Europe on a scholarship programme to the conference.

The City of Rotterdam received the delegates both at the City Hall and the Boijmans van Beuningen Museum which offered a tour of its spectacular Hieronymus Bosch exhibition. The social programme also included a boat trip on the river Maas and the showing of the movie *The Celluloid Closet*, common evening dinners and a farewell party. COC has arranged a well-organised and excellent conference which created a very constructive and enthusiastic atmosphere.

The next ILGA European conference will take place in Lisbon in autumn 2002 and be organised by Portuguese ILGA member

General assembly

The Rotterdam conference also served as ILGA-Europe's general assembly, and we could look back on an extremely successful business year. As reported before ILGA-Europe has been operating on a core-funding grant from the European Commission since December 2000 which made it possible to open an office in Brussels and to hire two employees in February 2001. Another major activity area of the past 12 months was the important work carried out in the context of EU enlargement (see separate article on p. 9). The executive board presented a detailed 20-page printed activity report for 2000-2001. A copy can be ordered from our office or downloaded from our web site.



Dutch MP Boris Dittrich, Human Rights Ambassador Renée Jones-Bos and ILGA secretary-general Kürşad Karamanoğlu addressed the opening plenary



António Serzedelo received the ILGA-Europe conference flag for Lisbon 2002

ILGA-Europe's treasurer Nigel Warner also presented the current state of ILGA-Europe's finances as of the end of August 2001. The budget for the next business year and a work programme for the period 2001-2002 foreseeing the

further development of ILGA-Europe's staffing resources was debated and adopted. It is planned to hire two more staff in 2002 to be able to fully make use of the opportunities offered at EU level by the action pro-

ILGA-Europe to recruit Executive Director

ILGA-Europe is to appoint an Executive Director. We are looking for someone able both to develop and execute results-oriented campaigning strategies. She or he will need to be a highly effective lobbyist, able to

command the respect of representatives of the European institutions, while motivating LGBT organisations to join in co-ordinated pan-European campaigns. It is planned that the Executive Director

will start work in May 2002.

If you are interested in applying for this position, please e-mail Nigel Warner for an application pack:
nwarner@gn.apc.org

gramme against discrimination (see advertisement above).

A new executive board was also elected – see the separate presentation of the new board on p. 7. Also the two representatives of the European Region to the ILGA World board and their reserves were elected. Jackie Lewis and Pierre Noël (*Tels Quels*, Belgium) will continue as the European representatives on the ILGA

World board. As reserves were elected Grada Schadee (*AOB*, Netherlands) and Miran Šolinč (*ŠKUC-Magnus*, Slovenia).

Most of the conference papers, documents, minutes and the conference report are available at our web site at:
www.ilga-europe.org.

KURT KRICKLER

Rotterdam conference hosts first theme day

Creating partnership in Europe

"Creating Partnership" was the slogan of the Rotterdam conference, and Friday, 26 October was "Partnership Day". For the first time a whole day of the annual conference was devoted to a specific theme. As the first country in the world to recognise cohabiting same-sex partners (1979) and to open up civil marriage to same-sex couples (2001), the Netherlands was the perfect place to explore this subject. The aims of the day were to share information on developments in the Netherlands and elsewhere in Europe, to discuss how ILGA-Europe member organisations can support each other's national struggles toward greater equality in the area of partnership, and to identify the ways in which ILGA-Europe, the European Union and the Council of Europe can contribute to the legal recognition of

same-sex partnerships at the national and European levels.

Chaired by Astrid Mattijssen and Peter Zijlema, Partnership Day began with a speech by Henk Krol, editor-in-chief of the *Gay Krant*, the leading lesbian and gay publication in the Netherlands. He recalled how he discovered in 1985 that the Dutch civil code was silent on the sexes of the parties to a marriage. This led to a test case, which was rejected by the Dutch Supreme Court in 1990 but clearly put the onus on the Dutch Parliament to act. It responded by passing a registered partnerships law in 1997, and the law opening up civil marriage in 2000. Mr Krol organised the world's first legal same-sex weddings at Amsterdam City Hall, seconds after the law came into force on 1 April 2001.

European overview

Robert Wintemute, a law professor at King's College London, then gave an overview of the situation in Europe. He noted that the last four years have seen rapid progress in the area of partnership. It took from 1979 to 1997 for the number of countries (or regions within countries) with some form of legislation recognising same-sex partners to grow from 1 to 7. Yet from 1997 to September 2001, the total has soared from 7 to 19. In addition to the Dutch laws, registered partnership laws providing rights and duties almost equal to civil marriage have been passed in Denmark, Finland, Iceland, Norway and Sweden, while Belgium, France, Germany, four regions in Spain, and one canton in Switzerland have adopted regis-

tration laws providing rights and duties that are substantially inferior to civil marriage. Unregistered same-sex cohabitants receive an inferior package of rights and duties in Hungary and Portugal, and laws in Austria, Spain (national level) and the United Kingdom (Scotland) recognise them in a few specific areas. But progress on equal parental rights for same-sex partners has been much slower. Although at least 33 of 43 Council of Europe member states have no legislative or judicial ban on adoption by lesbian and gay individuals, second-parent adoption is permitted only in Denmark, Iceland and the Netherlands, domestic joint adoption is permitted only in the Netherlands, and no European country has authorised international joint adoption.

After the review of the legal situation, Lousewies van der Laan, MEP for the European Liberal and Democratic Party, spoke about the political situation and how political action and arguments could achieve legal change. She stressed that the issue is "marriage", not "gay marriage". There is only one kind of civil marriage in European countries and the question is why it is not discrimination to exclude same-sex couples from this public institution. She urged those present to insist that opponents of the opening up of marriage provide non-discriminatory reasons why two women or two men should not be allowed to marry. When pressed to do so, they will not be able to provide any.

For the rest of the morning, Partnership Day participants split into three regional groups (Northern, Southern, and Central and Eastern Europe) to talk about the lessons that can be learned from the development of partnership in their countries. Participants wrote their ideas on hundreds of post-its and organised them on flip-charts. Robert Wintemute began the afternoon by summarising the results of the regional sessions. First, it is clear that LGBT organisations across the 43 member states of the Council of Europe have very different starting points, with regard to their national legislation, public attitudes, the influence of religions, and their basic ability to function as an LGBT organisation. In some countries, partnership is therefore a low priority. Second, member organisations need both to "aim high" and to "be realistic". It took 22 years for the Netherlands to move from its first legislative recognition of same-sex partnerships to the opening up of civil marriage. The recent changes occurring simultaneously in many European countries will speed up the process in those countries that have not yet started, but equality cannot be achieved overnight. Third, LGBT issues other than partnership should not be neg-



Law professor Robert Wintemute, MEP Lousewies van der Laan and *Gay Krant* editor-in-chief Henk Krol addressed the Partnership Day

lected, e. g., the rights of LGBT persons who are younger or older or from ethnic minorities or without a partner or living in another kind of relationship.

Lobbying at European level

Partnership Day then moved to the European level, with participants choosing from three sessions: "How could European Union action help?", "ILGA-Europe policy toward partnership in Europe" and "The role of the Council of Europe institutions (including the European Court of Human Rights)". ILGA-Europe had prepared a policy

paper on this issue which is available on our web site.

Joke Swiebel, MEP for the European Social Democrats, addressed the EU session. She emphasised that civil law will continue to be a matter of subsidiarity and reside with the member states for a long time. A European directive on registered partnership, therefore, is far away. Still, there are things to work for at EU level, such as the recognition of same-sex partnership legislation existing in some member states by all member states and the EU institutions, for example in the staff regulations for their own employees. All

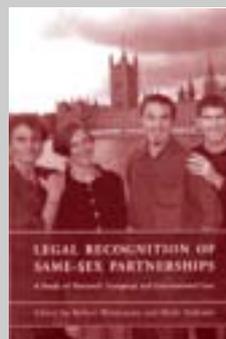
things considered, these are very complex, technical and complicated matters, not at all "sexy" as may sound the simple demand for same-sex marriage. Lobbying in this field will mean to come up with the right demand at the right institution at the right time. The institutions have different roles to play here, and the European Parliament certainly could have the agenda building role. The Intergroup on Gay and Lesbian Rights will take up this issue as its next project.

An information market followed the European sessions, allowing participants to view all the flip-over charts. Finally, Robert Win-

New book on same-sex partnerships

Legal Recognition of Same-Sex Partnerships: A Study of National, European and International Law, edited by Robert Wintemute and Mads Andenæs, was published by Hart Publishing, Oxford, England, on 22 October 2001 (the 20th anniversary of *Dudgeon v. United Kingdom*). The book is based on an international conference held at the Centre of European Law, School of

Law, King's College London, on 1-3 July 1999. It covers legal developments under the European Convention on Human Rights, European Community law, and the national laws of thirteen European countries (Austria, Belgium, Denmark, France, Germany, Hungary, Ireland, Italy, the Netherlands, Spain, Sweden, Switzerland, and the United Kingdom). It also has chapters on the



USA, Canada, Brazil, Australia, New Zealand, South Africa, Israel, India, China and Japan,

as well as United Nations human rights law. The book's appendices of legislation on same-sex partnerships, sexual orientation discrimination and gender identity discrimination are also available at www.ilga.org (World Legal Survey).

To order a copy or view the table of contents, see: www.hartpub.co.uk or: www.isbs.com (USA and Canada).

temute ended the day on an optimistic note. Partnership Day took place only four days after the 20th anniversary of the European Court of Human Rights' historic judgement of 22 October 1981 in *Dudgeon v. United Kingdom*. At that time, 14 of what are now the 43 Council of Europe

member states had blanket bans on sexual activity between men (Liechtenstein and Romania also between women). Today, such bans have almost completely disappeared. By 2021, the same will be true of legal discrimination against LGBT partnership and parenting. The opening up of

civil marriage to same-sex couples in the Netherlands has the same significance as the first cracks in the Iron Curtain in 1989. It is a legal watershed for the world; what was once unthinkable has finally happened. Plans for a similar reform in Belgium could be the begin-

ning of a domino effect, as the walls dividing same-sex and different-sex couples come tumbling down in one country after another. The changes will take longer than in 1989. But by working together through ILGA-Europe, we can speed them up!

The new executive board of ILGA-Europe



The new executive board and reserves: Miran Šolinc (SLO), Tatjana Greif (SLO), Adrian Coman (RO), Riccardo Gottardi (I), Jackie Lewis (UK), Kurt Krickler (A), Nigel Warner (UK), Tiia Aarnipuu (FIN), Anke Hintjens (B); "missing": Nico Beger (D), Ali Jarvis (UK)

On the last day of the Rotterdam conference, the new executive board of ILGA-Europe – consisting of eight people – was elected. We would like to introduce the board members here:

Tiia Aarnipuu is one of the two new board members. She is the chairperson of the Finnish national LGBT organisation *SETA* and also a founding member of the Rainbow Families association in Finland, where she has been working on family and religious issues.

Nico Beger is a 32 year old trans boy living in Berlin. S/he is affiliated to the lesbian group within the German Green Party (*Lesbenbereich Bündnis 90/Die Grünen*), has been in ILGA-Europe's executive board for four years and still enjoys the work a lot. In real life s/he is an academic with a background in feminist/cultural theory and philosophy.

Adrian Coman is the executive director of *ACCEPT (Bucharest Acceptance Group)* and has been a member of the board since 1997. His work is focused on human rights and Central and Eastern Europe, and he has been one of the key persons in ILGA Europe's projects in this area.

Riccardo Gottardi is the other new member of the board. He is vice-president of *Arcigay Pride!*, the local *Arcigay* branch in Pisa. The first ILGA conference he attended was in 1998, and a year later he was involved in organising the next one in Pisa.

Tatjana Greif got involved in the LGBT movement in the early 1990's and is currently working as a programme manager of the Slovene lesbian group *ŠKUC-LL*. She is involved in various educational and anti-homophobic projects, and since 1997 a member of the governmental commission tasked to draft same-sex partnership legislation.

Kurt Krickler was a co-founder, in 1979, of *Homosexuelle Initiative (HOSI) Wien*, Austria's first gay and lesbian organisation, and is still active in it, currently as its secretary-general and editor-in-chief of its quarterly magazine. He has been involved in ILGA since 1981 and serving in the ILGA-Europe board, as co-chair, since its foundation in December 1996.

Jackie Lewis has been a trade union and human rights activist for over 20 years. She is a member of the *National Lesbian and Gay Committee of UNISON*, the largest trade union in the UK, and of the Lesbian and Gay Committee of the British trade union confederation (TUC). She works in a local authority in London and has been co-chair of the executive board since ILGA-Europe was founded in December 1996.

Nigel Warner is currently affiliated with the *Stonewall Immigra-*

tion Group. His involvement with ILGA goes back to its foundation in 1978. In 1986 he took on responsibility for ILGA World's finances, and, together with a group of friends in the UK, ran the Financial Secretariat until 1994. He then took a four-year break before becoming one of ILGA-Europe's co-delegates to the Council of Europe in 1998. He joined the board of ILGA-Europe last year and became its treasurer.

Also reserve members were elected in Rotterdam. Ali Jarvis from *Stonewall Scotland* was elected first reserve for the women's seats in the board, Anke Hintjens from the Flemish *Federatie Werkgroepen Homoseksualiteit (FWH)* in Ghent second reserve. Miran Šolinc from *ŠKUC-Magnus* in Slovenia was elected as reserve for the men's seats in the board.

Immigration and asylum

Major campaigns needed at national and EU level

As reported in our August *Newsletter*, the European Commission is proceeding rapidly with proposals for the harmonisation of asylum and immigration laws. ILGA-Europe is now launching a major campaign at national and European level to try to ensure that two crucial draft Directives reflect the needs of LGBT people.

Draft Directive on the Free Movement of European Citizens

This proposal¹ covers the whole question of the free movement of EU citizens within the Union, one of the fundamental rights attaching to citizenship. Until now this right has been denied to same-sex partners, and their families, because it has been

granted only to married couples. In practice this has made it almost impossible for bi-national same-sex couples (where one partner is from outside the EU) to move within the EU.

The new draft Directive would extend the right of free movement to unmarried couples, 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 who do not wish to enter into marriage or registered partnership. Fourthly, the draft Directive does not make it clear that discrimination against transgendered peo-



Mark Bell drafted a series of position papers for ILGA-Europe on migration and asylum issues and presented them in various workshop at the Rotterdam conference

ments will be crucial if any changes to the draft Directive are to be achieved.

Minimum standards for the qualification and status of third country nationals and stateless persons as refugees

This draft Directive,² which has been published recently, deals inter alia with the question of

which grounds of persecution can be considered for refugee status. There is very good news: the draft includes persecution on the grounds of sexual orientation. However, there is no guar-

antee that the member states will agree to this proposal. Moreover, ILGA-Europe wishes to see the Directive cover persecution on grounds of gender identity. So again, ILGA-Europe is preparing a position paper, and will be lobbying the Brussels institutions on these issues.

Lobbying by member organisations of their national government will also be crucially important if the proposal to include sexual orientation persecution is to be retained, and if gender identity persecution is to be included.

So please get involved! If your organisation would like to join the lobbying of your government, please e-mail the ILGA-Europe office, info@ilga-europe.org, for copies of the ILGA-Europe position papers, or download them from our web site.

It is vitally important that national member organisations also lobby their government in support of these proposals, since the support of national govern-

ments will be crucial if any changes to the draft Directive are to be achieved.

Lobbying by member organisations of their national government will also be crucially important if the proposal to include sexual orientation persecution is to be retained, and if gender identity persecution is to be included.

So please get involved! If your organisation would like to join the lobbying of your government, please e-mail the ILGA-Europe office, info@ilga-europe.org, for copies of the ILGA-Europe position papers, or download them from our web site.

NIGEL WARNER

HS und HMS
- zwei Schwestern, ein Ziel -

Die Homosexuelle Selbsthilfe e. V. (HS) wurde 1989 mit dem Ziel gegründet, das Selbstbewusstsein, die Emanzipation und die Handlungsspielräume von Schwulen und Lesben in der Gesellschaft zu stärken.

Im Jahr 1991 wurde mit gleichem Ziel von Prof. Dr. Andreas Meyer-Hanno die Hannchen-Mehrweck-Stiftung (HMS) als zweites, gemeinnütziges Standbein gegründet.

Die HS unterstützt Projekte, die nicht gemeinnützig sein müssen. Über die Vergabe von Förderungen beschließt die Mitgliederversammlung. Die Stiftung HMS fördert ausschließlich gemeinnützige Projekte. Über die Vergabe entscheidet der Vorstand. Er ist dem Stiftungsbeirat verantwortlich, dem auch drei HS-Vorstände angehören.

Die HS füllt ihren Fond aus den Mitgliederbeiträgen und aus Spenden (steuerlich nicht absetzbar).

Das Geld der HMS stammt aus den Zinsen des Stiftungskapitals und aus Spenden (steuerlich absetzbar).

Nähere Informationen erhalten Sie über:

Hannchen-Mehrweck-Stiftung
Homosexuelle Selbsthilfe e.V.
Postfach 12 89 22
10995 Berlin
eMail: hs@gay-web.de
Internet: <http://stadt-ga-web.de/hs>

¹ Its full title is: *Proposal for a European Parliament and Council Directive on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States – COM (2001) 257.*

² The full title is: *Proposal for a Council Directive laying down minimum standards for the qualification and status of third country nationals and stateless persons as refugees, in accordance with the 1951 Convention relating to the status of refugees and the 1967 Protocol, or as persons who otherwise need international protection – COM (2001) 510.*

European Parliament

LGBT rights continue to be on the EU enlargement agenda

Each year the European Parliament and the European Commission publish reports evaluating the progress made by the 12 accession countries in meeting the criteria for accession to the European Union. The Parliament also summarises its findings in a resolution on each country, in which it draws particular attention to issues on which further progress must be made. The resolutions for the current year were adopted on 5 September 2001.

The Parliament's evaluation of progress with regard to recognising LGBT rights was made against the background of the hearing held on 28 June in the EP in Brussels, "EU Enlargement: A Gay Perspective" (see *ILGA-Europe Newsletter* # 2, pp. 4-5). The hearing had highlighted the continuing existence of discriminatory laws in Bulgaria, Cyprus, Hungary, and Romania. The Parliament's rapporteurs (who are in

charge of preparing the progress reports and draft resolutions) for Bulgaria, Hungary and Romania all made reference to these discriminatory laws in their draft resolution. However the rapporteur for Cyprus, Jacques Poos (PES/L), omitted any such reference. Consequently, the Green Group, the Liberal Group and Michael Cashman (PES/UK) tabled amendments to make up for this omission. ILGA-Europe supported these amendments with a fax campaign targeted at approximately 150 key members of the Parliament. Despite the opposition of the European People's Party, the amendments on Cyprus were successful.

The EP resolutions send a clear signal to these accession countries – a message which is strong because ultimately the Parliament has the power to block the accession of a particular country.

Immediate effects

After the vote in the plenary, MEP Louisewies van der Laan (ELDR/NL) stated: "My stance on the accession has always been that human rights must be respected, not be negotiated on. The Euro-

Democrats and many others voting against it. This is not such a complex or controversial issue. If a country wants to join the EU but at the same time discriminates against a segment of its own population, we should state clearly that it has a problem".



I want to make it crystal clear that the Commission will continue to press in the enlargement negotiations for full observance of human rights and the rights of minorities. This includes a ban on any discrimination based on age, gender, sexual orientation or religious conviction.

Enlargement Commissioner Günther Verheugen during the debate on EU Enlargement in the EP in Strasbourg on 4 September 2001.

pean Parliament should send that signal unambiguously to those countries that still need to work on their human rights record. I was bitterly disappointed that it took so much effort to get the gay rights amendment to the Cyprus report passed, with Christian-

Another MEP, Joke Swiebel (PES/NL), commented that it was significant that the EP and the EU Enlargement Commissioner, Günther Verheugen, have both emphasised that discrimination on the basis of sexual orientation is a human rights question. This implies that LGBT human rights are no longer seen as something additional, an irritating minor point, somewhere down the list, but as an integral element of the so-called Copenhagen criteria, which all accession candidates must meet if they are to be admitted to the European Union.

The Commission is now in the very final stage of preparing its annual reports on the accession countries and in that context Joke Swiebel also considers that the EP resolutions will be of great importance: "The text of the resolutions as adopted by the EP mentions for all countries concerned the number of the penal code article that is discriminatory. Nobody could be in a position anymore to say that he or she did not know what we are talking about. This is important with a view to all future talks by Commission officials or EP delegations

EP Resolutions on the accession countries

Excerpts from the EP resolutions adopted on 5 September 2001:

Hungary

(14.) Calls on the Hungarian government to eliminate provisions in the penal code that discriminate against homosexual men and lesbian women, notably article 199, a provision that is declared contrary to the European Convention on Human Rights by the European Commission of Human Rights;

Bulgaria

(H) Whereas all provisions that criminalise

homosexuals relations must be eliminated so as to reach compliance with legal European standards;

(9.) Calls upon the Bulgarian government to eliminate provisions in the penal code that discriminate against homosexual men and lesbian women, notably Article 157, a provision that is declared contrary to the European Convention on Human Rights by the European Commission of Human Rights; stresses that retention of this article in the penal code would mean a failure to comply with the political Copenhagen criteria;

Romania

(6.) Calls on the Romanian authorities to do their utmost to comply with EU basic principles regarding the protection of minorities, to adopt strategies for integrating minorities, to recognise their legitimate rights and, in particular, to introduce legislation against discrimination pursuant to Art. 13 of the EC Treaty and the Charter of Fundamental Rights; welcomes the abolition, by an Emergency Ordinance of 21 June 2001, of Article 200 of the penal code; urges the Senate to complete the procedure immediately;

Cyprus

(B) Whereas the only legislation that is in compliance with European standards is legislation that eliminates all provisions that specifically criminalise homosexual relations,

(25.) Calls upon the Cyprus government to eliminate all provisions in the penal code that discriminate against homosexual men and lesbian women, notably Article 171, a provision that is declared contrary to the European Convention on Human Rights by the European Commission of Human Rights;

with authorities of the accession countries. For all those talks files for delegates are prepared, in which the latest EP resolution cannot be omitted. This will prevent e. g. members of the national parliaments from denying that there is a problem concerning gay rights in their country, as happens frequently, as I can tell you from my own experience. Moreover, the next round of reports by the Commission will now have to report and update the information. The first 'victory' is already ours with Cyprus announcing they will abolish Article 171 of their penal code."

Cyprus

The case of Cyprus clearly demonstrated that the Parliament, e. g. its members, can play a significant role in the accession process. Lousewies van der Laan also wrote to the Cypriot government explaining why she voted against the EP report on the accession of Cyprus and why she would continue to do so until all discriminatory laws were repealed. This statement caused a minor hype in the Cyprus media and, combined with the pressure from the EP and Verheugen's unequivocal statement, made the Cyprus government announce the repeal of the discriminatory penal code provisions.

Bulgaria

Similar things happened in Bulgaria. Thanks to Michael Cashman sexual orientation discrimination was put on the agenda of a meeting between a delegation of MEPs and government officials in Sofia on 29-30 October 2001. After the meeting he stated that "the hearing in June has had a real impact, but more specifically, amendments tabled to candidate country reports, endorsed by the EP, send a real message that the issue is of great importance. We have recently made a real impact in Romania and now in Bulgaria – against fierce opposition.¹ However I am increasingly concerned that Commission representatives in candidate countries are sending

EP Hearing report published

The report of the June 2001 EP hearing: "EU Enlargement: A Gay Perspective" organised

by a group of MEPs led by Joke Swiebel, Michael Cashman and Patsy Sørensen was

first presented to the public at the ILGA-Europe conference in Rotterdam. Before she handed over copies of the publications to ILGA-Europe board members Tatjana Greif and Adrian Coman, Joke Swiebel summarised the outcome of the hearing and the impact it had on the EP resolutions on the accession countries. She also stressed the importance of the joint work and efforts of the EP Intergroup on Gay



MEP Joke Swiebel delivers copies of the EP Enlargement hearing report to Adrian Coman and Tatjana Greif.



and Lesbian Rights and ILGA-Europe, stating that "co-ordinated action has proven to be worth while". For a copy of the report, please contact the ILGA-Europe office.

signals that discrimination faced by LGB people is OK. We must put real pressure on the Commission to ensure that the Treaties are upheld and specifically 'respect for minorities and human rights'. There needs to be concerted action to oversee the reports on accession states, to monitor them and amend them."

The government officials were taken by surprise and completely unprepared. First they denied the existence of any discrimination against gays and lesbians, thus revealing that they have never bothered to gain information about this matter. Finally, they promised to propose adequate changes to the penal code. On 31 October, all national newspapers covered the unprecedented discussion on gay and lesbian human rights between the EP delegation and the government.

Romania

While the process, in both chambers of the parliament, of confirming the repeal of Article 200, decreed by the government through Emergency Ordinance 89/2001 on 21 June,² has progressed since, a backlash had to be reported in another area. On 31 August 2000, the Romanian government had introduced comprehensive anti-discrimination provisions, including sexual orienta-

tion, through Emergency Ordinance 137/2000. Such ordinances are to be considered as draft bills that need to be confirmed by parliament decision. While the Senate approved the ordinance in March, the Chamber of Deputies deleted sexual orientation from the list of non-discrimination grounds when it voted on the ordinance on 4 October. This is in flagrant contradiction with the demand of the European Parliament that, in its resolution, firmly called on the Romanian authorities to introduce anti-discrimination legislation pursuant to Article 13 of the EC Treaty and the Charter of Fundamental Rights.

A group of MEPs – Lousewies van der Laan, Baroness Emma Nicholson (ELDR/UK), Astrid Thors (ELDR/FIN), Joke Swiebel and Patsy Sørensen (Green/B) – reacted immediately to this unfortunate move of the Chamber. In a letter to members of the Romanian parliament they expressed their serious concerns and explained that the repeal of Article 200 is just one step – but: "Gay people also need protection from discrimination." The letter emphasised: "If this matter is not resolved, it will remain a serious

obstacle to Romania's membership of the European Union."

Michael Cashman, as shadow rapporteur on Romania for the Group of the Party of European Socialists (PES), has been closely following this matter: "Romania is an excellent example of how continued pressure and monitoring can produce results. I have persistently worked at PES level and in Foreign Affairs to ensure that lesbian and gay rights are kept within the report. Furthermore I have worked closely with other political parties and with the rapporteur, Baroness Emma Nicholson, to highlight the issues and maintain pressure for change both at EP and Romanian national level working alongside and in complete co-operation with ACCEPT. We are a long way from achieving our overall goals but both the Commission and the Romanian political parties are in no doubt that the issue of discrimination has to be resolved before accession. A key to this understanding has been the connection of discrimination faced by the LBGT communities and other discriminated groups."

METTE VADSTRUP/KK

¹ EU-Bulgaria Joint Parliamentary Committee 13th Meeting, 29-30 October 2001, Sofia. Declaration and Recommendations, paragraph 29 called on the Bulgarian government to submit appropriate legislative amendments, namely on the basis of the EU Race Equality Directive; called upon the Bulgarian government to eliminate provisions in the penal code that discriminate against homosexual men and lesbian women, notably Article 157.
² See IE Newsletter # 2, p. 4.

EU action programme to combat discrimination

Phase 1 for the 71 pre-selected projects

The European Commission has more or less completed the first year's work on the Community action programme to combat discrimination. In this year the Commission launched several projects and made calls for tenders on other projects. The transnational exchange of best practice projects has been one of the larger initiatives of the Commission (see *IE Newsletters* # 1 and # 2). Transnational exchange projects are open for participation for a broad variety of actors such as NGOs, local authorities, universities and other institutions.¹ The outcome of these projects will have an impact on the activities during the last three years of the programme that will run until 2006.

Phase 1 for the 71 pre-selected projects began on 1 October 2001 and will last for six months. This first phase is also referred to as the preparatory phase in which the pre-selected project partners will have to find other suitable partners and develop a two-year work programme. The Commission will then make a definite selection for Phase 2, based on the quality of the finalised work programme and the added value each project may contribute to the action programme. The number of Phase 2 projects will be reduced to around 25, which will then have two years to pursue the objectives set out in their work programmes.

Conference on the action programme

On 18-19 October, the Commission organised a conference in Brussels to promote the action programme widely and to bring together all the pre-selected proj-

ect partners and the European networks fighting discrimination on the grounds listed in Article 13 EC Treaty. The overall background of the action programme, the views of key actors, such as employers and trade unions, the manifold implications and potential impact of the programme were addressed in two panel discussions. In a series of workshops dealing with topics such as building successful partnerships, future priorities for the evaluation and analysis of data on discrimination, and the role of equality bodies, the around

Projects must cover at least two grounds of discrimination and have partners from three member states.

200 participants could continue the debate and the information exchange.

The first round of panel speakers included Employment and Social Affairs Commissioner Anna Diamantopoulou, Laurette Onkelinx, the Belgian Minister for Employment and Equal Opportunities, currently presiding the EU Council of employment ministers, and Graham Watson, chair of the European Parliament Committee on Citizens' Rights and Freedoms. All three speakers referred to the importance of combating discrimination especially in the context of 11 September and the need to fight discrimination on a broad scale.

The second panel with representatives of European networks fighting discrimination on the grounds of race, disability, age and sexual orientation discussed the so-called horizontal approach to combating discrimination. They highlighted the benefits of this approach but at the same time emphasised that certain

forms of discrimination specifically relating to one ground and not to others remain.

Kurt Krickler intervened on behalf of ILGA-Europe and also stressed the support for a horizontal approach referring to multiple discrimination, the opportunity to reach out to specific communities that otherwise would not be addressed, and the mainstreaming of sexual orientation discrimination (SOD). He mentioned that ILGA-Europe had "tested" this approach in the *Stepping Stones and Roadblocks*

project (see *IE Newsletter* # 1, p. 7). Considering that homosexuality is still a taboo in many places and that politicians, agencies, public authorities etc. often are reluctant or hesitant to address SOD, being associated with other grounds, or "piggy backing", could open up new opportunities to get SOD on a broader agenda. That may be also true for the general acceptance of any project results, be it recommendations, studies, etc. And as the gay and lesbian community in the European Union may not carry out many huge projects due to its limited resources, the horizontal approach could still allow fair participation in the programme. He warned, however, that the horizontal approach must not lead to a tokenistic or superficial treatment of SOD. Partners and organisations representing LGBT people must be involved on equal footing.

Krickler also pleaded for a "holistic" approach: "We should not only tackle attitudes, exclusion, discrimination in certain areas where the Union has competence, employment, access to and supply of goods and services. We also have to labour the entire field of discrimination, including fundamental and human rights issues, discrimination in criminal law that still exists against gay men and lesbians even in the member states. We must address the issue of recognising same-sex partners and their children because much of the discrimination gays and lesbians suffer from, besides maybe employment discrimination, originates in the non-recognition of their families. A holistic approach must also include gender identity discrimination which is different from sexual orientation discrimination and therefore must be specifically addressed."

Promoting the horizontal approach

Much of the conference was devoted to promoting the spirit and the idea of the horizontal approach. The transnational exchange projects are in essence promoting the horizontal approach in most aspects. A project must cover at least two grounds of discrimination and have partners from three different member states. In the process of building up a partnership and developing a work programme it is also important to work outcome-oriented. In the workshop on partnership building, the discussion focused very much on how the partners could make sure that a larger audience and not just the participating partners could benefit from the projects. The workshop presentation was done by Yvonne Bemelmans who had evaluated the transnational projects funded by the Commission under the preparatory measures programme in

¹ The action programme to combat discrimination is, at the moment, only open for participation of actors from EU member states. The Commission is currently in the process of drawing up bilateral framework agreements with the accession countries. Once they will be finalised and signed, there will be possibilities for actors from those countries to participate in future transnational projects, which are expected to be launched in 2003.

1999/2000, including the above-mentioned *Stepping Stones and Roadblocks* project.

Bearing in mind that the Commission considers capacity building to be essential in promoting effective policies and legislation to combat discrimination, it is important to think ahead and plan how the project results could later be used by local, regional or national authorities, schools, trade unions, etc.

How to get involved at this stage

The Commission has published a list with all the names and contact details of the lead partners of all 71 pre-selected projects. Some of the partners have also provided a short description of the project and specified what type of expertise they are looking for in order to finalise their work programme.

If your organisation is interested in getting involved in a project, you should first visit the relevant Commission web site at:

http://europa.eu.int/comm/employment_social/fundamri/prog/prov_list.pdf

to get an overview of what project would fit the interest and expertise of your association. Then you should contact the lead project partner. The Commission is encouraging participation of smaller associations, realising that every actor can play an important role in designing and creating a partnership.

Among the 71 projects 25 are targeting sexual orientation discrimination. ILGA-Europe offered them to introduce their project in our newsletter. Nine projects managed to get back to us before our deadline. In the following columns you will find short descriptions of these projects. Upon request the ILGA-Europe office can also provide documents from the workshops of the conference and more information on the action programme in general.

Project presentations

STEPS – structures towards emancipation, participation and solidarity

In Europe, statutory services for people with learning disabilities are on a rather high level. But their empowerment and self-advocacy are not. Most service providers are not aware of the relevant UN Resolution, and no strong anti-discrimination legislation is in place. Appropriate instruments of self-advocacy are not implemented in service providing organisations. In our project we want to develop a structure for social service provision guaranteeing non-discrimination and full participation and protecting the individual rights of people with learning disabilities. Within the cities of Canterbury/London, Barcelona, Rotterdam, Uppsala and Hamburg we want to get into an intensive discussion based on a municipal triologue in every city, in which the administration, universities and service providers will be involved.

Contact: Anne Ernst, University of Applied Science for Social Work, Hamburg; anne.ernst@freenet.de.

Avoiding discrimination in statutory service provision through an intercultural approach

We are looking for partners among public or private social service providers addressing intercultural aspects and features in their service delivery. We would prefer to work with NGOs active in combating discrimination on the grounds of sexual orientation or disability. We are also looking for organisations co-operating with social services.

Contact: Heike María Martínez Figueirido, Paritätischer Wohlfahrtsverband – Gesamtverband e. V., Zentrale Koordinierungsstelle für Ausländerarbeit, Baumschulallee 2a, D-53115 Bonn; Tel: +49-228-60 40 20; zka@paritaet.org.

Police and non-discrimination

This project involves among others the public prosecution office of Uppsala county, the Swedish association of gay and lesbian police officers, the national gay and lesbian association RFSL, the Uppsala county Council of Immigrants for Police Matters, in which 25 migrants organisations are represented. The project is looking for partners in Greece and Denmark.

Contact: Birgitta Engberg, Uppsala Police Authority, Tel: +46-18 16 87 98; mb2@pop.uppsala.police.se.

TRIANGLE

is a project for initiatives working in an educational context to combat discrimination against different minorities. The aim is to start transnational exchange of educational programmes to be used in schools or adult education. These programmes shall be improved by transferring and exchanging expertise. The City of Vienna will be joining TRIANGLE as a second (junior) partner. We are looking for groups (NGOs) or institutions in Southern Europe, Scandinavia or the UK active in fighting discrimination against gays and lesbians or ethnic minorities.

Contact: Stefan Timmermanns, Johannesstraße 46, D-53225 Bonn; Tel: +49-228-422 94 32; stefantim@web.de.

ACCEPT II

is a project to be developed in the continuity of a previous European project called ACCEPT 2000-2001, which aimed at getting a better knowledge and understanding of discrimination in rural areas and fighting this phenomenon by developing different kinds of actions. ACCEPT II will continue targeting rural mentalities to open them towards the acceptance of differences. We are looking for a transnational partner preferably in Eastern Germany. This new partner should be an NGO or statutory agency working in rural areas, not specifically or exclusively in the field of discrimination but with experience in working with this topic or interested in it.

Contact: Jean-Marc Dalmasso, 11 avenue Alexandre Baret, F-06206 Puget-Théniers; Tel: +33-4-93 05 19 31; Carrefour.Rural.europeen.femmes@wanadoo.fr.

Combating multiple discrimination of lesbian migrants

The *Lesbenberatung* (Lesbian Counselling Service) in Berlin is seeking partner organisations for this project. We intend to investigate the various forms and consequences of discrimination and to develop and implement concrete concepts for combating discrimination against lesbian migrants both in migrant communities, the lesbian community and the political sphere. These will include culturally specific public awareness campaigns, lobbying and educational work. We will strengthen the position of lesbian migrants by making positive role models and images visible and by enabling networking and exchanging experiences and best practices among lesbian migrants.

Contact: LesMigraS, Lesbenberatung Berlin e. V., Kulmerstraße 20a, D-10783 Berlin, Tel. +49-30-219 150 90 or 217 27 53; lesbenberatung@w4w.net.

EQUAL first – that’s right

This project will develop strategies to combat discrimination against LGBT youth in schools and other educational institutions. We want to achieve three main objectives:

- Establishing anti-discrimination teams of young lesbians, gays, bisexuals and transgenders who would offer to visit schools and universities and to talk with the students about LGBT issues. The experiences with sexual education by peers of some partner organisations can be transferred to the other partners;
 - Carrying out comparative research on the living conditions of LGBT youth in the European Union;
 - Writing a charter of the rights of LGBT youth to emphasise what Article 13 EC Treaty means from our point of view.
- We are looking for LGBT youth organisations in Scotland, Sweden, the Netherlands, Italy, Greece and Austria.

Contact: Heiko Kleyböcker, Jugendnetzwerk Lambda; Tel: +49-30-28 59 89 88; heiko.kleyboecker@lambda-berlin.de.

Queer family project – rainbow families

The project intends to establish a European network with the aim of promoting the right of queer people to parenthood, the recognition of their families, and decent opportunities in their old age. We intend to work on a report comparing the law and the state of discrimination against “rainbow families” in the EU member states. Furthermore we will work on recommendations to improve the situation of rainbow families and define concrete solutions. We are looking for partners, both among NGOs and public authorities, working on sexual orientation discrimination with a special focus on family and age issues.

Contact: Corinne Klatt, Sozialverein des Lesben- und Schwulenverbands in Deutschland,

Katzbachstraße 5, D-10965 Berlin; corinne.klatt@gmx.net.

European Managing Diversity Gold Standards

The project seeks to develop and implement a European Managing Diversity Course for students of human resources management on diversity and its implications for business and society. We are looking for experts and/or partners in the field of managing diversity who can contribute to curriculum development. Universities will be our first target as they will be able to develop and validate programmes of study for students in their own member states and possibly collaborate in student exchange across member states.

Contact: Diane Rushton, Sheffield Hallam University, Pond Street, Sheffield S1 1WB; D.Rushton@shu.ac.uk.

Council of Europe Committee of Ministers Historic statement

On 21 September 2001 the Committee of Ministers of the Council of Europe issued a statement regretting that discrimination and violence against homosexuals still occur in Europe, and acknowledging that progress in ending discrimination is still needed in member states’ domestic law and practice (Doc. 9217).

The Committee of Ministers is the executive arm of the Council of Europe. Its members consist of the Foreign Ministers of 43 European countries (or their deputies) with a combined population of more than 800 million. This was the first statement in support of lesbian, gay and bisexual rights in its fifty-year history.

The statement came in response to a Recommendation on the situation of lesbians and gays in Europe by the Council’s Parliamentary Assembly. This had called upon the Committee of Ministers to make 11 specific rec-

ommendations to member states, including the repeal of all discriminatory laws, an equal age of consent, anti-discrimination legislation, and registered partnership laws.

In their reply the Committee of Ministers advised their agreement to several of these recommendations, but did not state which. This lack of clarity almost certainly reflects disagreements between member states on certain of the recommendations, particularly those relating to the age of consent and registered partnership. However, the Committee chose to emphasise the need for measures in the areas of education and professional training “to combat homophobic attitudes in certain specific circles”.

The statement concluded that “Homosexuality can still give rise to powerful cultural reactions in some societies or sectors thereof, but this is not a valid reason for

governments or parliaments to remain passive. On the contrary, this fact only underlines the need to promote greater tolerance in matters of sexual orientation”.

Given the number of countries involved, and the fact that they are at widely differing stages in their acceptance of LGBT rights, this is a strong statement. Indeed, never before have so many governments joined in attacking homophobia. For the 11 countries, which still have discriminatory laws, agreeing to this statement amounts to an act of self-criticism before the international community.

The statement by the Committee of Ministers brings to a successful conclusion more than two years of close co-operation between ILGA-Europe and three Socialist members of the Parliamentary Assembly of the Council of Europe: Irmtraut Karlsson (Austria), who had initiated the pro-

posal for a Recommendation by the Parliamentary Assembly after attending the ILGA-Europe conference in Linz in 1998; María del Carmen Calleja (Spain), who took over from Irmtraut as rapporteur for the Assembly in 1999, and Csaba Tabajdi (Hungary), who took over as rapporteur in 2000.

The text of Recommendation 1474 (2000) on the “situation of lesbians and gays in Council of Europe member states”, adopted by the Parliamentary Assembly on 26 September 2000, can be found at <http://stars.coe.fr/ta/ta00/ERECE1474.HTM>. The Reply from the Committee of Ministers can be found at <http://cm.coe.int/dec/2001/765/43.htm>.

Finally, on ILGA-Europe’s web site is available: *The Equal Dignity and Intrinsic Equality of all Human Beings – A report submitted by ILGA-Europe to the Committee of Ministers of the Council of Europe in support of the Recommendations of the Parliamentary Assembly on the Situation of Lesbians and Gays in the Member States of the Council of Europe*.

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

cific issues. After the establishment of the ILGA-Europe office in Brussels, co-operation with the Platform and its members has increased. In this new section we plan to present various partners and some of the projects we are involved in.

NGO co-operation at EU level

The Social Platform

The Platform of European Social NGOs is an association of today 37 federations and networks working at the European level to build an inclusive society and to promote a social Europe. Member organisations include those campaigning for people with disabilities, women, older people, people who are unemployed, migrants, people affected by poverty and homelessness, children and families, as well those working on issues such as social justice, life-long learning, public health and anti-racism. Together they embody about 1,700 direct

member organisations, associations and other voluntary bodies at local, regional, national and European level and through them the Social Platform has a presence in all European Union countries.

Saskia Stegeman, Press/Information Officer of the Social Platform, explains that "the Platform promotes the views and policies of social NGOs by acting as a facilitator and representative channel of communication between its members and the European Union. It does this by

channelling concerns on issues of common interests, by developing common positions and promoting these to the European institutions and other external bodies through, for example, position papers, press/information releases, its newsletter and meetings with institution representatives, conferences and seminars."

In the past year the Platform's main areas of activities have centred around the work of three working groups dealing with:

- ▶ social policy (including anti-discrimination, sustainable development and social service provision)
- ▶ civil dialogue, NGO funding and the EU Charter of Fundamental Rights, and
- ▶ Enlargement.

"In all these fields we have seen our input being taken into account in the development of European Union policies", stresses Simon Wilson, the newly appointed Social Platform director: "For example, last year the Social Platform and its members, including ILGA-Europe, played a hugely influential role in drafting, strengthening and broadening the scope of the European Union's anti-discrimination action programme and the two directives on the issue. We are currently pressing for further European action against discrimination."

ILGA-Europe's involvement in the Social Platform

ILGA-Europe became the 24th member of the Platform in

March 1998. This was at the beginning of our "serious" and "focused" lobbying in Brussels and Strasbourg, and our Platform membership has turned out to be of paramount value and significance for our activities at EU level. It has really made a difference. It can be said without exaggeration that we would not have had so many achievements and so much success without being affiliated to the Platform. It facilitated our access especially to the European Commission. As a member of the Platform we were automatically invited to many relevant events, such as conferences or the bi-annual meetings with the relevant Commission services – and most important, at their or the Commission's expenses. This was not at all a negligible factor since ILGA-Europe had very limited financial resources before we received our own core funding from the Commission. On these occasions we had and continue to have the opportunity to address our concerns and demands and to do this with the backing of a broad coalition.

ILGA-Europe is, however not only for that reason, very dedicated and committed to working together within the Platform on topics and issues of common concern. We are convinced that we all can achieve more when we co-operate and pursue our aims jointly. Obvious examples for that have been the long-term lobbying for Article 13 EC Treaty and the two subsequent anti-discrimination directives adopted in 2000, or the EU Charter of Fundamental Rights.

Forthcoming Social Platform events:

Citizens' Assembly 2004

This project will consist of a series of events that will be held during each EU Presidency at least until the adoption of the next Treaty revision in 2004. The next Citizens' Assembly, co-organised with the Brussels-based Permanent Forum of Civil Society and in co-operation with other NGO networks and trade unions, will be held from 13-15 December 2001 in conjunction with the European Union Summit at Laeken. The event has received the support of the Belgian Presidency, the President of the European Commission, Romano Prodi, and the President of the European Parliament, Nicole Fontaine. It will be one of the Platform's biggest events to date. For more information see the special web site at: www.citizensassembly2004.org.

National Conferences

The Platform will be holding a

series of national conferences in the coming six months. The objective of these conferences is to promote the Platform's aims and objectives at national level, to allow national and EU level NGOs to exchange ideas, and to begin laying contacts in preparation of future EU presidencies. They are in essence a way of bringing together the Platform's extended family. The first national conference will be held in Madrid on 3 December 2001. During the one-day event speakers from European NGOs, the civil society in Spain and from the Spanish government will address issues such as the role NGOs play in EU governance and the priorities for the Spanish Presidency that will start on 1 January 2002.

Similar conferences will be held in Denmark and Greece early next year – for more information, please contact the ILGA-Europe office.

ILGA-Europe is now active in two Platform working groups, the one on Social Policy, and notably in its sub-group on anti-discrimination. The group is currently drafting a common Platform statement on anti-discrimination. It intends to highlight results already achieved on the basis of Article 13, but also to emphasise those areas that still need to be addressed. It will be suggesting the mainstreaming of anti-discrimination in all EU policies, further EU legislation to protect people from discrimination in areas outside the workplace, and the strengthening of both Article 13 and the EU Charter of Fundamental Rights.

The second one is the Enlargement working group established in February 2001. One of its first activities was to draw up a com-



mon statement on Enlargement (the full text is available at www.socialplatform.org). It also commissioned a study to assess the role, strength and nature of the civil dialogue in the accession countries, both between social NGOs and public bodies, among the NGOs themselves and with organisations at EU level. ILGA-Europe has, like other Platform members, provided contact

details of its members in these countries and encouraged them to participate in the questionnaire survey. The study is at its final stage and will be launched at the Enlargement workshop at the Laeken Citizens' Assembly in December 2001. The planned Enlargement seminar, announced for November in our August *Newsletter*, had to be postponed until spring 2002. It will seek to

bring together NGOs from accession countries and the EU member states to learn from each other's experiences in promoting civil dialogue.

ILGA-Europe is also participating in the Platform/ETUC campaign to strengthen the EU Charter of Fundamental Rights and to make it legally binding. During the past eight months meetings to co-ordinate Platform members' views on the Charter have taken place, and ILGA-Europe contributed to these discussions. It is planned to publish a booklet with suggested amendments to the Charter in order to impact on the debate on the revision of the Charter, which has already begun under the Belgian EU Presidency.

MV

recent activities

European arrest warrant

Only a couple of days after the terrorist attacks of 11 September, the Commission published a proposal for a European arrest warrant¹ which provides 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, including legislation discriminating against homosexuals that still exist in some member states. The European arrest warrant is expected to be adopted by the Council in December 2001.

In mid-October, ILGA-Europe wrote to the responsible Commissioner for Justice and Home Affairs, António Vitorino, to

express our concerns with regard to this aspect of the proposal. We argue that recent judgements of the European Court of Human Rights and the former European Human Rights Commission (cases *Dudgeon v. UK*, *Norris v. Ireland*, *Modinos v. Cyprus*, *Sutherland v. UK*, *A.D.T. v. UK*) suggest that provisions distinguishing between heterosexual and homosexual relations violate fundamental human rights. However, some member states have failed to reform their penal codes accordingly: Austria (Art. 209 PC), Greece (Art. 347 PC) and Portugal (Art. 175 PC) still have discriminatory age of consent provisions on their law books. Greece, moreover, criminalises male-to-male prostitution as the only form of illegal prostitution.

We strongly demand an explicit exception in the Framework Decision for these cases. The exception clause provided in its Article 27, which would allow each member state to draw up a list of forms of conduct for which it declares in advance it will refuse to execute European arrest warrants, is not appropriate here. Unlike cases such as those mentioned in the explanatory memorandum (abortion, drug use, euthanasia), the discriminatory treatment of homosexuals is a human rights violation. It would indeed be peculiar to request from member states to formally opt out from assisting another member state in committing human rights violations.

Amnesty International has already taken up Austrian and Greek cases, and in February 2001, for example, adopted as prisoner of conscience a man prosecuted under Austria's Art. 209. Also that month, the Swedish minister for asylum declared in her reply to a parliamentary question that Sweden would accept and examine applications for asylum sub-

mitted by Austrian citizens prosecuted under Art. 209. On 12 October *Amnesty International* had denounced the trial of seven men charged under Article 347 that was due to start in Athens on that day.²

ILGA-Europe sent similar letters to the Belgian EU Presidency and members of the EP Committee on Citizens' Rights and Freedoms.

Combating sexual exploitation of children

Other serious concerns of ILGA-Europe regarding recently proposed EU legislation were dispelled by the cabinet of Commissioner Vitorino in October. In May 2001, the Commission had proposed a Council Framework Decision on combating the sexual exploitation of children and child pornography.³ While ILGA-Europe absolutely supports the objective of the proposal, we

¹ Commission proposal for a Council Framework Decision on the European arrest warrant and the surrender procedures between the Member States, COM(2001) 522 final.

² News Release EUR/25/007/2001 issued by the International Secretariat of AI.

³ COM (2000) 854 final.

continued from page 15

were concerned about some specific wording. It would have forbidden the “inducement” of sexual activity with any person under the age of 18. “Inducement” was not defined or explained anywhere in the proposal. In some language versions, it was even translated as “persuasion”, while, funny enough, it was omitted in the French and Spanish texts. The proposal ignored the fact that in many member states the age of consent for sexual activity is considerably below 18 and failed to distinguish clearly between legitimate persuasion and illegitimate coercion. Moreover, the proposal did not exclude the criminalisation of such behaviour between persons under 18. Apparently, it would have made it a criminal offence for a 16 year old to “induce” a 17 year old into sexual relations. Such legislative instruments would present real dangers of future discriminatory application by Police and judicial authorities in particular against homosexual activity.

Therefore, ILGA-Europe had prepared a note for the meeting with the cabinet of Commissioner Vitorino on 16 July (see *IE Newsletter* # 2, p. 6). We argued for the deletion of the sub-paragraph on “inducement” and proposed a couple of other amendments. We were glad to hear in October that “inducement” had been taken out from all language versions during the negotiations of the proposal in the Council.

KK

news clips

Increasing pressure on Egypt

In the August *Newsletter* we have reported about ILGA-Europe’s actions regarding the persecution of 52 allegedly gay men in Egypt who are currently on trial charged for “obscene behaviour” and “expressing contempt for religion”. The verdicts are expected to be handed down on 14 November when this *Newsletter* will already be in print.

As a follow up, we can inform that we received a reply to one of our letters from the cabinet of Commissioner Chris Patten who is responsible for External Relations, including the Mediterranean Area Development Programme. In his letter dated 21 August, the deputy head of cabinet, Christian Leffler, points out that the “Egyptian side is already aware of my own personal concern and the matter was first raised at the appropriate level when the 52 men were still detained without charge”. The letter also shows that the Commissioner and his cabinet are very well informed about the situation in Egypt due to international human rights organisations and MEPs.

MEPs have also brought up the case in the context of the Euro-Mediterranean agreement recently signed between the EU and Egypt. This agreement is currently being debated in the European Parliament which has to approve it, as have to all national parliaments. Members of four different political groups in the European Parliament tabled amendments to the Jorge Hernández Mollar (PPE/E) report and resolution dealing with this agreement. Moreover, Italian MEPs Marco Cappato and Maurizio Turco (Lista Bonino) are trying to table an Urgent Resolution in the EP on this matter. Cappato, supported by MEPs Michael Cashman and Joke Swiebel, also launched a campaign asking MEPs to sign a letter to the President of Egypt.

MEPs Lousewies van der Laan and Bob van den Bos (both ELDR/NL) submitted a written question (E-2613/01) on 17 September to the Commission asking among other things whether the trial had been discussed when negotiating the agreement and what would be the consequences if a member state chooses not to ratify the agreement. Dutch MP Boris



The persecution of 52 allegedly gay men led to protests worldwide, like this demonstration in Paris

Dittrich posed similar questions to the Dutch government in the parliament in The Hague.

MEPs Baroness Sarah Ludford (ELDR/UK) and Michael Cashman have also written to British Foreign Office minister Ben Bradshaw MP demanding appropriate action be taken to force the Egyptian authorities to release the 52 men. Danish MEPs also raised the issue with the Danish government. Ludford also tabled a series of parliamentary questions in the House of Lords to ensure that the British government is also continuing to monitor the men's treatment in prison.

Will EU recognise Dutch same-sex marriages?

After the disappointing May 2001 judgement of the European Court of Justice in the case *D. & Sweden v. Council* (see *IE Newsletter* # 2, pp. 13-14), substantiating it inter alia by the arguments that registered partnership is not equivalent to marriage, and that "according to the definition generally accepted by the Member States, the term 'marriage' means a union between two persons of the opposite sex", it has become unclear whether same-sex spouses married under Dutch law would be recognised as a married couple in the EU. In order to get clarification, Dutch MEP Lousewies van der Laan had submitted a written question to the Commission on 7 June asking whether the Commission could confirm that all its married employees will be treated equally regardless of their sexual orientation or the gender of their spouse. A similar letter was sent to the staff administration of the European Parliament. On 29 August, the personnel department replied to van der Laan, informing her that the heads of administration had discussed the issue in July but "did not want to take a position without a legal opinion". The Legal Service therefore was requested to deal with the matter, and in particular to respond to the question: "Is it possible for the European Parliament to recognise the Dutch marriage law between two persons of the same sex, without discriminating against homosexual couples of other nationalities?"

This is confusing, however, because in an internal note (ADMIN.B.2 (01)D/18009,AB/ndv) from the services of Commissioner Neil Kinnock who is also responsible for personnel, dated 15 May 2001, it is clearly stated that it would be appropriate for any marriage contracted under Dutch law to be recognised for the purposes of the staff regulations. It is referred to Article 1 bis in these regulations

that provides also for non-discrimination on the grounds of sexual orientation, as do Article 13 EC Treaty and Article 21 of the EU Charter of Fundamental Rights.

Finland adopts Registered Partnership Act

On 28 September 2001 the Finnish parliament adopted the Registered Partnership Act with 99:84 votes. It is similar to the legislation for same-sex couples in the other four Nordic countries. It is not completely equivalent to marriage as it, for example, does not cover joint adoption. The law is expected to come into force in March 2002 – the exact date has not yet been confirmed.

In September the Parliament in Helsinki finally followed the example of the other Nordic countries and adopted a same-sex partnership law for Finland



European Liberals unanimous on same-sex marriage

On 28 September 2001 European Liberal parties have spoken out in favour of the opening of marriage to gay and lesbian couples. Where legal marriage will not be available in the short run, the ELDR calls for registered partnerships that offer protection of same-sex couples at a similar level as married couples. At the yearly conference of the ELDR, the European political party composed of various national liberal parties, a resolution tabled by the Dutch government party D66 calling for the opening of marriage to same-sex couples was adopted unanimously. The D66 resolu-

For a complete list of ELDR Member Parties, see:
www.eldr.org/en/network/members.html

For the text of the adopted resolution, see:
www.vanderlaan.net/full/en/bv.cfm/exclusion

tion included an amendment by the Belgian VLD-party of prime-minister Guy Verhofstadt, explicitly stating that the equal protection of gay and lesbian couples should include parental rights.

The resolution was initiated by MEP Lousewies van der Laan: "When you believe, as liberals do, that stable family relations are beneficial for both individuals and for society as a whole, it is not defensible that people are excluded from marriage solely based on their sexual orientation. The choice of a partner should be a personal decision."

The ELDR party includes liberal parties from all over Europe, including many Southern and Eastern European countries. Both D66 and VLD have played a pivotal role in the opening up of legal marriage for gay couples in the Netherlands and soon in Belgium.

Compensation for Nazi victims

In the last issue of our *Newsletter* we reported about existing funds compensating also gay and lesbian Nazi victims (pp. 8-9). Both the German Forced Labour Compensation Programme and the Swiss Banks Holocaust Victims Assets Programme have extended the deadline for submitting applications from individuals until 31 December 2001. Victims therefore are encouraged to apply for compensation under these programmes to the International Organization for Migration (IOM) which is administering claims based on persecution on the grounds of sexual orientation under both programmes. The address is: IOM, 17 route des Morillons, C.P. 71, CH-1211 Geneva 19; telephone hotline +41-22-717 92 04. Web sites: www.compensation-for-forced-labour.org, www.swissbankclaims.org.

Exciting developments in Moldova

Twinning project launched

Olesea is 22 and a lesbian. Recently she became the head of the lesbian committee within the Moldovan gay and lesbian organisation *GenderDoc-M*. Despite her young age, she knows how it feels to be raped, threatened and physically abused. The day Olesea's mother learned that her then 15 year old daughter was a lesbian she called the police: "My daughter is a lesbian, do whatever you need to correct her." Olesea spent 15 days at the police station, where she was constantly beaten, and numerous attempts were made to rape her. Unfortunately, it was not her last contact with the police.

Sexual minorities in the Republic of Moldova live in permanent fear. Although Art. 106 (1) of the former Soviet penal code providing for prison sentences between 2 and 5 years for male homosexual intercourse was repealed in 1995, gays and lesbians hide their sexual identity even today to feel safe. Discrimination against sexual minorities is certainly only one of many problems Moldovan society faces at the moment – according to the Council of Europe, Moldova is the poorest country in Europe. However, this can never justify continuous discrimination against gays and lesbians.

Center GenderDoc-M was registered in 1998 and is the only organisation fighting for LGBT rights in Moldova. The Center's main projects include the periodical publication of the gay and lesbian magazine *Zerkalo* ("Mirror"), psychological assistance to homosexuals in Moldova and workshops on homosexuality. In December 1999 and in February 2000 two international seminars on different aspects of homosexuality were held.

Fighting hate speech

Last summer, Moldovan member of Parliament Vlad Cubreacov stated in an interview in one of the biggest newspapers: "To be a homosexual doesn't only mean you are no longer mother or father, it means you are no longer a human being. Homosexuals are slaves of their own infatuations, directed by instincts. Homosexuality doesn't have an equivalent in the animal world, and this is the most clear proof that its origin is in the heads and souls of people, fallen in the face of God and the society in general." Mr Cubreacov is vice-president of the Christian-Democrat People's Party (CDPP), the third largest party in Moldova, and also a member of his country's delegation to the Parliamentary Assembly of the Council of Europe (PACE) where his party is affiliated to the European People's Party Group.

After denouncing Mr Cubreacov's intolerant words, *Center GenderDoc-M* received many supportive reactions, including from members both of the European Parliament and the Council of Europe's Parliamentary Assembly as well as from international human rights organisations. MEP Lousewies van der Laan declared: "The statements of Mr Cubreacov about homosexuals, reported in the *Jurnal Național*, will do great harm to his country. It will make people in other European countries think that Moldova is underdeveloped, because its politicians are allowed to discriminate and insult people just because they happen to be homosexual. Politicians should not promote hatred and bigotry, but solve the real problems of Moldova."

Cubreacov's statement is also clearly in contradiction to the position of the European People's

Party on gay and lesbian rights as expressed by the group's leader on the occasion of the PACE debating two reports and recommendations in its summer 2000 session.¹ Thus, Cubreacov received, certainly to his big surprise, a fax from the president of the EPP in the PACE, René van der Linden. He wrote: "May I draw your attention to the fact that your opinion is clearly against the EPP programme in general and against the conviction of our EPP group in the Parliamentary Assembly, in particular as it is in strong contradiction as well to the conventions of the Council of Europe. The respect for human dignity and integrity, whatever the sexual preference or disposition of the people concerned might be, is the base of our attitude and of our societal conviction. It must be clear that you will have to change opinions about this if ever your political position is supposed to stay in line with our group and with our EPP party."

GenderDoc-M in new exciting co-operation

On 18 October 2001, the inauguration of the project "Moldovan Gay and Lesbian Empowerment" took place. It is a twinning project between two ILGA-Europe members, *GenderDoc-M* and the national Dutch lesbian and gay advocacy organisation *COC*. It is the first initiative to protect the gay and lesbian rights at such a large scale in the post-Soviet territory. The financial support is given by the Royal Dutch Embassy for Ukraine and Moldova in Kiev via the Good Governance and Human Rights Fund of the Ministry for Foreign Affairs of the Netherlands.

GenderDoc-M director Alexei Marcicov stated in his opening speech: "The project, as litmus paper, will reveal the level of tolerance of Moldovan society and

the willingness of authorities to continue democratic reforms." *COC* project co-ordinator Dennis van der Veur emphasised: "The Netherlands will not only give financial support to the project but also both moral and political support."

The three-year project includes four sub-projects in the areas of organisational development, awareness raising campaigns, legal assistance and safe environment, which will be carried out under the supervision of and in communication with *COC* that will also transfer its expertise. In simple words the project will provide gays and lesbians in Moldova with the means needed to protect their rights, fight discrimination and create a safe place where they are understood and accepted and to improve their position in society.

In general, the media reacted positively to the event, except from CDPP and religious newspapers. Some parliamentarians even phoned and expressed a "wish to co-operate". Things start to change slowly, but of course *GenderDoc-M* does not expect changes to happen overnight.

In the coming three years activists expect *GenderDoc-M* to become a professional gay and lesbian advocacy organisation, to develop a genuine gay and lesbian movement – a well-organised and recognised force in Moldovan society. It is time for the country's politicians to realise that sexual minorities cannot continue to be neglected and humiliated, and that there is no way to the European Union with homophobic policies.

MAXIM ANMEGHICHEAN

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¹ These two reports and recommendations are the one mentioned in the article on p. 13 and the one on the "Situation of gays and lesbians and their partners in respect to asylum and immigration in the member states of the Council of Europe", Recommendation 1470 (2000), adopted on 30 June 2000.

International conference in Latvia

Lesbian and gay activists from Eastern and Central Europe met

On 15-18 August 2001, Gay Support Group (Latvia) hosted the international conference "Gay and Lesbian Rights in Eastern Europe" in Riga.

From 1987 to 1996, annual sub-regional conferences for Eastern and Southeastern Europe were organised by the International Lesbian and Gay Association (ILGA), but then the idea was abandoned. The tradition was renewed in 2000, and a conference for lesbian and gay activists from this region took place in Kiev, Ukraine.

This year, participants from Estonia, Latvia, Lithuania, Belarus, Ukraine, Poland, Hungary, Yugoslavia, Sweden, Norway and the US discussed topics such as the legal and social situation for lesbians and gay men in these countries, issues of HIV/AIDS/STDs, how issues of lesbian and gay rights are addressed by the international human rights law, how to facilitate lesbian and gay discussion groups, lesbian and gay internet, lesbian participation



Participants from Estonia, Latvia, Lithuania, Belarus, Ukraine, Hungary, Yugoslavia, Sweden and Norway at the conference venue in central Riga

in mixed groups, stereotypes about lesbians and gay men and how to fight them, co-operation between Eastern and Western European organisations. All participants agreed that it is very useful to organise such conferences since lesbian and gay organisations in former communist countries share a lot of similarities and challenges that are

specific to their region. The conference was partly supported by the European Youth Foundation.

The participants also had the chance to enjoy the growing lesbian and gay scene in Riga and take part in the spectacular celebration of the 800th anniversary of the Latvian capital.

During the final plenary session the participants adopted an appeal addressed to the national parliaments of the Eastern European countries, the European Parliament, the Council of Europe, and embassies of Western countries in Latvia (see below).

JURIS LUDVIGS LAVRIKOVŠ

The Riga Appeal

We, the participants of the International Conference "Gay and Lesbian Rights in Eastern Europe", from the countries of Estonia, Latvia, Lithuania, Belarus, Ukraine, Poland, Hungary, Yugoslavia, Sweden, gathered in Riga, Latvia, on 15-18 August 2001, and analysed the legal and social situation for lesbians and gay men in our countries and the region. We arrived at the following conclusions:

► Lesbians and gay men are subject to regular and systematic violation of their basic human rights by legislation, governmental bod-

ies, administrative agencies in all Eastern European states represented, including those who are candidates for full membership in the European Union; ► Such violations are even more evident in countries that are not in the process of joining the European Union, such as Belarus, Ukraine, and Yugoslavia; Such discrimination is unacceptable and contradicts international human rights standards as defined in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cul-

tural Rights, the European Convention on Human Rights and Fundamental Freedoms, and European Union law.

We therefore urge that, in order for the countries of Eastern Europe to join the community of fully and genuinely democratic nations, it is imperative that each such country:

► adopt anti-discrimination legislation that specifically outlaws discrimination on grounds of sexual orientation;
► provide equal age of consent for consensual sexual activities for both heterosexual and homosexual acts;

► adopt legislation specifically to outlaw discrimination on grounds of sexual orientation in employment, as required by the 2000 EU Council Directive on equal treatment;
► grant legal recognition for same-sex couples; criminalise hate crimes and other forms of violence against lesbians and gay men such as the events of September 2000 in Minsk, Belarus and June 2001 in Belgrade, Yugoslavia.

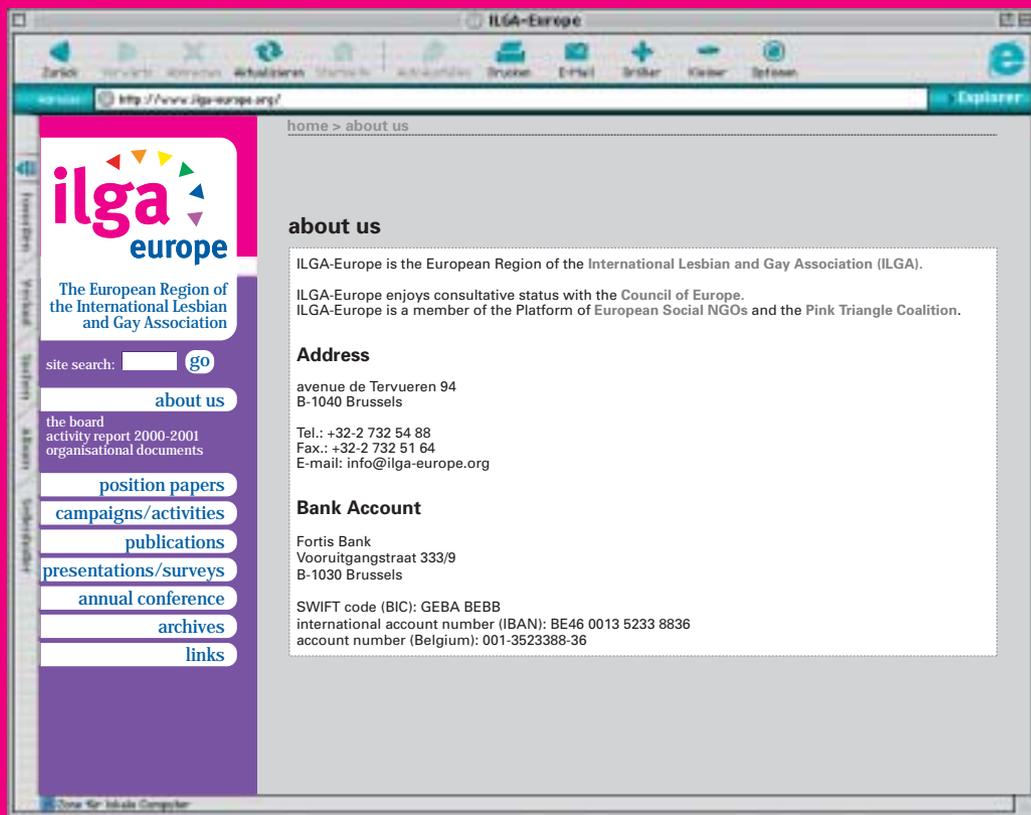
We strongly believe that such measures are necessary in order to provide truly democratic development and respect for human rights, so that these countries can take their

rightful place in the community of European nations ruled by principles of law, respect and justice for all.

Kremenchug Group of the Amnesty International Ukrainian Association, The Ukrainian Human Rights Foundation, Campaign Against Homophobia (Poland), Lambda Warszawa Association (Poland), Queer Studies Programme (Yugoslavia), Group of Deaf Gays and Lesbians "Blue Rose" (Belarus), Belarus Lambda League, Labrisz Lesbian Association (Hungary), Men's Health Association (Latvia), Lithuanian Gay League, RFSL (Sweden), ESPO Society (Estonia)

ILGA-Europe web site relaunched

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 archive section, download options (PDFs) and a site-wide full text search engine. The new web site will be operative by the end of November.



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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