

Lisbon: PACE President Peter Schieder honours LGBT rights campaigners



Peter Schieder (right) is the President of the Parliamentary Assembly of the Council of Europe



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Personnel news

Policy and research officer started work

On 2 September 2002 Licinia Pereira started working as ILGA-Europe’s policy and research officer, which is the fourth staff position created in our Brussels office.



Licinia Pereira has a degree in International Relations from Lisbon and a Masters in International Relations and Euro-

pean Studies from the University of Kent in London. While living in Germany, Licinia gained work experience in the marketing area, and upon moving to Brussels acquired anti-discrimination work experience in a social sector NGO and at the Gender Equality unit of the European Commission. The past year Licinia was representing a regional Portuguese-Spanish interest association in Brussels and looking at different community policies, such as

social policy, local employment, social exclusion and EQUAL.

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

Mette Vadstrup left ILGA-Europe

When you read this issue of the Newsletter, its co-editor and ILGA-Europe information officer Mette Vadstrup will already have stopped working for us. Mette was one of our two first employees who started working in February 2001. We regret very much that she decided, after 21 months with us, to move on to another employment and develop her career in a different sector. Mette was a dedicated and committed worker, indeed a “maid-of-all-works”, in particular before Ailsa Spindler started as executive director in June this year. Mette was a brilliant lobbyist and campaigner in the European Parliament, and we were lucky to have her working for us in a period of particularly many initiatives and issues relevant to us being on the EP’s agenda. She was also an excellent “networker” for us at the NGO scene in Brussels, a great organiser, e.g. for events such as the annual conference or the meeting of our EU national coordinating network. We will miss Mette, her abilities and talents.

Table of contents

- 2 Personnel news
- 3 ILGA-Europe’s Annual Conference 2002
- 4 Promoting LGBT rights in Europe
- 6 The new executive board
- 7 Recognition of LGBT refugees
- 8 Freedom of movement
- 9 Update on LGBT issues in the candidate countries
- 14 Intergroup re-launch
- 15 Intergroup on gay and lesbian rights: A fresh start
- 16 The European Disability Forum looks forward to 2003
- 17 The role of the Committee of the Regions
- 18 News clips
 - European Union: Council replies to MEPs regarding Spain’s controversial vote at UN
 - European Union: Group of experts on sexual orientation discrimination finally set up
 - Moldova: Equal age of consent
- 20 Joint open letter by PACE President Peter Schieder and ILGA-Europe

Recognising diversity, promoting equality

ILGA-Europe's Annual Conference 2002

For the first time in its 24-year history, ILGA has held a conference in Portugal. The 24th European conference (at the same time ILGA-Europe's sixth) took place in Lisbon from 23 till 27 October and was hosted by its member organisation *Opus Gay* which had to make several attempts before it finally succeeded, thanks to António Serzedelo's persistence, to bring the conference to Lisbon. Although the Portuguese LGBT movement has undergone a remarkable development with major achievements in the last years, the presence of the conference in Portugal was an important statement which, indeed, was also reflected by the large media interest and coverage it provoked.

Less interest was shown by Portuguese politics. Used in the past to gain the honorary patronage of at least one high-ranking national politician for our conference and to be invited to an official reception by the lord mayor of the host city, we were disappointed, in this respect, by the conservative governments of Portugal and Lisbon respectively. They did not send representatives to our opening plenary either which, however, was addressed by Members of Parliament and Lisbon City Council from the Left Bloc (*Bloco Esquerda*), the Socialist Party and the Greens. Other speakers in the opening session were António Serzedelo, who welcomed all participants on behalf of the host organisation, Teresa Nogueira, president of the Portuguese section of Amnesty International, and ILGA-World secretary-general Kürşad Kahramanoğlu. Messages of support were received from Mario Soares, former Prime Minister and President of Portugal, now Member of the Euro-

pean Parliament, and João Soares, MP, former lord mayor of Lisbon.

130 participants from 31 countries were offered two plenary panel sessions and could choose among 21 workshops to discuss ILGA-Europe's campaigns and development and exchange information and experiences in a variety of fields. Thanks to financial support received by the European Community, the *Open Society Institute* (Budapest), the *Heinrich*

At the 24th European conference 130 participants from 31 countries were offered two plenary panel sessions and could choose among 21 workshops

Böll Foundation (Berlin), *Pink Cross* (Switzerland) and *COC Haaglanden* (Netherlands), scholarships to a number of delegates from Eastern European countries could be granted and expert speakers could be invited. The conference was also supported by several local sponsors.

The full conference report will soon be posted at our web-site. In this *Newsletter*, we do not have the space to give a detailed report and therefore just would like to highlight the two panel sessions



António Serzedelo and Anabela Rocha open the present given to the conference host, Opus Gay, in the final plenary

and the two workshops dedicated to Islam and LGBT Muslims which were one of the thematic focuses of the conference. A detailed report on the plenary

session on "promoting the rights of LGBT people using the human rights policies and mechanisms of the Council of Europe and the European Union", in which the conference patron Peter Schieder was speaking, is given on page 4.

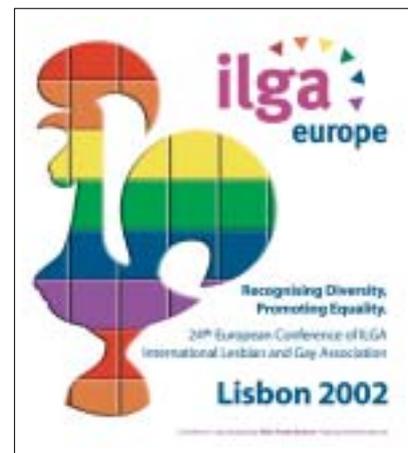
The role of trade unions

The other panel session was addressing the "role of trade

unions in implementing EU laws which prohibit sexual orientation and gender identity discrimination in the work-place".

Cécile Le Clercq of the European Commission's Employment and Social Affairs Directorate-General, explained the Commission's priority, which is the efficient and full transposition of the two Article 13 directives into national legislation, and after this its enforcement. In both phases NGOs and trade unions have an important role to play and

should build alliances. She gave recent examples of collective agreements both at European and international level. Cécile Le Clercq stressed again that the



Commission has no plans to propose further legal measures to combat discrimination outside employment, not even for the ground of disability. People had expected that the 2003 European Year of Persons with Disabilities (see also p. 17) could be an opportunity for such a proposal.

Maria Gigliola Toniollo of the largest Italian trade union *CGIL* explained how they began ten years ago to combat discrimination against LGBT people, and to cater especially for transgender people. The statutes of *CGIL* were amended accordingly. And recently, an office for "new rights" (*Ufficio Nuovi Diritti*) was established within *CGIL* to address these issues. Her office does not only support LGB and in particular transgender people but also focuses on awareness raising among trade unionists who are not free from cultural biases.

Carola Towle of *UNISON*, the largest trade union in the UK, recalled key principles of trade unionism, i.e. solidarity, justice and equality, collective action and effective organisation. However, trade unions also tend to be bureaucratic and slow to change. They reflect a cross section of society and are thus not immune to prejudice. As their work for equality is sometimes limited to gender and race issues, the EC Employment Directive is an important step forward since it deals with other grounds of discrimination and also calls for collective agreements.

Barry Fitzpatrick of the Equality Commission of Northern Ireland elaborated on external and internal factors relevant for collective bargaining and equal opportunities.

Empowering LGBT Muslim communities in Europe

The objectives of the two workshops dealing with the LGBT Muslim communities in Europe were: to raise understanding of non-Muslim participants as to



Copies of the ILGA-Europe activity report can be ordered from our office

what it is like to be lesbian, gay, bisexual and Muslim in a West European environment; and to look at ways in which these communities can be empowered by the wider LGBT community both at national and European level.

Suhraiya Jivraj, joint co-ordinator of the *Safra Project* in the UK, gave a presentation on Islam, Islamic law, law and customs of Muslim countries and about her project. Adnan Ali of *Al-Fatiha UK* spoke about his experiences as a gay Muslim from Pakistan living in the UK, both within the Muslim environment and the wider LGBT community. Extensive background material was distributed in the workshop and will be made available in the (electronic) conference report at our web-site. Everybody interested in this subject is recommended to read this very interesting material.

General assembly

The annual conference also serves as ILGA-Europe's general assembly at which the Board presents its activity report for the

past twelve months for debate and adoption. The printed version of this 28-page report can be ordered from our office; an electronic version is of course available at our web-site. Also were presented and adopted: the audited accounts for the calendar year 2001, the budget for the coming year and a detailed work programme for the twelve months until the next annual conference in October 2003. Treasurer Nigel Warner also gave an overview of the current financial situation of ILGA-Europe.

A new executive board and the two representatives of the European region on the ILGA-World board were also elected (see separate presentation on p. 6).

The conference venue for 2004 was also decided. Delegates welcomed the proposal of *Hättér Társaság a Melegekért* to host the conference in Budapest. However, it was emphasised that by 2004, the funding base of ILGA-Europe might not yet be as diversified as we want to be it. Should ILGA-Europe, in 2004, still depend upon the annual confer-

ence being counted as the main contribution to its co-financing requirement under the EU core funding, Budapest can only be a viable option if Hungary is an EU member by then. Or if we can otherwise obtain permission to use our EU funding outside the EU for this specific purpose. For the unlikely event that we cannot have the conference in Budapest for these reasons, our Austrian member organisation *HOSI Wien* has kindly offered to host, together with *Hättér*, the conference in nearby Vienna. Since EU Enlargement seems to go ahead as planned, we are optimistic that there will not be any problems to hold the 2004 conference in Budapest.

Lisbon was a very successful conference that could strike an extremely positive balance for the activity year 2001/02. Next year's conference will be held, as already decided in Rotterdam last year, in Glasgow, and hosted by *Stonewall Scotland*.

KURT KRICKLER

ILGA-Europe annual conference

Promoting LGBT rights in Europe

One way of achieving LGBT equality throughout Europe is to work with the parliamentary assemblies of European organisations and institutions such as the Council of Europe and the European Union. ILGA-Europe has a broad network of contacts in the Parliamentary Assembly of the Council of Europe (PACE) and the European Parliament (EP). The Council of Europe and the European Union represents two very different mechanisms for promoting human rights in the sense that their construction, competencies and membership differs substantially. It is therefore important to monitor the development and participate actively in the

human rights debate in both organisations.

To underline the importance of the work in both organisations, one of the plenary sessions at the

annual conference was dedicated to focus on how to work to further promote the rights of LGBT people in Europe. The three panel speakers were giving their views on how the human rights

policies and mechanisms of the Council of Europe and the European Union could be used to advance LGBT issues in the European human rights debate.

Peter Schieder, President of PACE and patron of this year's ILGA-Europe annual conference, addressed the plenary with a very strong commitment to make progress for LGBT equality. He underlined that there had been improvement in the treatment of LGBT people in some countries in recent years, but he continued by stating "progress has been uneven and in some countries it is still non-existent. It is sad truths that, even today in Europe people continue to be discrimi-



Peter Schieder, Rob Wintemute, Ailsa Spindler, Joke Swiebel and Nico Beger, who is reading out the names of the 22 individuals honoured

The European Union and the Council of Europe

The European Union has 15 member states and is primarily an economic organisation, although in recent years it has increasingly become involved with other issues, including human rights. It is based in Brussels, but its Parliament also meets in Strasbourg.

The Council of Europe has 44 member states, covering more or less the whole of Europe. It is essentially a human rights organisation. Its most important instrument is the European Convention on Human Rights, which is enforced mainly through the European Court of Human Rights, in essence a supreme human rights court for Europe. It is based in Strasbourg.

The Parliamentary Assembly of the Council of Europe is a deliberative body consisting of representatives from the parliaments of the member states. Each delegation's composition reflects that of its parliament of origin. The Parliamentary Assembly debates on a wide range of social issues and its recommendations to the Committee of Ministers have been at the root of many of the Council of Europe's achievements. The Assembly plays a key role in the accession process for new members and in monitoring compliance with undertakings entered into.

The European Parliament is the assembly of the representatives of the Union citizens. The Members of the European Parliament (MEPs) are elected in their member states. The Parliament's main function is to consider the Commission's proposals, and it is associated with the Council in the legislative process by means of various procedures (co-decision, co-operation, consultation). The Parliament has the power of supervision over the Union's activities through its confirmation of the appointment of the Commission and through the written and oral questions it can put to the Commission and the Council, and it shares budgetary powers with the Council in voting on the annual budget and overseeing its implementation.

For a more in-depth comparison of the two organisations see: www.ilga-europe.org/m3/guide_eu_coe.html.

nated against on the ground of their sexual orientation". Reflecting on specific areas for future work, Schieder pointed at two major issues which have not yet been covered by PACE. The first issue is full legal recognition of same-sex couples by the state, including the right to marry and the right to be considered for adoption. "I personally see no reason why people of the same sex should not be allowed to marry. I also believe that what children awaiting adoption really need is love, care and protection from responsible adults" stated Schieder. The second issue is related to Protocol No. 12 of the European Convention on Human Rights. To ensure that Protocol

No. 12 will enter into force and that its general prohibition on discrimination be applied to all forms of discrimination based on sexual orientation (see page 20).



Philippe Fretté, João Mouta, Alecos Modinos and Jeff Dudgeon were awarded ILGA-Europe certificates honouring their commitment

Joke Swiebel, MEP and Chair of the Intergroup for Gay and Lesbian Rights in the European Parliament, spoke afterwards about the role of the EU and the EP in promoting LGBT issues. She discussed six "windows of opportunity", i.e. policy areas at EU level where further action is needed and seems to offer promising prospects:

- EU anti-discrimination law must be fully implemented and has to treat all discrimination grounds on an equal footing;
- LGBT rights have to be mainstreamed throughout other EU legislation, in particular in the fields of free movement, asylum and migration policies;
- the incorporation of the EU Charter of Fundamental Rights into a future European Constitution or Basic Treaty will lend new impetus to the fight against discrimination, also in areas beyond the labour market;
- LGBT rights will have to become an integral part of the overall human rights policy of the European Union;
- politicians and NGOs alike must build on the success achieved in getting discriminatory laws abolished in the accession countries; now full implementation of the *acquis* must be secured; and
- more pressure is needed to make the EU really defend LGBT rights at the global level, e.g. apply the human rights clauses of bilateral co-operation agreements when LGBT rights are violated.

Robert Wintemute, Reader in Human Rights Law, Kings College, University of London concluded the panel presentations by

drawing parallels between the "two Europes" and their human rights competencies. He called the Council of Europe for the "Human Rights Europe" and the European Union for the "Economic, Monetary and Political Europe", the latter playing an important role in human rights protection but not as a main objective. Wintemute pointed out that the future enlargement of the EU with up to 13 new members would increase the overlap of membership of both the Council of Europe and the EU and that a merger of the two organisations perhaps is possible at some point in the future. For now, they remain two separate organisations which ILGA-Europe and its members should continue to work with in the drive towards LGBT equality.

LGBT equality in Europe can be achieved, not only by lobbying the political institutions of the Council of Europe and the EU, but also by taking test cases to the European Court of Human Rights in Strasbourg, and the European Court of Justice in Luxembourg. These test cases can establish important legal precedents, which can require all member states that still have the challenged law or practice to change it, and can make it easier to lobby for reforms in other cases.

The test cases cannot happen without courageous individuals, who are willing to take the role of the applicant and stick with it for as long as ten years (the time it can take for a case to work its way through the national and European courts). Most of these individuals have chosen to waive their right to anonymity and subject themselves to the pressure of intense media scrutiny.

The plenary session was concluded by an award ceremony honouring 22 individuals who have challenged their injustices before the European Court (and Commission) of Human Rights. It was not practical for all 22 applicants to come to Lisbon. But four of them were present and, without in any way minimising the

Award ceremony

The award ceremony was to honour the achievements of all those who have taken cases dealing with LGBT rights issues to the European Court of Human Rights, whether or not the Court found a violation in their individual cases.

The following is a list of the 22 individuals who were honoured, their cases, and the injustices they challenged:

1980 Danial van Oosterwijck vs. Belgium
Non-recognition of gender reassignment

1981 Jeffrey Dudgeon vs. United Kingdom
Criminalisation of all sexual activity between men

1986 Mark Rees vs. United Kingdom
Non-recognition of gender reassignment

1988 David Norris vs. Ireland
Criminalisation of all sexual activity between men

1990 Caroline Cossey vs. United Kingdom
Non-recognition of gender reassignment

1992 Ms B vs. France
Non-recognition of gender reassignment

1993 Alecos Mondinos vs. Cyprus
Criminalisation of all sexual activity between men

1997 XYZ (Stephen Whittle, his female partner and their child by donor insemination) vs. United Kingdom
Non-recognition of transsexual men as legal fathers

1997 Euan Sutherland vs. United Kingdom
Unequal ages of consent to sexual activity
(Euan won before the European Commission of Human Rights, but his case was settled and therefore not heard by the Court. Having started his case at 17 he is the youngest applicant.)

1998 Kristina Sheffield and Rachel Horsham vs. United Kingdom
Non-recognition of gender reassignment

1999 John Beckett, Graeme Grady, Duncan Lustig Prean and Jeanette Smith vs. United Kingdom
Dismissal from the armed forces

2000 João Manuel Salgueiro da Silva Mouta vs. Portugal
Transfer of custody of a child from her gay father to her heterosexual mother

2001 Mr ADT vs. United Kingdom
Unequal rules on private group sexual activity

2002 Philippe Fretté vs. France
Blanket ban on LGBT individuals adopting children

2002 Christine Goodwin and Ms I. vs. United Kingdom
Non-recognition of gender reassignment

contributions of the other 18, awarded with an ILGA-Europe certificate. The certificate was presented by Peter Schieder to Jeff Dudgeon, Alecos Modinos, João Mouta and Philippe Fretté, who were applauded by the conference for their courage in pursuing legal actions against discrimination by their respective governments on the grounds of their sexual orientation.

In summing-up the session, ILGA-Europe executive director Ailsa Spindler observed that the presence of the award winners brought home the relevance of the fight for LGBT rights. "When we lobby for equal treatment in EU legislation, or make representations to the Council of Europe concerning the actions of member states, we can sometimes forget the effects of discrimination on individuals' lives. We will continue our struggle for equality, working with our political friends such as Joke Swiebel and Peter Schieder, so that the personal battles fought by brave and determined individuals in the past will not be faced by others in the future."

METTE VADSTRUP

ILGA-Europe's general assembly

The new executive board

On the last day of the Lisbon conference, the new executive board of ILGA-Europe – consisting of eight people – was elected. Except for Adrian Coman from Romania, who has served on the board for five years and moved to New York, all members of the "old" board stood again and were re-elected. Therefore, Maxim Anmeghichean from Moldova is the only new member on the board. Nevertheless, we would like to introduce all members here:

Tiia Aarnipuu is the chairperson of SETA, the national LGBT organisation in Finland. She, herself mother of three children, is also one of the founding mem-

bers of the Finnish Rainbow Families association. She has been working especially on family and parenting issues and reproduction rights since 1997. Her academic background is in comparative religion and gender studies.

Maxim Anmeghichean, 21, is currently in his last year as a student of journalism at the National University of Moldova in Chişinău. He is co-ordinator of the information centre *GenderDoc-M*. He became an LGBT activist three years ago, and has been involved in IGLYO since 2000 and the LBGT section of Amnesty International since summer 2002. He will work in the board to keep ILGA-Europe's

focus on the Council of Europe, Eastern European, and in particular, non-accession countries.

Nico J. Beger is a 33 year old tranny boy living in Berlin. S/he is affiliated to the lesbian group within the German Green Party (*Lesbenbereich Bündnis 90/Die Grünen*) and has been in ILGA-Europe's executive board for five years now and still enjoys the work a lot. In real life s/he is an academic with a background in feminist/cultural theory and philosophy.

Riccardo Gottardi, who has been on the board since 2001, is the chairperson of *Arcigay Pride!*, the local *Arcigay* branch in Pisa. The

first ILGA-Europe conference he attended was in 1998, and already a year later he was among the organisers of the 1999 conference in his hometown. He supervises, at national level, *Arcigay's* transnational projects and is involved in the Italian secular movement.

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 Group* and the *Stonewall Immigration Group*. His involvement with ILGA goes



The new “old” board: Nigel, Tiia, Tatjana, Jackie, Kurt and Nico (plus Ailsa) and new board member Maxim from Moldova



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 in 2000 and became its treasurer.

As reserve members were elected: **Ali Jarvis** of *Stonewall Scotland* for the women's seats in the board, and **Pierre Noël** of *Tels Quels* (Belgium), who used to be

the male European representative on the ILGA-World board, for the men's seats.

As ILGA-Europe's two representatives to the ILGA-World board were elected **Jackie Lewis** and **Yves de Matteis**. Yves, a language teacher by profession, has been working for LGBT rights in Switzerland for more than 10 years. He is founder of the LGBT university association, the Amnesty LGBT group in Geneva and of the Gay International Group (informal gatherings for foreigners in Geneva, 80 countries represented); co-founder of

the Geneva-based association *360°* and journalist for its magazine with same title. He has also been active in *Pink Cross*, the national gay organisation (presently as its human rights delegate). He is one of ILGA's contact persons for the UN in Geneva. He is also active in committees of anti-racist, disabled and other organisations fighting for human rights.

As the European region's reserve member for the ILGA-World Board was elected **Sonja Casha** of the *Malta Gay Rights Movement*.

European Union campaign update

Recognition of LGBT refugees

We have in the May and August *Newsletter* been writing about the ILGA-Europe campaign to try to secure an EU wide recognition of LGBT refugees. The campaign is a response to a Commission draft directive (COM (2001) 510), which seeks to set out a common definition of refugee status.

The ILGA-Europe campaign has three main objectives:

- to ensure that persecution on the ground of sexual orientation is recognised in the directive
- to work for a specific reference to persecution on the grounds of gender identity
- to work for the extension of the definition of “family members”, so that there is full recognition of LGBT family members in the directive.

We have been working with Members of the European Parliament, notably the rapporteur Jean Lambert (Greens/UK), who included the ILGA-Europe amendments in her report. The Lambert report had a total of 176 amendments before the vote in Parliament Committee, including several alarming amendments from the members of the conservative group (PPE) in the Parliament. One German PPE member had tabled amendments to delete sexual orientation from the scope of the directive on the justification that sexual orientation is not a characteristic of discrimination. The Parliament Committee did not support the proposal to delete sexual orientation. The Committee adopted the ILGA-Europe amendments on sexual orientation and gender identity

but failed to reach a majority support for the extension of the definition of family members.

On 22 October the Lambert report was adopted in the Parliament plenary including both references to sexual orientation and gender identity. The report as a whole was adopted with a very narrow margin, which illustrates the difficulties the Parliament (and also the Council) struggles with in order to reach consensus on these matters. Lambert said after the vote: “Today's vote is a victory for a humanitarian approach to European refugee and asylum policies... Our definition of refugees is a broad one, contrary to the preferences of some governments. For instance, women facing oppression on account of their sex or people

persecuted because of their sexual orientation should benefit from EU protection. The same goes for conscientious objectors.”

The Parliament has thus sent a strong and clear message to the Council. After this quite successful outcome in the Parliament we now turn towards the Council, where members of the ILGA-Europe EU national co-ordination network have been involved in lobbying at national level. The Council intends to reach agreement on the text of the Directive at the end of November. The Parliament only has a consultative role in this matter. It is therefore important to keep up the pressure at national level to secure a successful outcome in the Council.

European Union campaign update

Freedom of movement

ILGA-Europe's campaign on the free movement of EU citizens is moving on. The campaign has been described in the four previous editions of our *Newsletter* as addressing issues of great importance to Europe's LGBT community.¹ We are responding here to a Commission draft directive (COM (2001) 257) which fails to take adequate account of LGBT needs. In practice the free movement of families is restricted to families where partners are married. What ILGA-Europe is campaigning for is to achieve free movement for all families which choose a different life style than marriage.

An important factor is that the European Parliament has co-legislative competence in this area, which includes the right to propose amendments to the Commission's draft directive. Under the so-called co-decision procedure the Parliament and the Council must both agree to and adopt the final text of the Directive. The Parliament is in the process of drafting its report for the first reading, and the Council will shortly after issue its first common position on the Commission proposal. In early September the rapporteur for the Parliament, Giacomo Santini (PPE/IT) presented his

view on the Commission proposals and gave some indications on what areas he would deal with in his report. ILGA-Europe contacted Santini's office and presented its proposals for amendments. We continue to campaign for our basic proposals which would ensure complete freedom of movement for both registered partners and unmarried partners and their families.

However, it may be difficult to achieve sufficient support in the

Parliament Committee on 11 November. In his draft Santini proposes a number of amendments that would be very damaging for the rights of LGBT people.

First, he proposes to restrict free movement rights to "heterosexual spouses". The addition of the word "heterosexual" is clearly intended to exclude same-sex couples married in the Netherlands. His clumsy choice of words, however, would have

The rapporteur wants to limit free movement rights for unmarried couples to those states where national law "recognises de facto and de jure couples"; i.e. to states recognising cohabiting couples and at the same time providing a partnership status. The terms used by Santini are not defined, but seem to be quite narrow. Some states recognise cohabiting couples in specific areas of law, but do not confer a definite legal status on them, e.g. the UK. Other states provide a legally recognised partnership scheme, e.g. Denmark, Finland, France, Germany, Netherlands, Portugal, and Sweden. The rapporteur's proposal would only cover these states and therefore add an extra requirement to what the Commission has proposed.

ILGA-Europe will continue to monitor the developments in the Parliament and will work with members of the Intergroup on Gay and Lesbian Rights to have our amendments tabled. Our aim is to ensure the right to free movement for all married and unmarried couples and their family members. The proposal to include the principle of mutual recognition is only a fall-back measure. The Santini report is scheduled to be adopted in Parliament in the beginning of January 2003.

MARK BELL/MV

The addition of the word "heterosexual" is clearly intended to exclude same-sex couples married in the Netherlands

Parliament and the Council for these proposals. Accordingly we have prepared a fall-back position which would at least improve the free movement rights of partners who are legally recognised in their own country (e.g. through a registered partnership). This proposal makes use of the principle of *mutual recognition*, a concept that already applies in other areas of free movement legislation. It would ensure that, for example, registered partners recognised in one member state would be able to move freely to other EU countries, whether or not these had registered partnership legislation of their own.

Santini's draft report was published on 7 November and debat-

bizarre results. For example, a married opposite-sex couple would apparently be excluded if the EU citizen's partner was bisexual rather than heterosexual. We do not assume, however, that the rapporteur really thinks national authorities could check the "genuine" sexual orientation of two persons of different sex married to each other when they want to move within the Union.

Second, he proposes to place further restrictions on free movement rights for unmarried couples. The Commission has proposed that unmarried couples would have the right to move to states where unmarried couples were treated as equivalent to married couples in national law.

¹ For ILGA-Europe's detailed campaign proposals see *Newsletter* # 3/02, p. 4. Our position paper can be downloaded from our web-site at www.ilga-europe.org.

your source of information on European LGBT issues:

www.ilga-europe.org

EU Enlargement

Update on LGBT issues in the candidate countries

On 9 October the European Commission supported plans for the accession of ten of the thirteen candidate countries in 2004 when publishing its annual Regular Reports on the progress of these countries towards accession.¹ As expressed in its media release on the same day, ILGA-Europe sees no objections to this process from an LGBT point of view.

From ILGA-Europe's perspective, readiness for accession depends on two criteria being met by each country: the elimination of all significant discrimination in the penal code; and the transposition into national legislation of the

EC's Employment Directive, which bans discrimination on the basis of sexual orientation in the workplace. As this update on lesbian, gay and bisexual issues will show, the first criterion has been met, with no significant discriminatory laws remaining in the penal codes of the ten countries ready for accession. Progress with meeting the second criterion is very much more limited. However, full implementation of EC legislation is a binding requirement for all accession countries, and the European Union has the legal powers to enforce such implementation. The issue for ILGA-Europe and its member organisations is

therefore to monitor the transposition process closely and ensure that any attempts in a particular country to dilute the effectiveness of the legislation are nullified.

It is very encouraging to see how far sexual orientation discrimination has become an issue in the accession process. Only three of the thirteen European Commission reports do not mention sexual orientation discrimination and/or legal changes eliminating sexual orientation discrimination (Czech Republic, Malta and Slovakia). Moreover, in all of them the European Commission emphasises the need for the candidate countries to implement

the anti-discrimination directives as well as forms of monitoring their enforcement at national level. In two, on Bulgaria and Turkey, specific recommendations are made in this respect.

The removal of the last "thorns" of discriminatory criminal law provisions in the 10 countries now proposed for accession is a major success for the four-year campaign using the enlargement process as an instrument to force candidate countries to establish equality between heterosexuality and homosexuality in the criminal law.

An overview of the situation for lesbians, gays and bisexuals in the candidate countries

To gain an idea of the situation for lesbians, gays and bisexuals in the candidate countries, we will assess the position using the criteria listed by the "Euro Gay Scoreboard" as presented in the June 2001 European Parliament public hearing on "EU Enlargement: A Gay Perspective" (see *Newsletter # 2/01*, p. 4). The eight criteria are not exhaustive but provide us with an overview of the main issues in the accession countries. These criteria are: penal code provisions against relations between consenting adults, the age of consent, general discrimination in public and private spheres of life, anti-discrimination legislation, freedom of association, registered partnership/marriage, adoption by same-sex couples and asylum laws.

The detailed information which follows is presented in summarised form in the charts on pages 10-11.

Penal code

This section refers to provisions prohibiting homosexual relations between consenting adults under certain circumstances not applying for heterosexuals. In June 2001 there were only a few countries left with such laws but all have now repealed them: In December 2001, the Romanian parliament abolished Article 200 that, inter alia, had criminalised homosexual relations causing "public scandal". In July 2002 Cyprus repealed several provisions, including ones dealing with sex in public places and prostitution. In September 2002 the Bulgarian parliament also

repealed several provisions, including one prohibiting homosexual acts committed "in public or in a scandalous way or in such a manner as to induce others into perversion".

Age of consent

This criterion refers to whether a country has different age of consent provisions for heterosexual and homosexual contacts. In 1997, the European Commission on Human Rights ruled that an unequal age of consent is a breach of the European Convention on Human Rights. With the possible exception of

Bulgaria (see separate box on page 12), all applicant countries² have repealed discriminatory age of consent laws. The most recent was Hungary: In September 2002 the country's Constitutional Court declared Article 199 to be unconstitutional. It is worth mentioning that two current EU member states still have unequal age of consent provisions on their law books: Portugal and Ireland.³

General discrimination

ILGA-Europe member organisations in 9 accession countries (Czech Republic, Estonia, Latvia, Lithuania, Malta, Poland, Roma-

¹ <http://europa.eu.int/comm/enlargement/report2002>; the 10 countries are the Czech Republic, Cyprus, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia, and Slovenia. The other three countries are Bulgaria, Romania and Turkey.

² Lithuania's Parliament already repealed Article 122 in September 2000, the new criminal code, however, is not foreseen to enter into force before January 2003. In Estonia, the June 2001 amendments to the penal code harmonising the age of consent at 14 entered into force in September 2002.

In July 2002 the Cyprus parliament harmonised the age of consent for homosexual (anal) intercourse and for heterosexual (vaginal) intercourse at 17 (see *Newsletter # 3/02*, p. 11).

³ Austria is no longer on this list as its parliament repealed Article 209 on 10 July 2002 (see *Newsletter # 3/02*, p. 22).

Greece has a provision penalising "acts of lewdness against nature between males" committed by an adult "seducing" a person below the age of 17. The general age of consent is fixed at 15.



Estonia

Area: 45,227 km²
 Population: 1.4 mio
 Age of consent: equal
 AD legislation: No
 Reg. Partnership: No
 Adoption: No
 Asylum laws:
 No specific legislation
 nor known cases



Bulgaria

Area: 110,993 km²
 Population: 8 mio
 Age of consent:
 see box on p. 12
 AD legislation: No
 Reg. Partnership: No
 Adoption: No
 Asylum laws:
 No specific legislation
 nor known cases



Hungary

Area: 93,036 km²
 Population: 10 mio
 Age of consent: equal
 AD legislation: No
 Dom. partnership: Yes
 Adoption: No
 Asylum laws:
 No specific legislation
 nor known cases



Cyprus

Area: 9,251 km²
 Population: 800,000
 see footnote 4
 Age of consent:
 equal – see footnote 2
 AD legislation: No
 Reg. Partnership: No
 Adoption: No
 Asylum laws:
 No specific legislation
 nor known cases



Latvia

Area: 64,589 km²
 Population: 2.37 mio
 Age of consent: equal
 AD legislation: No
 Reg. Partnership: No
 Adoption: No
 Asylum laws:
 No specific legislation
 nor known cases



Czech Republic

Area: 78,866 km²
 Population: 10.3 mio
 Age of consent: equal
 AD legislation: Yes
 Reg. Partnership: No
 Adoption: No
 Asylum laws:
 No specific legislation
 nor known cases



Lithuania

Area: 65,300 km²
 Population: 3.7 mio
 Age of consent: equal
 AD legislation: Yes
 Reg. Partnership: No
 Adoption: No
 Asylum laws:
 No specific legislation
 nor known cases

European Union

-  Member States
-  Candidates 2004
-  Candidates 2007





Malta

Area: 316 km²
 Population: 390,000
 Age of consent: equal
 AD legislation: No
 Reg. Partnership: No
 Adoption: No
 Asylum laws:
 No specific legislation
 nor known cases



Slovakia

Area: 49,035 km²
 Population: 5.4 mio
 Age of consent: equal
 AD legislation: No
 Reg. Partnership: No
 Adoption: No
 Asylum laws:
 No specific legislation
 nor known cases



Poland

Area: 312,685 km²
 Population: 38.654 mio
 Age of consent: equal
 AD legislation: No
 Reg. Partnership: No
 Adoption: No
 Asylum laws:
 No specific legisla-
 tion; two successful
 cases



Slovenia

Area: 20,253 km²
 Population: 2 mio
 Age of consent: equal
 AD legislation: Yes
 Reg. Partnership: No
 Adoption: No
 Asylum laws:
 No specific legisla-
 tion; one case of
 refusal



Romania

Area: 238,391 km²
 Population: 22.4 mio
 Age of consent: equal
 AD legislation: Yes
 Reg. Partnership: No
 Adoption: No
 Asylum laws:
 No specific legislation
 nor known cases



Turkey

Area: 779,452 km²
 Population: 67.8 mio
 Age of consent: equal
 AD legislation: No
 Reg. Partnership: No
 Adoption: No
 Asylum laws:
 No specific legislation
 nor known cases

nia, Slovakia and Slovenia) have carried out detailed questionnaire surveys of LGBT people to assess the extent of discrimination in public and private spheres of life. While not all the research findings have yet been published, those which have indicate – as one would expect – a high degree of discriminatory attitudes, and the need for legislation and educational programmes to combat them.

Some examples of the findings published to date:

Violent attacks: between 12% (Estonia) and 30% (Romania) of respondents in six countries had experienced violent attacks. The others were Slovakia (15%), Latvia (19%), Poland (24%) and Lithuania (27%).

Harassment (verbal and other abuse falling short of physical attack): the level of respondents who experienced harassment ranged from 40% in Latvia to 72% in Estonia, with other countries: Slovakia (43%), Romania (48%), Lithuania (52%), and Poland (54%).

Dismissal, or forced resignation from employment: responses ranged from 1% (Estonia) to 9% (Poland), with other countries: Slovenia (4%), Slovakia (6%), Lithuania (6%), and Latvia (7%).

Given the level of discrimination, it is no surprise to find that respondents often conceal their sexual orientation. For example, between 80% to 90% of respondents in all countries surveyed conceal their sexual orientation some or all of the time in public places, with a similar proportion hiding their sexual orientation from some, or all people, in their current job. It is also not surprising that a high proportion of respondents wish to emigrate because of the level of discrimination which they experience. The proportion ranged from one in three in Estonia, to two in three in Slovakia.

While levels of general discrimination remain a concern in all

accession countries, there are differences. In particular, the Czech Republic has witnessed a growing tolerance and acceptance of LGBT people. Estonia would also seem to have a more tolerant atmosphere than other candidate countries.

Additional comments on some countries are as follows:

In **Cyprus**, social, political and religious (Greek Orthodox Church) intolerance towards lesbians and gays is very high. Due to the dominant oppressive attitudes, there is only one LGBT organisation; there are no bars or clubs.

In **Malta** provisions outlawing harassment at the workplace are limited to that based on the victim's gender and not on sexual orientation. There is also discrimination on this latter ground in the workers' unions in terms of membership and access to benefits offered.

In the area of education, in **Poland** the Minister for National Education has approved several textbooks for the subject "family life education" describing homosexuality as a perversion. Moreover, a historic and influential political figure, former president Lech Wałęsa, once stated that homosexuals "need medical treatment". A positive signal, however, is given by the police being interested in receiving information from *Lambda Warszawa* about discrimination LGBT people have experienced at police stations; the police apparently intend to tackle this problem.

In a recent **Slovene** governmental report on social inclusion in the context of the European Commission's programme, the exclusion of LGBT people and its effects with regard to poverty was not mentioned at all; the government has no strategy in this respect. Despite a gradual improvement in the media, homosexuality is also excluded from a more articulated political, civil and human rights discourse.

**Bulgaria:
Uncertainty over repeal of discriminatory age of consent law**

Initial reports indicated that Bulgaria's September law reforms had resulted in the repeal of all significant discriminatory aspects of the criminal law, a position which the European Commission endorsed in its Bulgaria report (see footnote 1): "The 2001 Regular Report commented on discrimination on the grounds of sexual orientation in the Bulgarian Penal Code. Amendments to the Penal Code adopted in September 2002 eliminate these discriminatory provisions. They equalise the age of consent, the legal situation for homosexual and heterosexual prostitution, the penalties for rape and decriminalise provisions on homosexual actions in public. The recent changes to the Penal Code are an important step in removing discrimination on the grounds of sexual orientation." However subsequent information suggests that the discriminatory age of consent may not have been repealed. ILGA-Europe is working with contacts in Bulgaria to try to clarify the situation.

In **Turkey**, the traditional nuclear family values are still very strong and dominate the family and social order in general. Although tolerance is slowly growing, families often react with oppression towards their LGBT relatives. For example, they may take them to psychiatrists or those seen to have the spiritual power to "treat" them; or they may isolate them from "degenerated" environments and friends. Punishments, beatings, being forced into marriage or expelled from home, are also not unknown.

Anti-discrimination legislation

This section examines the extent of specific positive legislation intended to combat discrimination based on sexual orientation in general or in particular areas such as employment, labour market, housing, etc. It also refers to anti-discrimination clauses in constitutions and penal code provisions banning hate speech or hate crimes.

Concerning Protocol No. 12 to the European Convention on Human Rights (ECHR), which provides for a general prohibition of any kind of discrimination on any grounds, only Bulgaria, Lithuania, Malta and Poland have not yet signed it.

The other candidate countries have signed but not yet ratified this very important protocol to the Convention. It was Cyprus that in April 2002 became the second of 44 Council of Europe member states to ratify it.⁵

Although the principle of anti-discrimination is enshrined in the **Bulgarian** constitution, the EC directives on anti-discrimination have not yet been transposed, and other national legislation on this specific issue is non-existent. The 2002 Employment Promotion Act has provisions to combat discrimination but not on grounds of sexual orientation. There is also no specific competent anti-discrimination enforcement body.

In **Cyprus**, the implementation of the Framework Directive 2000/78/EC on equal treatment is under preparation as part of the enlargement process, but so far sexual orientation is not included. Cyprus has also yet to establish an equality body.

In the **Czech Republic** the parliament has adopted governmental proposals amending the labour code (which came into force in January 2001). These ban discrimination on the grounds of

⁴ Both area and population data refer to the totality of the island.

⁵ The other country is Georgia.

sex, religion or belief, disability, age or sexual orientation. However legislation transposing the anti-discrimination *acquis* still needs to be introduced, and an inter-ministerial working group has been set up to help draft legislation to fight discrimination and to create a body for the promotion of equal treatment. Finally, the principle of anti-discrimination is enshrined in the country's charter of fundamental rights.

Estonia has a constitutional anti-discrimination provision (Article 12). Legislation to transpose the EC anti-discrimination directives is needed, as there are no legal provisions ensuring protection from sexual orientation discrimination. There is also no equality body yet established.

In **Hungary**, although there is no specific legislation, the constitutional anti-discrimination provision is deemed to cover sexual orientation. The new government is planning to present a comprehensive anti-discrimination bill by the end of 2002, and this should ensure the transposition and implementation of the relevant EC directives. In June 2002, the Hungarian government also announced the establishment of a new anti-discrimination office to combat discrimination in the labour market against women, people with disabilities, Roma and other minority groups; LGBT people are not included.

Latvia's new labour code, in force since 2002, contains anti-discrimination provisions for all Article 13 EC grounds, except sexual orientation. This seems odd as Latvia has signed Protocol No. 12 and also ratified the European Social Charter in January of this year. In February an inter-institutional group was set up to monitor the implementation of the two EC anti-discrimination directives.

In **Lithuania** parliament adopted a new labour code in June 2002 (to come into force in January 2003) which sets out the legal principles of equality in employment and includes sexual orientation as a ground for prohibited discrimination. For example, Article 129 mentions sexual orientation among the prohibited grounds for dismissal. Furthermore, the office of the ombudsman for equal opportunities is in the process of extending its mandate to new grounds of discrimination, including sexual orientation. New draft legislation on equal opportunities will be drawn up by the end of the year 2002. Finally, the new criminal code will have provisions to ban discrimination and incitement to hatred on, for example, grounds of sexual orientation.

In April 2002 the **Maltese** government published a Bill on Employment and Industrial Relations, which has already been discussed in parliament. The bill however fails to implement fully the Framework Directive as it ignores sexual orientation discrimination. The May 2002 amendments to the criminal code did not include sexual orientation in its anti-discrimination provisions either (although they include race, colour, ethnic or national origin and nationality).

While Article 32 of the **Polish** constitution proclaims universal equality before the law and prohibits discrimination "based on whatever reason", the transposition of the anti-discrimination *acquis* is limited, and until very recently there were no specific provisions against sexual orientation discrimination. In June 2002 Poland adopted an ordinance mandating the "plenipotentiary for the equal status of men and women" to establish an office responsible for the fight against discrimination on several grounds, including sexual orientation.

Since August 2000 **Romania** has an ordinance in place prohibiting discrimination on a number of grounds, including sexual orientation (this government ordinance was confirmed by a vote in Parliament in December 2001). Since August of this year, Romania has an anti-discrimination enforcement body, the National Council for the Prevention of Discrimination. The LGBT organisation *ACCEPT* had made a written contribution to this body and, in October, organised the first meeting between the Council and civil society representatives.

The **Slovak** constitution includes a general anti-discrimination clause, but no sexual orientation specific anti-discrimination legislation exists. In March 2002 the government adopted a second action plan against all forms of discrimination. However, in June 2002 the parliament rejected the anti-discrimination bill which would regulate the principles of equal treatment resting on the prohibition of discrimination, including on the grounds of sexual orientation, and provide legal remedies in case of a violation of the law. Legislation to transpose the EC anti-discrimination directives still needs to be implemented, and an equality body still needs to be established.

Slovenia's constitution includes a general anti-discrimination clause which is considered to cover sexual orientation, and Article 141 of the penal code explicitly prohibits sexual orientation discrimination. In April 2002 Slovenia adopted a new employment relations act, which forbids discrimination on the ground of sexual orientation. However, the article dealing with dismissal from work does not include sexual orientation. An equality body is also yet to be set up.

In **Turkey**, the anti-discrimination clause in the constitution and other laws are only worded in a general way and thus do not protect from discrimination on grounds of sexual orientation. The job security act adopted in August 2002 does not include

sexual orientation as a ground protected from dismissal, although it includes such grounds as gender and race. The new civil code adopted in November 2001 again includes just a general anti-discrimination clause. Moreover, an equality body needs to be established, and much else remains to be done in terms of the transposition of the EC anti-discrimination *acquis*.

Freedom of association

In some countries, there was discrimination against LGBT people regarding their right to freedom of association in the past, but today there are no candidate countries or member states that would not grant this right to LGBT people.⁶

Registered partnership/marriage

This section examines the state of play concerning the legal recognition of same-sex partnerships in the various countries.

The **Czech Republic** has seen several attempts to adopt a law on registered partnership (the first in 1995, the most recent in October 2001), but so far all have failed.

In **Latvia**, the civil law as amended in 1991 does not recognise simple cohabitation of same-sex persons and even prohibits marriage between people of the same sex. This is also the case in **Lithuania**.

In **Poland**, the only form of partnership recognised by law is marriage, which is constitutionally defined as a "union of a woman and a man".

In **Slovakia** there were attempts in 1997 and 2000 to pass a law on same-sex partnerships but without success.

Hungary is the only candidate country that has some sort of

⁶ In Hungary, an LGBT association was denied legal registration because it refused to set a minimum age limit of 18 for its members. This decision was upheld by the Constitutional Court in 1996. An application to challenge this decision was consequently filed with the European Court of Human Rights in Strasbourg which in May 2000, however, rejected the application as manifestly ill-founded and therefore inadmissible.

legal recognition of same-sex partnerships. Same-sex domestic partnerships were recognised by the Constitutional Court in 1995. The relevant legal provisions cover any couple living permanently together in a state of “financial and emotional communion”. These couples do not require official registration, nor could they obtain it. The legal status derives from the fact that the couple lives together.

In **Slovenia**, a bill introduced in parliament in 1998 is still waiting to be discussed and voted on. This bill would recognise same-sex couples and cover the right and duty to support a partner without income as well as property relations between the partners. LGBT organisations are trying to extend the scope of this draft bill to cover also the right to the partner’s health insurance and pension.

Adoption by same-sex couples

This section looks into the possibilities for same-sex couples to adopt children. Adoption laws that allow for adoption by individuals are not taken into account here.

At present, none of the candidate countries allows same-sex couples to adopt children. This situation is closely linked to the fact that all accession countries except for Hungary do not recognise same-sex partnerships and that adoption is in general reserved to married couples.

From **Estonia** and **Latvia**, divorce cases are reported in which the husband has used the fact that the wife is lesbian and/or living with her partner to claim/win custody of the couple’s child(ren). The proposed regis-

tered partnership bill in **Slovenia** does not cover adoption.

Asylum law

This section refers to the recognition of persecution based on sexual orientation as a reason to grant refugee status or asylum. Recognition could be explicitly in legal provisions or de facto in cases.

Despite the fact that all candidate countries have ratified the 1951 United Nations Geneva Convention relating to the Status of Refugees, none has specific legislation on granting refugee or asylum status to people facing persecution on grounds of their sexual orientation. Since Article 1A/2 of the Geneva Convention defines a refugee as someone who “owing to well-founded fear of being persecuted for reasons

of ... membership of a particular social group ...”, LGBT people can claim to belong to a particular social group persecuted on grounds of their sexual orientation. Thus, although the candidate countries do not have specific legislation for this type of persecution, it is possible that a person be granted asylum in these countries due to persecution on grounds of sexual orientation in the country of origin.

In **Latvia** the competent authorities have stated they would follow closely the definition of the term “social group” by the UN High Commissioner for Refugees (which includes lesbians and gay men). **Poland** has already had two successful cases of refugees who have been granted asylum because of persecution on grounds of sexual orientation.

LICÍNIA PEREIRA

Strasbourg

Intergroup re-launch

On 4 September 2002 the Gay and Lesbian Rights Intergroup of the European Parliament was re-launched in Strasbourg. Chaired by Joke Swiebel, the meeting was attended by more than 30 individuals, including a dozen MEPs, several assistants, and others interested in LGBT rights. On the platform, Ms Swiebel was joined by Walter Rochel, a member of Commissioner Günter Verheugen’s cabinet, Baroness Sarah Ludford, Michael Cashman and ILGA-Europe executive director Ailsa Spindler.

After opening remarks from Ms Swiebel, thanking those who had helped and supported the formation of the Intergroup, discussion turned to LGBT rights in enlargement candidate countries. Mr Rochel presented an update of the situation in several countries, some of which had seen real improvement and progress

towards meeting the Copenhagen criteria. Ms Spindler thanked the Commission for their strong stance on LGBT rights, but observed that this view was not always repeated during bilateral meetings with candidate administrations. She stressed the need to continue monitoring the situation carefully, ensuring that transposition of Directives and implementation of new laws was carried out in the spirit of equality.

Ms Ludford supported the need for monitoring, in accession countries and existing member states. She stressed the growing importance of the EU as a human rights community. Other contributions, from several MEPs, agreed with the need to push for equality and freedom from discrimination in all areas of EU competence, and stressed the requirement for continuing vigilance.

On 9 October Mette Vadstrup and Ailsa Spindler met with Joke Swiebel and Rosa Santrich, who is in charge of the Intergroup secretariat, to discuss areas and methods of co-operation between the Intergroup and ILGA-Europe.

It was agreed that we will make available one page of each edition of our *Newsletter* to the Intergroup. Read the first “guest column” on the next page.



Intergroup re-launch: Ailsa Spindler, Walter Rochel, Joke Swiebel, Michael Cashman and Baroness Sarah Ludford

Intergroup on gay and lesbian rights

A fresh start

It was only after several months of pause that the Intergroup on Gay and Lesbians Rights re-launched its work on 4 September 2002. One of the reasons for this silence was that the status of the Intergroup in the European Parliament was very unclear in the past. While all sorts of other Intergroups held regular meetings, the Gay and Lesbian Rights Intergroup did not receive official recognition and support. Meetings using the facilities of the Parliament were only possible thanks to the courtesy of some of the political groups.

For that reason MEPs Michael Cashman and Joke Swiebel decided to submit an official application for recognition and succeeded in collecting the necessary signatures of the leaders of three political groups in the Parliament (cf. *Newsletter 2/02*, p. 9).

The aims

The Intergroup wants to act as a pressure group in order to ensure that gay and lesbian rights are visible not only in the EP, but also in the other EU institutions and in the society.

The Intergroup has to make sure that the fight against discrimination continues, both in the EU and in the candidate countries. The Intergroup has as a role to follow new developments at a country-by-country basis and to monitor the EU to make sure that LGBT rights remain at the forefront.

The Intergroup wants to create an early-warning system to monitor and improve legislation, not only in the more obvious fields, such as anti-discrimination laws or human rights, but in all issues, from research to health, education and exchanges.

The Intergroup wants to develop a cultural programme within the EP organising exhibitions, conferences, special hearings, displaying films, etc.

The Intergroup today

The Intergroup has now formal status and cross-party support. It has a small steering committee composed by the following MEPs:

The meetings

The Intergroup will hold regular meetings, once a month, in Strasbourg. The meetings are open to the public, and the format of the meetings will always include EU

and representatives of the Commission, ILGA-Europe and civil society present who all offered their support (see separate report on p. 14).

The second Intergroup meeting took place on 24 October. On its agenda was the recognition of same-sex partnerships by the EU institutions. The EC staff regulations were discussed with MEP Manuel Medina Ortega (PES/E), who is co-rapporteur on that issue, and Jean-Pierre de Laet, vice-president of *EGALITE*, the organisation for lesbian and gay equality in the European institutions. This was a very interesting meeting, in which EU officials gave personal testimony of how they suffer from discrimination as employees of EU institutions. A lively discussion followed with Mr Ortega concerning the demands for equal rights. Finally, it was agreed that representatives of the Intergroup would raise the main concerns in the Legal Affairs Committee at the end of November.

The future

The Intergroup intends to reach as many people as possible. We want to be an open and pluralistic group, and we look forward to collaborating with you all. In order to achieve this, we would like to invite you to get in touch with us and let us know your interests, priorities, and concerns. We are open to your ideas and suggestions.

Our plans include creating a web-site and circulating a round-up on a monthly basis. If you are interested in receiving it or if you want to give us input or just find out more about us, please contact: Rosa Santrich at jswiebel@europarl.eu.int or [+32] 0486 42 62 19 or [+32] 2 284 5992.

Intergroup on gay and lesbian rights Draft programme 2002/2003

20 November 2002 – Topic: Respect of human rights within the EU and in the world

January 2003 (to confirm 15th or 16th) – Topic: Asylum, immigration and free movement

February 2003 (to confirm 12th to 13th) – Topic: European policy in the area of health for LGBT people, to be organised together with the Health Intergroup

March 2003 (to confirm 12th or 13th) – Topic: Framework Employment Directive

April 2003 (to confirm 9th or 10th) – Topic: Fight against social exclusion

May 2003 (to confirm 14th or 15th) – Topic: The work of the UN and LGBT rights

June 2003: Special closing hearing in Brussels: Gay writers and media.

Joke Swiebel, chair person (PES/NL),

Michael Cashman (PES/UK),

Baroness Sarah Ludford (ELDR/UK),

Mercedes Echerer (Greens/A)

John Bowis (EPP/UK).

They meet once a month to discuss developments and future activities of the Intergroup.

representatives as well as NGOs. It is intended to discuss case studies, i.e. concrete examples of discrimination or best practices of how to overcome it. To learn more about our future programme, please see our draft programme in the separate box on this page; for a more detailed version, please contact the Secretariat.



The re-launch meeting on 4 September 2002 in Strasbourg dealt with the issue of gay and lesbian rights in accession countries. This was a successful event with MEPs

In our series presenting European NGOs ILGA-Europe is working together with at European level, we introduce in this issue EDF, the European Disability Forum.

Info on the European Year

For further information about the European Year of Persons with Disabilities 2003, please see the web-site: www.eypd2003.org, or contact EDF's European Year campaign co-ordinator, Philippe Tzou; phone: 0032 2-286 51 84; europeanyear-events@edf-feph.org.

NGO co-operation at EU level

The European Disability Forum looks forward to 2003

The European Disability Forum is the umbrella organisation of the European disability movement, consisting of 17 national disability councils (from the 15 EU member states, plus Iceland and Norway), as well as 85 European organisations representing the various disability groups and interests in Europe and specialised by type of impairment or sector of activity.

In the European Union, disabled persons make up 10% of the population, that is 37 million people. Enlargement of the EU will mean that this population will increase to 50 million in 2004.

The EDF works to ensure that the issues and concerns of disabled people and their families are recognised and taken up by the EU institutions horizontally across all EU policy areas, initiatives and programmes. EDF is also actively involved in the work of other international organisations such as the Council of Europe and the UN.

The central focus of EDF's work is to promote the rights-based approach to disability, to combat discrimination and promote equal opportunities and social inclusion for disabled people. This includes addressing issues of multiple discrimination.



EDF is pleased to work in positive co-operation and alliance with ILGA-Europe in order to combat all forms of discrimination. For example, EDF welcomed the legislative proposals based on Article 13 EC, presented by the European Commission. As part of the campaign seeking to strengthen the final text and to ensure the successful adoption of the non-discrimination package

in 2000, EDF worked in close co-operation with ILGA-Europe and other organisations such as ENAR and AGE.¹

This partnership has been important in order to add strength to the voice of discriminated groups and to ensure complementarity and coherence in approaches towards EU decision-makers.

Like ILGA-Europe, EDF is now working to ensure full and rapid implementation of the non-discrimination directive on employment. It is disappointing for EDF that, in relation to two grounds of discrimination – disability and age – EU member states may request from the European Commission an extension of the December 2003 implementation deadline of up to 3 years. Clearly EDF members are very much against any extension of the deadline and will campaign intensively at national level to prevent this from happening.

The “Future of Europe” debate and the campaign towards the Convention is another area where EDF and ILGA-Europe have co-operated in the context of their membership in the Platform of European Social NGOs. EDF shares ILGA-Europe's interest that the non-discrimination clause of the EC Treaty should be considerably strengthened, it should be subject to direct effect, to co-decision with the EP and to qualified majority voting in the Council.

There is also a shared interest in protecting and strengthening the social aspects in the Treaties, in integrating the EU Charter of Fundamental Rights into the Treaties and in establishing a legal base for civil dialogue. There is great common concern that the debate on the revision of the EU Treaties not only offers opportunities but also dangers. There is the danger that the

The Madrid Declaration

A common approach and shared values for 2003

The Madrid Declaration adopted by disability organisations across Europe is led by the slogan: “non-discrimination plus positive actions equals social inclusion”.

The challenge of the European year of People with Disabilities is that actions will take place in all EU Member States, at all levels including the accession countries. Political events, artistic, cultural, sportive events will contribute to advance the disability agenda. Sharing common values and a unified vision of what should be expected from the Year will guarantee success.

One of the stated aims – “Creating a Society for All” – will strike a chord with those seeking equality for LGBT persons:

“to remove barriers and attitudes that lead to discrimination and social exclusion. Disabled people will focus on the participation possibilities and not the barriers; the barriers are known. It is the possibilities that have to be examined”.

The declaration contains a number of recommendations that can be taken up and supported by other organisations – for the full text of the Madrid Declaration see: www.edf-feph.org

¹ ENAR, the European Network Against Racism, was introduced in our Newsletter # 2/02, p. 16, AGE, the European Older People's Platform, in issue # 3/02, p. 14.

social aspects of the Treaties will be watered down and the competence of the EU to agree legislation and initiatives to combat discrimination will be given a lower priority.

It is essential that all NGOs work together to protect the important and positive elements in the Treaties at the same time as they campaign for the strengthening of certain aspects.

“European Year of Persons with Disabilities”

EDF is pleased that 2003 has been declared “European Year of Persons with Disabilities” by the EU. This was a proposal presented by EDF to the EU to celebrate the 10th anniversary of the adoption of the UN standard rules on the equalisation of persons with disabilities and to stimulate

debate and measures to address disability concerns for the next decade.

2003 provides EDF with a vitally important opportunity to ensure disability policy is put at the top of the agenda at all governmental levels – local, regional, national as well as European. However, the European Year is not intended to be just the focus of politicians and government authorities but a focus for all stakeholders including community groups, other NGOs, trades unions, employers and the private sector.

The Madrid Declaration adopted by disability organisations across Europe earlier this year sets out the vision statement of the European disability movement for the European Year. The leading slogan is: non-discrimination plus positive action equals social inclusion.

EDF would like to encourage ILGA-Europe members to unite and work with local and national disability organisations as part of the European Year initiatives. There are a number of shared concerns between EDF and ILGA-Europe members as already highlighted, and there are also issues relating to multiple discrimination which need to be seriously addressed. By uniting forces, we can double the impact and double the success.

“EDF sincerely appreciates the good co-operation we have with ILGA-Europe. We hope that the European Year of Persons with Disabilities can strengthen the links between the discriminated groups at local and national level as well as at European level. We invite you to join us in the 2003 campaign which intends to raise the visibility of the rights of disabled people but also will bring to the fore the rights of all per-

sons facing discrimination and inequality”, says EDF president Yanniss Vardakastanis.

In response, Ailsa Spindler, ILGA-Europe executive director, points out: “The decision of our conference in Lisbon to endorse the aims of the Madrid Declaration is a firm indication of our intention to work with EDF, during 2003 and beyond. The parallels between sexual orientation discrimination and discrimination on grounds of disability are clear to all. Of course, many people suffer from multiple discrimination, and issues surrounding LGBT persons with disabilities are of great concern. We welcome the offer of closer working relationships with our friends at EDF.”

SOPHIE BEAUMONT
EDF Parliamentary
and Policy Officer

Combating sexual orientation discrimination in the EU

The role of the Committee of the Regions

The Committee of the Regions (COR) is one of those European institutions set up under the Maastricht Treaty that are sadly little known outside of Brussels.

Based in Brussels, the COR is an advisory body that issues opinions on draft legislation referred to it by the European Commission or the Council. Its membership comprises 222 representatives of local and regional governments from across all member states who are appointed for a four-year term.

When draft legislation is looked at by the COR a decision is made as to whether this falls into the competency of COR. In other words: How does this impact at local and regional level?

Local and regional authorities across the EU have a wide range of powers. Some regions have a great deal of autonomy and have legislative powers almost equal to that of the nation state. They are also the layer of government closest to the citizen. There are very few directives from the Commission that do not require a local or regional input. The COR does not have power. But it does have influence. Often the COR is the first European institution to issue an opinion. This can influence the other EU institutions and eventually the Commission and the Council of Ministers.

I have been rapporteur for a number of opinions dealing with discrimination along with my expert Dr Navnit Khera. We did

the opinion on Article 13, and I was told by one MEP that the European Parliament’s opinion had been influenced by the opinion we did.

I have always hated discrimination of any kind. Discrimination that excludes access to services, the labour market, housing and all the other things that diminish the quality of life for millions of people. Sure, there is legislation coming through the EU to combat discrimination. But discrimination is still a daily fact of life for millions of our citizens.

I’m very keen to take up the issues of discrimination on the grounds of sexual orientation. It’s one of those hot potato issues that a lot of politicians shy away from and prefer not to discuss, particularly

Peter Moore is a Liberal Democrat councillor on Sheffield City Council (population 500,000) since 1990.



Leader of the council from May 1999 to May 2002. Member of the Committee of the Regions since 1998 (ELDR group). Rapporteur for Opinions on Combating Racism, Article 13 (Combating Discrimination), Audit of the European Monitoring Centre on Racism and Xenophobia (Vienna), Increasing productivity and competitiveness in the EU.

Web-site of the Committee of the Regions: www.cor.eu.int.

in the more conservative countries where politics is heavily influenced by religion.

I'm doing this in three ways. One is by being rapporteur for opinions that deal with the issue. Two is by being vigilant with other opinions going through the COR. Some directives or opinions refer to discrimination on a variety of grounds but mysteriously leave out any reference to sexual orientation. Whenever I spot this I put forward an amendment to include it. Three is by implementing policies

to combat discrimination in my own city of Sheffield in the UK. Dr Khera was engaged by my authority to write bids for programmes he devised called *Diversity Enabling Framework* and the *European Managing Diversity Gold Standard* which featured in the ILGA-Europe annual conference in Lisbon.

My next step is to put forward a case for my "own initiative opinion" on combating discrimination on grounds of sexual orientation outside the area of employment. I have been waiting for an opportu-

nity to do an opinion on this but as far as I can tell nothing is forthcoming from the Commission in the near future. That means I have to persuade the COR to let me issue my own initiative opinion. This won't be easy. I'm still in discussions on how to achieve this and we will have to wait and see how it goes.

But by whatever method I am determined to raise the issue. I shall work with ILGA-Europe and other COR members and MEPs to achieve this.

All gay, lesbian, bisexual and transgender people across Europe suffer some form of discrimination just because they are gay, lesbian, bisexual or transgender. The campaign work that ILGA-Europe and others across Europe are engaged in to change this is splendid. But in any campaign you need allies. I am very pleased to say that I am one of those allies.

PETER MOORE
Member of the Committee of the Regions

news clips

European Union: Council replies to MEPs regarding Spain's controversial vote at UN

As reported in our May issue, the United Nation's Economic and Social Council (ECOSOC) voted on 30 April 2002 to reject ILGA's application for consultative status. Spain was alone amongst EU member states and accession countries in not supporting ILGA. On 21 May, MEPs Joke Swiebel and Michael Cashman had submitted the following written questions to the Council:

1. Can the Council confirm that on 30 April 2002, all EU Members of the ECOSOC of the UN (and all associated countries present) – excluding Spain – voted in favour of the application of the International Lesbian and Gay Association (ILGA) for consultative status at the UN?

2. Can the Council confirm and repeat that it is the position of all Member States that discrimination on the basis of sexual orientation shall be prohibited (Charter of Fundamental Rights, Art. 21), and that this principle guides all actions of the EU and its Member States, also at international fora?

3. Would the Council agree that all Member

States might be expected to support the Union's foreign policy (Art. 11.2 TEU)? Can the Presidency be expected to promote coherence and cohesion of EU action within the UN and to express the position of the Union (Art. 18.2)? Could the Council explain why in the present case these principles have not been followed?

4. Is the Council aware that ILGA has consultative status at the Council of Europe and is recognised as a legitimate actor in civil society by the EU, e.g. is receiving financial support under the Community Action Programme to combat discrimination, as established by the Council on 27 November 2000 (OJ L 303, 02.12.2000, p. 23)?

5. Is the Council aware that ILGA has included in its constitution support for the UN Convention of the Rights of the Child, condemns sexual abuse of children and neither promotes nor seeks the legalisation of paedophilia?

6. How will the Council redress the serious damage to the coherence and credibility of EU human rights and anti-discrimination policies

caused by this defection of a Member State currently holding the EU Presidency?

On 8 October 2002, the Council gave the following replies:

1. The Council is informed of the votes cast by the EU members of ECOSOC on 30 April 2002, and notes that 29 ECOSOC members voted against ILGA's consultative status in ECOSOC with only 17 members voting in favour. This resulted in ECOSOC endorsing the NGO Committee decision to exclude ILGA from ECOSOC consultative status.

2. While it is fully aware of the contents of Articles 11.2 and 18.2 of the Treaty on European Union, and regrets the instances where the Presidency cannot present an EU position in international organisations, the Council cannot comment on national positions taken by individual Member States.

3. The Council is indeed aware that the ILGA has consultative status at the Council of

Europe as an international non-governmental organisation (NGO). The Council also understands that the ILGA is receiving financial support under the Community Action Programme to combat discrimination (OJ L303, 2. 12. 2000). It is also informed of the contents of the ILGA constitution.

4. The Council recalls that, with the European Parliament and the Commission, it jointly proclaimed the Charter of Fundamental Rights at the meeting of the European Council held in Nice from 7 to 9 December 2000, and reaffirms the great value it attaches to Article 21.1 thereof. It further recognises the value of the contribution of NGOs, such as the ILGA, in fighting discrimination as well as their value as advo-

cates of people who are exposed to discrimination.

5. The Council will continue its efforts to ensure that, in accordance with Article 19 of the Treaty on European Union, Member States co-ordinate their action in international organisations and at international conferences and uphold the common positions in such fora.

European Union: Group of experts on sexual orientation discrimination finally set up

Under the Community Action Programme to combat discrimination (2000-2006) the European Commission is funding the work of groups of experts (one expert from each member state) on several of the grounds of discrimination addressed in the two Article 13 directives (2000/43/EC and 2000/78/EC). The task of these expert groups is to produce an annual report on legislative and other measures taken by the EU member states to combat discrimination. They will inform and advice the Commission in particular on the state of play of the transposition of the directives with regard to the specific ground of discrimination the individual group of experts is dealing with. Regarding the prohibition of discrimination in employment and occupation on the grounds of sexual orientation, the deadline for implementing legislation to this effect at national level is December 2003.

On 24 October 2002 the European Commission finally awarded the contract for establishing a group of experts on "sexual orientation discrimination" to the University of Leiden in the Netherlands. Kees Waaldijk of the E. M. Meijers Institute of Legal Studies at the University's Faculty of Law will co-ordinate the group and will be assisted by Italian lawyer Matteo Bonini-Baraldi. The group includes legal academics from various universities, practising lawyers and the Swedish Ombuds-



Kees Waaldijk is the group's co-ordinator

man for Sexual Orientation Discrimination. The contract for the group is for one year, but may be renewed for up to five years.

Material collected by the group will be posted at the on-line database of the Centre for Research and Comparative Legal Studies on Sexual Orientation and Gender Identity (CERSGOSIG) in Turin, Italy, at: www.cersgosig.informagay.it.

The group's 15 national experts are:
Austria: **Helmut Graupner** (lawyer, Vienna)

Belgium: **Olivier de Schutter** (Faculté de Droit, Université catholique de Louvain)
Denmark: **Søren Baatrup** (lawyer, Frederiksberg)
Finland: **Rainer Hiltunen** (lawyer, Helsinki)
France: **Daniel Borrillo** (Faculté de Droit, Université de Paris X, Nanterre)
Germany: **Susanne Baer** (Juristische Fakultät der Humboldt-Universität, Berlin)
Greece: **Matthaios Peponas** (lawyer, Athens)
Ireland: **Mark Bell** (Faculty of Law, University of Leicester, England)
Italy: **Stefano Fabeni** (CERSGOSIG, Turin)
Luxembourg: **Anne Weyemberg** (Institut d'Études européennes de l'Université libre de Bruxelles)
Netherlands: **Kees Waaldijk** (Juridische Faculteit, Universiteit Leiden)
Portugal: (proposed) **Miguel Freitas** (judge)
Spain: **Ruth Rubio-Marin** (Facultad de Derecho, Universidad de Sevilla)
Sweden: **Hans Ytterberg** (ombudsmannen mot diskriminering på grund av sexuell läggning, Stockholm)
United Kingdom: **Robert Wintemute** (Centre of European Law, School of Law, King's College London).

More information about the group at: <http://www.meijers.leidenuniv.nl/index.php3?m=10&c=98>.

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Moldova: Equal age of consent

On 1 October 2002 amendments to the Moldovan penal code harmonising the age of consent for both homosexual and heterosexual behaviour at 14 came into force. These changes came about thanks to a thoughtful lobbying campaign of the *GenderDoc-M* centre, the country's only organisation fighting for LGBT rights. According to a parliamentary juridical consultant who decided to remain

anonymous, the parliament's legal affairs committee was obliged to examine the amendments proposed by *GenderDoc-M* because they had been officially submitted. The draft amendments to the penal code had still provided for unequal age of consent provisions. Although 14 seems to be a low age of consent compared with most European countries, the fact that it is now equal has been welcomed. Before this reform, the legal provisions were discriminatory as the age of consent used to be 16 for heterosexual relations and 18 for homosexual relations.

The amended penal code also prohibits discrimination based on race, gender, language, religion, political and other beliefs, and national and social origin, but its new anti-discrimination article does not include sexual orientation as a non-discrimination ground. Therefore *GenderDoc-M* considers the equalising of the age of consent to be just a first step in the struggle for gay and lesbian rights in Moldova, and a lot of work still needs to be done.

Joint Open Letter: Europe's neglected minority

Joint Open Letter by the **President of the Parliamentary Assembly of the Council of Europe Peter Schieder** and the **European Region of the International Lesbian and Gay Association** on the occasion of the International Day of Tolerance, 16 November

For a European, to condemn human rights violations in distant parts of the world is a noble, but relatively comfortable thing to do. The Taliban treatment of women was emblematic of the kind of behaviour which was alien to our culture, to our traditions, to our beliefs. To raise a voice in indignation was a sign of our solidarity, but it said little about our tolerance. The real test of tolerance is in how we deal with our own, not somebody else's prejudice.

In Europe human rights are protected through an unparalleled international legal instrument, the European Convention on Human Rights – which not only sets human rights standards, but also provides a legal mechanism to enforce them. But in spite of that, at least some categories of European citizens continue to be discriminated against at the national level.

In fact, in several Council of Europe states – and even European Union states – lesbians, gays, bisexuals and transgender people continue to be discriminated against, as a category, and sometimes on the basis of law! They are victims of segregation for the sole reason of their sexual orientation on the basis of a legal system that should, in principle, serve to protect them from such discrimination.

Even if being a homosexual should no longer get you in jail in (almost) any of forty-four Council of Europe states, in several of them lesbians and gays are still not entitled to equal treatment in their access to employment, service in the armed forces, and enjoyment of parental rights. Social protection and benefits recognised to non-married partners in heterosexual relationships are often denied to partners of the same sex. Several European countries continue to maintain a discriminatory age of consent for homosexual relationships.

It is therefore absolutely necessary that lesbians and gays receive greater support from institutions mandated to protect equality and human rights at national and international level. The Council of Europe, as the foremost body on the continent with the task of protecting these values,

has a specific responsibility here. The European Region of the International Lesbian and Gay Association (ILGA) enjoys consultative status with the organisation and is recognised as a valued partner in the effort to eradicate discrimination based on sexual orientation and to recognise the rights of lesbians, gays, bisexuals and transgender people as an integral part of human rights.

The Council of Europe was the first international body to speak up and act to protect the rights of lesbians and gays. The progress made has been considerable, largely thanks to the efforts of the European Court of Human Rights and the Parliamentary Assembly.

The Court handed down a series of ground-breaking judgments, recognising that discrimination on the basis of sexual orientation was a violation of fundamental rights, and gradually expanding this general principle to areas such as employment and child custody.

The decisions of the Court are of the greatest importance because they oblige changes in national legislation which is found to be incompatible with the European Convention on Human Rights.

The Parliamentary Assembly's aim is not only to change laws, but also to try to change attitudes. It brings together parliamentarians from different backgrounds and of different political persuasions. Their views reflect the predominant opinions within their part of the electorate, be they progressive or conservative, tolerant or less so. In the debating chamber in Strasbourg they express themselves freely, but they do so against the background of the principles that the Council of Europe was set up to defend.

In June 2000, the Parliamentary Assembly of the Council of Europe adopted a report on the situation of gays and lesbians in Council of Europe member states. It concluded that homosexuals were still all too often subject to discrimination or violence and that they were sometimes even perceived as a threat to the rest of society.

The Assembly blamed certain politicians and religious leaders as those primarily responsible for the propagation of homophobia, using this in turn to justify the continued existence of discriminatory laws and, above all, aggressive and contemptuous attitudes. It is regrettable that people belonging to institutions of considerable moral authority undermine – through their intolerant attitudes – the very values they claim to be protecting.

Europe's governments must do more than half-heartedly condemn such practices. Any lack of resolve in the fight against homophobia perpetuates intolerance in our societies – or even allows it to thrive. While long-standing democracies are far from being immune to bigotry, the situation is particularly serious in central and eastern Europe. Last year, the arrival of an openly gay United States ambassador to Romania triggered a wave of homophobic hysteria, while the first Gay Pride parade in Belgrade was violently broken up by a band of thugs, with bystanders cheering and laughing at the spectacle. This year, a significant group of Russian parliamentarians supported a motion to criminalise homosexual relationships.

The advocates of gay and lesbian rights in Europe believe that Protocol No. 12 to the European Convention on Human Rights, banning all forms of discrimination, could considerably improve the situation of one of Europe's most neglected minorities. Yet today, almost two years since the opening for signature, only two countries – Cyprus and Georgia – have ratified the protocol. Eight more ratifications are necessary before it can enter into force. Fifteen Council of Europe member states – Albania, Andorra, Armenia, Azerbaijan, Bulgaria, Denmark, France, Lithuania, Malta, Norway, Poland, Spain, Sweden, Switzerland and the United Kingdom – have not yet even signed the text.

On the occasion of the International Day of Tolerance, we call on all the countries concerned to match their rhetoric with concrete acts and to sign and ratify Protocol No. 12 as soon as possible.