

> **EUROPEAN PARLIAMENT**
Intergroup organises
Public Hearing

> **ILGA EUROPEAN CONFERENCE**
A great success

> **EU FRAMEWORK DIRECTIVE**
Transposition far from reality

Combating Discrimination

EU member states must live up
to their commitments



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OF THE INTERNATIONAL
LESBIAN AND GAY
ASSOCIATION

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EDITORIAL

Welcome to the last *ILGA-Europe Newsletter* this year. Autumn was a busy and buzzing period. Undoubtedly one of the highlights for ILGA-Europe was our Annual Conference, held in Glasgow in October. More than 180 participants travelled to Scotland to explore the conference's theme – *From Policy to Practice* – through a wide variety of workshops and plenary sessions (see p. 4). With regard to our Eastern Europe, Council of Europe and Transgender Programmes, important first steps have been taken by appointing a new director who will start in post in January 2004. Also, since October we enjoy the support of our new stagiaire, Iain Gill (see p. 3). Finally, as you will see, we changed the design of the *Newsletter*. We hope you like it and wish you all a happy new year.

NEWS FROM THE EU INSTITUTIONS

The Employment Framework Directive adopted on 27 November 2000 should have been implemented by all EU member states by 2 December 2003. The directive is a piece of legislation of great symbolic and practical significance for LGBT people, yet transposition to date has been disappointing (see p. 8). To mark the importance of this date, the European Parliament Intergroup for Gay and Lesbian Rights organised a Public Hearing on sexual orientation discrimination in the workplace, which took place in Brussels on 11 November 2003 (see p. 12) and was a great success.

In September 2003, the Council took two important decisions on the rights of LGBT families to enter and move within the EU. Despite intensive lobbying action and encouraging support by the European Parliament, there is only limited progress to report (see p. 14).

In October, the Intergovernmental Conference started its negotiations on the draft European constitution, under the leadership of the Italian Presidency. Though Italy hopes to bring the discussions to a conclusion by the end of its term, this is by no means certain. In January, Ireland will take over the Presidency. For an update on ILGA-Europe's priorities for the next EU Presidency, read p. 16.

2003 was the European Year of People with Disabilities. It was an important opportunity for the European disability movement to push for the recognition of human rights of disabled people. Did the Year meet their expectations? Read the contribution by the European Disability Forum to find out (p. 15).

» THE EDITORIAL TEAM

PERSONNEL NEWS

ILGA-EUROPE APPOINTS NEW DIRECTOR



We are very pleased to announce the appointment of Don Bisson as Director of ILGA-Europe's East Europe, Council of Europe and Transgender Programmes. The position is a new one, and Don's appointment is the first stage in ILGA-Europe's plans to expand its work in these fields.

Don has wide experience of programmes promoting democratisation and the rule of law in East Europe. He currently works for

the American Bar Association's Central European and Eurasian Law Initiative (ABA/CEELI) in Moscow, where he is Director of the Criminal Law Reform Program for the countries of the former Soviet Union. From 1999 until 2002 he served as the rule of law advisor for the OSCE's Office for Democratic Institutions and Human Rights in Warsaw. Prior to that he spent a year in Armenia initiating the ABA/CEELI criminal law reform programme.

Before coming to Europe Don spent 12 years working in the legal profession in his home state of New Hampshire (USA). He has been a prosecutor, public defender, managing attorney and an appellate defender. He holds degrees in political science and law. Don has an in-depth knowledge of LGBT rights, having been a leading member of the main LGBT rights organisation in New Hampshire for nearly 15 years. He will join ILGA-Europe in January.

ILGA-EUROPE PUBLICATIONS

LATEST ACTIVITY REPORT PUBLISHED

ILGA-Europe published its latest Activity Report, covering the period between the Lisbon conference in 2002 and the Glasgow conference in 2003.

It has been a period of continuing growth and development for the organisation, building on the work of previous years and responding

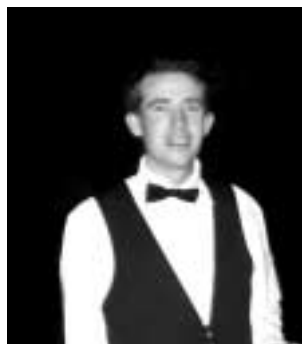
to new challenges. For details on the lobbying work done in the European Union, the Council of Europe and the OSCE, take a look at the report!

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

PERSONNEL NEWS

IAIN GILL JOINED ILGA-EUROPE AS STAGIAIRE

On 1 October 2003, Iain Gill became the fifth member of the ILGA-Europe staff in the Brussels office. He joins the organisation on a 6-month internship from Dublin. In 2001, he was awarded an honours degree in history & political science from the University of Dublin, Trinity College and is to be awarded his M Phil



in the new year. In Ireland Iain had been both vocal and demonstrative in the field of LGBT activism. He gained his most effective experience in the area of NGO work as the LGBT Rights Officer for the National Students Union of Ireland 2002-2003. Iain is also currently a member of the Irish politician David Norris' Senate Advisory Committee on Partnership Rights, an expert team of Irish activists and legal specialists brought together

to draw up legislation for the Irish parliament.

Iain, working along side other members of staff, will focus on many research-based issues involving LGBT rights across Europe. Iain has already showed his commitment to hard work at this year's annual conference in Glasgow. He researched and compiled the 25 years of ILGA presentation, a real achievement, considering Iain had only begun his internship less than two weeks prior to the conference!

Iain intends to make full advantage of his stage with ILGA-Europe through acquiring experience on the internal dynamics of the EU institutions and maximising his knowledge of a wider agenda of equality rights in the "new look 25 member state Europe". "This opportunity affords me a wonderful chance to acquire valuable experience especially at such an exciting time with the advancement of enlargement with the new member states."

Iain's contact details are info@ilga-europe.org or iaingill@hotmail.com.

» AILSA SPINDLER

ILGA-EUROPE ANNUAL CONFERENCE 2003

On 15 to 19 October, ILGA-Europe in co-operation with Stonewall Scotland hosted its 25th European conference in Glasgow, Scotland. The conference theme, *Policy into Practice – making LGBT equality happen*, attracted a wide and diverse audience, ranging from LGBT activists to policy makers, academics, lawyers, government and public service workers. It was the largest conference ever,



»Y. Strachan and A. Mason address the opening plenary

with 26 workshops and 4 plenary sessions. Thanks to financial support received from *UNISON Scotland*, *COC Haaglanden*, *Pink Cross* and *Philippe Fretté*, scholarships to a number of delegates from Eastern European countries could be granted. More than 180 participants from more than 30 European countries

»Co-chairs Kurt Krickler and Jackie Lewis at Civic Reception



gathered in Glasgow to explore the relationship between legislation and policy in areas such as policing, health, youth, disability, family and faith.

2003 being the 25th anniversary of ILGA, it was a chance to look back and take stock of the many successes and challenges ahead. ILGA Co-Secretary General Kürşad Kahramanoğlu was present for the occasion and introduced the upcoming ILGA World Conference, held in Manila in November 2003 (see p. 7). Messages of support were received from *Euroflag* and from ETUC General Secretary John Monks. The Scottish Executive as well as the City of Glasgow showed their active support for the conference. The Lord Provost of Glasgow invited all conference participants to an official reception in the City Chambers, and various government representatives shared their outlook and approach through workshops and plenary sessions. In the opening plenary, Yvonne Strachan, head of the Equality Unit of the Scottish Executive addressed the issue of public policies and their implementation in the context of Scotland. She focussed on the importance of tackling equality not as an afterthought but an essential element of policy practice, be it in the context of health, education, housing or justice. Shona Simon, of the Employment Tribunal Scotland, in turn, looked at how to prepare

the tribunals for the new legislation and ensure effective enforcement of sexual orientation regulations through comprehensive training programmes. Angela Mason, former

director of Stonewall, now head of the Women and Equality Unit, UK government, looked at the importance for the LGBT movements to relate the struggle for equality to wider aspirations in society. She urged the conference to further develop the diversity perspective to discrimination, since the LGBT communities are in themselves diverse and governments increasingly develop common policies to address discrimination where possible.

ILGA-Europe delegates explored further ways to strengthen the equality agenda throughout Europe. One focus was on anti-discrimination legislation as a vital first step in establishing minimum protection standards for lesbians and gay men. With regard to the EU Framework Directive combating discrimination in employment, however, many ILGA members expressed concern at the number of EU member states that still have done little to fully transpose the directive before the deadline of 2 December this year (see p. 8). Attention was also given to changing definitions of family and to the destructive role of the Vatican in this context. Whilst some European states are revising and expanding their understanding of family, others oppose this vehemently. Though the European Parliament has recently urged all EU member states to open marriage and adoption to gay and lesbian couples, there has been no consistent recognition of same-sex relationships in recent legislative developments on asylum and migration or on free movement rights (see p. 14 for an update).

Another theme explored was how to foster LGBT rights beyond the boundaries of the EU. Whilst some workshops focussed on the increasingly important role of the Council of Europe in this context, others looked at strengthening human rights from within the EU, with a particular reference to asylum



»Delegates participate in workshop on policing

cases and human rights clauses in EU international trade agreements. Whilst on the one hand exploring specific cases such as the recent incidence of police violence in the Ukraine, it was also an opportunity to propose concrete action points to ILGA-Europe.

As always, the conference was a thriving forum for networking and capacity building. Workshops included fund-raising, building networks, media relations, establishing transnational co-operation projects, to name but a few. The official programme for the first time this year also designated one session – the so-called open space – for informal meetings and discussions. It was a chance for participants to organise meetings on subjects that were not covered in the official programme. Last but not least, the conference offered a rich social programme culminating in a fabulous closing Ceilidh on Saturday night.



»Hättér receives the official ILGA-Europe flag

Thanks to Stonewall Scotland for a wonderful conference and a great success!

»BIRGIT HARDT

DISABILITY AND MULTIPLE DISCRIMINATION IN LGBT COMMUNITIES

Looking at diversity and multiple discrimination – both within ILGA and beyond – was a theme tackled in many workshops. Increasingly, policy makers, including the European Commission, encourage a horizontal approach to discrimination. Whilst each ground of discrimination may require specific solutions – the discrimination experienced by a blind person differs significantly from the experiences of a transgender woman for instance – the complexities of individuals’ multiple identities should not be forgotten. No one can be reduced to fit neatly into one box.

Susan Douglas-Scott (PHACE Promoting Health and Challenging Exclusion, Scotland) and Nora Bednarski (European Disability Forum, EDF, Belgium) led a workshop exploring the issues of multiple discrimination with particular reference to disability and sexual orientation. Both outlined the complexity of the

experience of multiple discrimination. It is not easily defined, neither cut and dried and thus entails a danger of being reduced to meaningless jargon. Yet, the experience is real, as both speakers emphasised.

“In both disabled and LGBT communities, aspects of a person’s identity are often invisible”, Nora explained. “In the disability movement, there is a tendency towards normalisation: the issue of sexuality and sexual orientation in particular continues to be a taboo that is not addressed.” “Whilst young disabled people are just as likely to be gay, coming out in the disability world is a challenge.” Susan, who has been working in the disability services and in sexual health education since the 1980s, notes a clear lack of accessible information (e.g. in large print, or Braille, or located in accessible venues) on LGBT issues. What is more, disabled persons often find them-

selves in controlled environments with limited access to support.

Yet, LGBT communities are often riddled with attitudinal and physical barriers as well. Prejudice and lack of awareness within many LGBT organisations may lead to exclusion of disabled LGBT people. “If we can move the focus to considering the barriers that prevent ordinary living, then chance and progress is possible”, Susan stated. This would involve a paradigm shift from the medical model of disability to a socially constructed experience. Only in this way can the full integration of people with disabilities into the LGBT communities be encouraged.

The experience of multiple discrimination constitutes a challenge for the LGBT and the disability communities alike. “While a single focus on either homophobia or ‘disablism’ can be understood



»Speakers from EDF and PHACE at conference workshop

in the face of extensive and tangible discrimination, in considering wider inclusion for everyone, we can truly move towards a more diverse and equal society”, Susan concluded. “Where one group is interested in their own concerns alone, it perpetuates the discriminatory mainstream practices instead of tackling discrimination as a whole.”

»BH

CONFERENCE HONOURS CHRISTINE GOODWIN



»Christine Goodwin receives ILGA-Europe award

The conference presented an award to Christine Goodwin, in recognition of her successful action against

the UK government which culminated in a landmark ruling by the European Court of Human Rights on 11 July 2002. The decision in *Goodwin v. UK* held that the government’s failure to recognise gender re-assignment by altering the birth certificates of transsexual people or to allow them to marry in their new gender role was a breach of the European Convention on Human Rights.

The case considered three alleged breaches of Christine’s human rights: > the failure of the UK government

to award a pension at the age of 60 to Christine Goodwin > the refusal of the UK government to issue Christine Goodwin with a new National Insurance number > the refusal of the UK government to allow Christine Goodwin to marry a male partner.

Without the support of any group or organisation, Christine pursued her case for 17 years. Her victory was the turning point in the UK government’s fight to deny transgendered people their human rights. New laws are being drafted

at the moment, and it is clear that Christine’s victory, following earlier judgments against the UK government on transgender issues, was the “last straw”. Christine was presented with a scroll of achievement and a bouquet of flowers, and conference gave her a standing ovation in recognition of her tenacity and determination to fight for her rights. Conference also recognised the valuable support given to Christine by her daughter, Chloe, who was also present for the ceremony.

»AS

DELEGATES CONFIRM NEW BOARD AND 2005 CONFERENCE VENUE



The Annual Conference also serves as ILGA-Europe's general assembly. Not only does the Board present its activity report of the past year – including an overview of the organisation's financial situation. It is also a chance to discuss and amend the proposed work programme for the year to come. It is at the conference that a decision is reached on conference venues and a new Board is elected.

As decided in Lisbon, the 2004 conference will be hosted by *Háttér Társaság a Melegekért* (Support Society for Gays and Lesbians) in Budapest, Hungary. The theme will be *Coming out to the EU*, a celebration of the enlarged and increasingly diverse European Union. Delegates welcomed the proposal presented by a coalition of French NGOs to host the 2005 conference in Paris, France.

With Kurt Krickler and Nico Beger not standing again, the newly elected Executive Board is a vibrant mixture of old and new Board members. Though some may be familiar to the readers, we will take this opportunity to introduce all Board members for 2003/2004:

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 members 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 has graduated from the National University in Moldova with a degree in journalism. He is Executive Director of the information centre *GenderDoc-M*. He has been involved in IGLYO since 2000 and in Amnesty International's LGBT section since 2002. Now in his second term as a Board member, he will continue to focus on ILGA-Europe's Council of Europe and South/East European initiatives.

PHILIPP BRAUN has been involved with LGBT activism since the early 1990s. After working with the *Lesben- und Schwulenverband in Deutschland (LSVD)*, Lesbian and Gay Association in Germany) on various projects since 1994 and as the representative of LSVD on the ILGA-Europe EU Co-ordination Network since 2002, he joined the board of LSVD in March 2003. In November 2003 he organised the visit of the German Human Rights Commissioner Claudia Roth to the ILGA World Conference in Manila and is currently very much involved with the campaign surrounding the Brazilian Resolution on "Human Rights and Sexual Orientation" in the UN.

RICCARDO GOTTARDI, who has been on the Board since 2001,

is the chairperson of *Arcigay Pridel*, the local *Arcigay* branch in Pisa. After attending his first ILGA-Europe conference in 1998, he helped co-organise the 1999 conference in his hometown, Pisa. Currently undertaking a PhD in physics, he acts as Italian co-ordinator for EU transnational projects.

TATJANA GREIF got involved in the LGBT movement in the early 1990s and is currently working as a programme manager of the Slovene lesbian group *SKUC-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.

DEBORAH LAMBILLOTTE, intersexual gender activist. After years of involvement in the Italian *Arcigay*, *Arcilesbica* and *ArciTrans*, she returned to Ghent (Belgium) in 2002. She is now member of the executive board of the *Holebifederatie* – the Flemish LGB umbrella organisation – where she is responsible for transnational projects. She also co-ordinates the local section of *Vieux Rose*,

» Nico Beger congratulates Kurt Krickler



CONFERENCE ACKNOWLEDGES CONTRIBUTION BY CO-CHAIR KURT KRICKLER

Since the beginning of ILGA-Europe as an independent legal entity in 1996, many people have served on the Executive Board. We are grateful to everyone who has contributed to the development and achievements of the organisation since then, but special mention must be made of Kurt Krickler.

Kurt has been a member of the Board since its inception and, more remarkably, he never missed a board meeting – an unbroken run of 41 meetings. As Co-Chair Kurt has represented ILGA-Europe in meetings with ministers and commissioners, at high-level conferences, and in dozens of meetings with ILGA members around Europe.

Nico Beger – who had also decided not to stand again for the Board at this conference – recited a poetic address to Kurt, and the conference applauded his remarkable contribution over the years. Kurt then became the first holder of a new post within ILGA-Europe, that of Honorary Vice President. We hope this will help to ensure that Kurt remains a valued and valuable member of our team of volunteers for many years to come.

a 50+ lesbian group, as well as being an active member of the trans working party of ILGA-Europe. Her hobby is lobby.

JACKIE LEWIS has been a trade union and human rights activist for



around 25 years. She works in a local authority in London and is a member of the *National Lesbian and Gay Committee of UNISON*, the largest trade union in the UK, and of the LGBT Committee of the British Trade Union Confederation

(TUC). She has been involved in ILGA since 1992 and been a member of the Board, and co-chair, since ILGA-Europe's foundation in December 1996.

NIGEL WARNER is currently affil-



iated with the *Stonewall Group* and the *Stonewall Immigration Group*. His involvement with ILGA goes back to its foundation in 1978. In 1986 he took on responsibility for ILGA World's finances, and, together with a group of friends in the UK,

ran the Financial Secretariat until 1994. He then took a four-year break before becoming one of ILGA-Europe's co-delegates to the Council of Europe in 1998. He joined the Board of ILGA-Europe and became Treasurer in 2000.



>>Photos: Maxim van Ooijen, COC Nederland

As reserve members were elected **VERA CÎMPEANU** of *ACCEPT* (Romania) for the women's seat and **MIHA LOBNIK** (Slovenia), representing IGLYO.

ILGA-Europe's representatives to the ILGA World Board continue to be **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 founded an LGBT university group, the Geneva Amnesty LGBT group, a cultural association, Gay International Group as well as the association and magazine *360°*. He is active for ILGA at UN level in Geneva and is also involved in committees of anti-racist, disabled and other organisations fighting for human rights.

World Board members are **ANETTE SJÖDIN** of RFSL (Sweden) and **JANFRANS VAN DER EERDEN** of COC (Netherlands).

>>BH

MANILA UNDER THE RAINBOW

THE FIRST ILGA WORLD CONFERENCE IN ASIA

In November the 22nd World Conference of the International Lesbian and Gay Association (ILGA) took place in Manila – for the first time in Asia, the continent where more than half the world's population live. Around 150 delegates representing LGBT organisations from all conti-



nents came to the capital city of the Philippines to exchange views and experiences – gathered during the 25 years of ILGA's existence – about their struggles against discrimination, their victories and rights already won.

It was an opportunity to exchange valuable information regarding the current situation of sexual minority groups and their rights in different countries and a chance to network with lesbian and gay groups from other regions.

Claudia Roth, the Commissioner for Human Rights in the German Government, acting on an initiative of Philipp Braun (Board member of LSVD and ILGA-Europe), addressed the conference.

In her speech she looked back on the last 25 years of LGBT struggle for equality and emphasised that the Europeans would not have the right to put themselves on a pedestal in relation to the issue of human rights of LGBT people. This is particularly true with regard to Germany's past. The experience of the Third Reich, however, "made us into

passionate advocates for civil rights for LGBT people everywhere".

Claudia Roth also used the opportunity to draw up the list of topics on the agenda that LGBT people still have to accomplish. In particular she referred to the Brazilian resolution on "Human Rights and Sexual Orientation" which was adjourned last April and postponed until March/April 2004 by the UN Commission on Human Rights, after countries such as Pakistan and Egypt had mobilised massive protests against the resolution (see *Newsletter* # 2/03, p.19). Germany and the EU had supported the proposal. The German Foreign Office, according to Roth, "supported LGBT NGOs doing lobbying work on the Brazilian resolution and will continue to do so in the coming months". The LSVD

has applied to the Foreign Office for funding for this campaign, which has been approved. Claudia Roth requested all delegates to convince governments, the press and human rights organisations in their countries of the importance of the Brazilian resolution, ensuring the success of a vote in the UN Human Rights Commission in 2004.

Ms Roth's speech struck exactly the right tone and received standing ovations by the delegates. Talks took place between Ms Roth and the ILGA World Board and delegates from India, Jamaica, Brazil, Zimbabwe and other countries. In addition, she took part in the Pride March through Manila, together with groups from five continents.

>>KLAUS JETZ (LSVD)

FULL TRANSPOSITION FAR FROM REALITY

The Employment Framework Directive adopted on 27 November 2000¹ should have been implemented by the EU member states by 2 December 2003. Yet, to date only 2 member states have

and the social partners and with non-governmental organisations; sanctions in the case of discrimination (see also *Newsletter*, # 3/01, pp. 10-12).

matters and would like to avoid the subsequent legislation as a "bureaucratic monster" that could be regarded as a hindrance to business.

and occupation, there are many other areas of everyday life where equal treatment is likewise important: supply of goods and services, education, health, etc. In this respect there is a lot to be done. As the member states have the duty to maintain a dialogue with NGOs, LGBT organisations should use this opportunity to influence their government and parliament.

"WE MUST ENSURE THAT GOVERNMENTS DON'T SHY AWAY FROM THEIR INITIAL COMMITMENT AND WATER DOWN THE PROVISIONS AGREED TO IN COUNCIL 3 YEARS AGO."

given official notification of implementation to the European Commission. Of the current 15 EU member states, only 2 meet the minimum standards of implementation – Belgium and Sweden. Others cover a considerable scope of the directive but would still need to enact some amendments in order to fully comply. All other member states either transposed the directive insufficiently or have not yet adopted or even tabled any legislation at all. The accession countries will not be covered in this article since they still have time until the formal date of accession – 1 May 2004 – to fully comply with EU legislation.

With this directive, LGBT people will be protected from discrimination in employment by EU legislation for the first time. The Framework Directive covers *inter alia* direct and indirect discrimination, harassment and instruction to discriminate; the possibility to defend the right to non-discrimination through adequate judicial/administrative action; a shift in the burden of proof; protection from victimisation (e.g. dismissal) for persons who complain or give evidence as witnesses; dissemination of information about the new anti-discrimination legislation; the promotion of dialogue between the government

Why has it been such a challenge?

The Framework Directive has great symbolic and practical significance, both at European and national level. The debate of the different law proposals goes straight into the heart of national politics: the provisions are not convenient for employers, problematic for churches and there is the general pressure to discuss the existence and the protection of difficult "minorities" in the fields of age, disability, religion/belief, and sexual orientation².

Some of these sentiments have been taken into consideration by defining certain exemption clauses relating to genuine occupational requirements (Art 4), specifically in relation to religion or belief (Art 4.2). These have caused much debate in the course of implementation, and even – in the case of the UK – led to plans of challenging the government interpretation. There have been other contested areas, such as the distinction between same-sex partnership and marriage provisions.

Many governments might see the directive as the interference of the European Union in national

What next?

Though the Framework Directive has its shortcomings, its implementation will be a significant advance for LGBT people, once completed sufficiently. Even now that the deadline has passed, there is scope for further action. National governments must be urged to implement anti-discrimination law that at least complies with the minimum standard of the directive. A further challenge could be to extend the scope of the directive. Whereas the Framework Directive only covers employment

Already in 2001 ILGA-Europe has produced a guide for member organisations and LGBT activists. This guide gives an overview of the important details of the Framework Directive and shows how to best conduct the lobby work. It is still as relevant today as it was in 2001, because as the following survey shows, the problems unfortunately are still the same.

» SHEILA SWATSCHKE

The guide can be found at:
http://www.ilga-europe.org/m3/european_union/implementing_art13.pdf

WHAT IF A MEMBER STATE FAILS TO IMPLEMENT THE DIRECTIVE ON TIME?

- > If a member state does not implement the framework directive, the European Commission, as the guardian of the Treaties, could sue this member state.
- > Another possibility to move ahead is a legal challenge by individuals. In general, directives that are not implemented have no direct legal effect between individuals (e.g. employer and employee). But the national courts have the duty to interpret the case in the light of the directive.¹ In this respect, the provisions of the directive are applicable, and will eventually be binding for the employer. Furthermore, if a member state does not implement the directive and further requirements are fulfilled, an individual could sue the member state for compensation.

¹ Marleasing, Case C-106/89 [1990], ECR page 4135, para. 8.

¹ Council Directive 2000/78/EC establishes a general framework for equal treatment in employment and occupation, OJ L 303/16. It offers protection from discrimination on the grounds of religion and belief, disability, age and sexual orientation. It was adopted after the extension of the EU's competence to combat discrimination through Article 13 TEC in the Amsterdam Treaty.

² The fight against discrimination on grounds of racial or ethnic origin is covered by another directive (Council Directive 2000/43/EC of 29 June 2000, OJ L180/22) likewise difficult in its transposition.

Update on the implementation of the directive in current EU member states

(status 11 Nov 2003)*

MEMBER STATES




Austria	<ul style="list-style-type: none"> > Draft bill presented to parliament in November 2003; no date fixed for plenary debate > Only provides for the minimum required under the directive
Belgium	<ul style="list-style-type: none"> > Anti-discrimination legislation adopted in December 2002 at federal level; subsequent regional ordinances exist in Flanders, but not in Wallonia and Brussels-Capital > Scope far wider than required: covers all areas of economic, social, cultural and political life
Denmark	<ul style="list-style-type: none"> > Anti-discrimination legislation concerning sexual orientation in all fields had existed already > Proposal in parliament to ensure full implementation failed; plans for new proposal in future
Finland	<ul style="list-style-type: none"> > Proposal in parliament in December 2002 > Treated various grounds of discrimination differently and did not go through > Directive still expected to be implemented by new parliament
France	<ul style="list-style-type: none"> > New legislation in November 2001 (Loi relative à la lutte contre les discriminations) and January 2002 (Loi de modernisation sociale) > Did not completely implement the directive (definitions of direct and indirect discrimination, harassment, etc.) > No real public debate on the directive > Current government is expected to have a minimalist approach to implementing the directive
Germany	<ul style="list-style-type: none"> > Law proposals still being discussed > In July 2003, government failed to reach an agreement > Plans to implement it along with the Race Directive
Greece	<ul style="list-style-type: none"> > No legislative proposals on how to implement the directive > Ministry of Labour and Social Affairs set up a committee tasked to prepare bill > So far, committee only had two sessions
Ireland	<ul style="list-style-type: none"> > Consultation with key actors in summer 2002 > Government has yet to publish its detailed proposals for amending the existing anti-discrimination legislation (1998 Employment Equality Act and 2000 Equal Status Act) > Great part of the directive's scope, however, is already covered by existing legislation
Italy	<ul style="list-style-type: none"> > Italian government formally inserted the directive in the so-called community law adopted at the end of 2001 (the community law is an annual law which covers all EU directives not otherwise implemented). > Parliament adopted legislation in March 2002 empowering the government to transpose the directive through statutory rules; statutory rules published in July 2003 > Preliminary inspection indicates that transposition is inadequate
Luxembourg	<ul style="list-style-type: none"> > Legislation prohibiting discrimination on grounds of sexual orientation since 1997 > Government has yet to make any proposals to fully transpose the directive
Netherlands	<ul style="list-style-type: none"> > Proposed amendment to Equal Treatment Act is being discussed and before parliament > Would transpose the provisions of the Race Directive and the Framework Directive regarding religion and sexual orientation > Amendments on equal treatment of disabled and chronically ill people adopted by parliament in April 2003 and will become effective in December 2003
Portugal	<ul style="list-style-type: none"> > New labour code which was drafted in November 2002 is now adopted and will come effective in December 2003. No specific legal references to discrimination on sexual orientation > Several gaps in transposing equality and non-discrimination provisions from the directive > Further legislation is expected in January 2004
Spain	<ul style="list-style-type: none"> > No proposals have been tabled yet
Sweden	<ul style="list-style-type: none"> > Implementation is completed > Draft legislation has been circulated to NGOs and social partners for comment > Bill came in force in July 2003 > Also debates about implementing anti-discrimination measures in schools and the whole education system > Debates on expressly including "gender identity"
United Kingdom	<ul style="list-style-type: none"> > Regulations implementing the directive adopted, following good consultation; consultation subsequently ignored in part > UK government's final proposals raise concerns in the area of "religious exemption" and may be subject to legal challenge > Come into force in December 2003

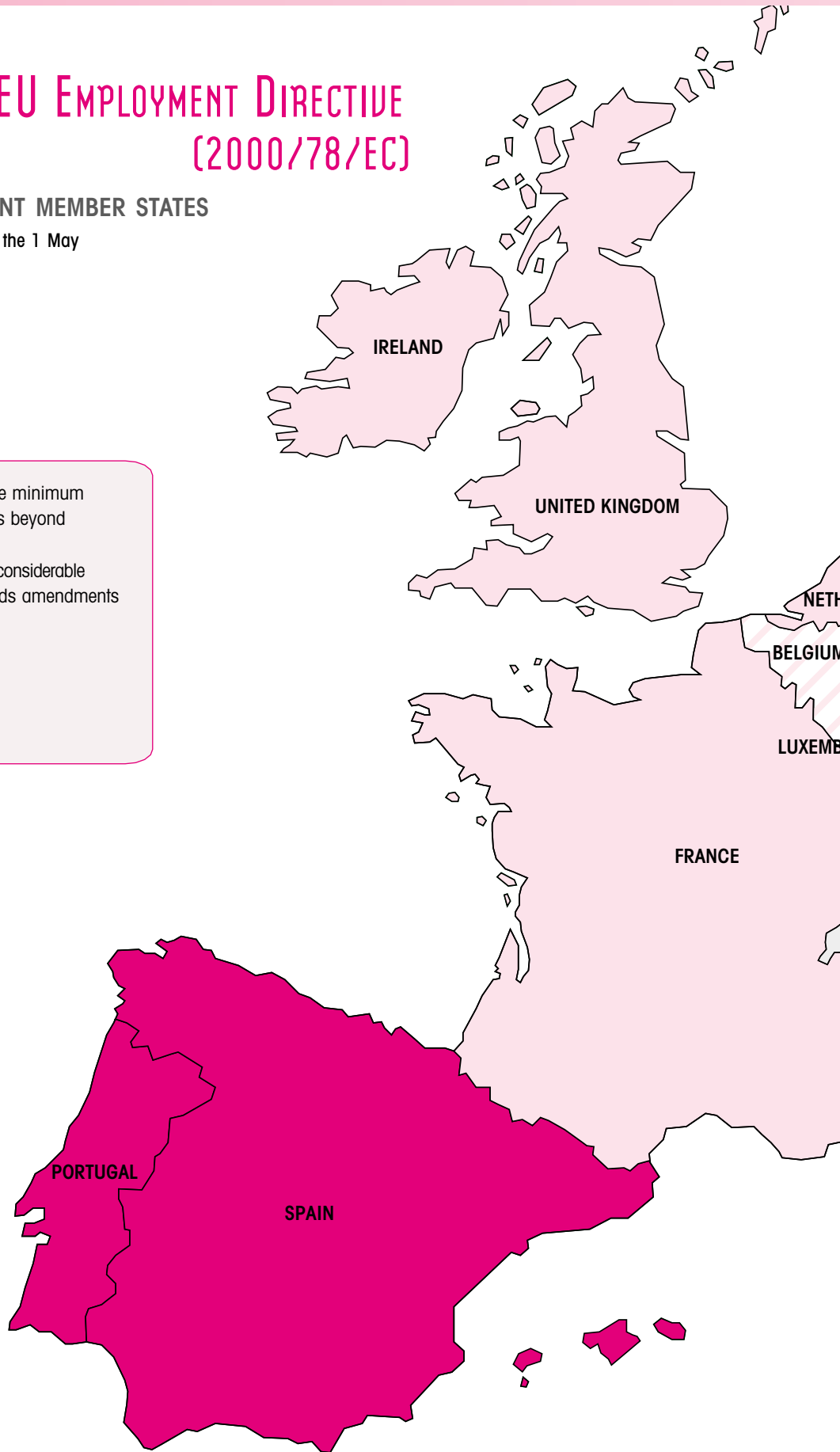
* Please note, that this overview is based on information received from ILGA-Europe members and through Internet research. Therefore, this information may be incomplete despite our best efforts to keep it up-to-date and accurate. We are grateful for any errors brought to our attention. However, we cannot accept any responsibility or liability with regard to the information in this overview. Nor should it be taken as professional or legal advice (if specific advice is needed, a suitably qualified professional should be consulted).

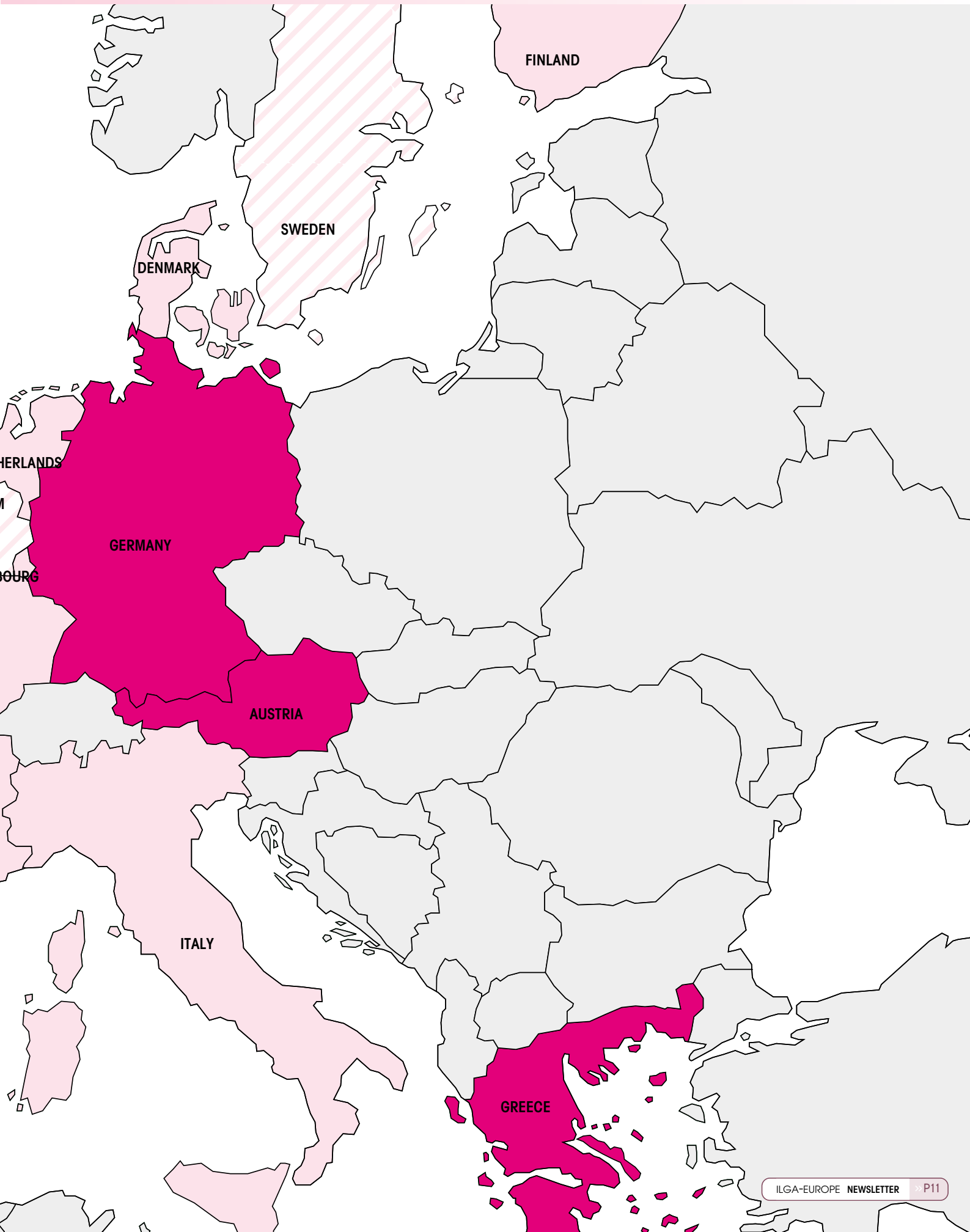
IMPLEMENTING THE EU EMPLOYMENT DIRECTIVE (2000/78/EC)

STATUS IN THE 15 CURRENT MEMBER STATES

(The 10 accession countries have until the 1 May to implement the framework directive)

-  The national legislation meets the minimum standards of the directive or goes beyond
-  The national legislation covers a considerable scope of the directive but still needs amendments to fully comply with the directive
-  national legislation
> in proposal status
> no draft proposal at all





FINLAND

SWEDEN

DENMARK

GERMANY

AUSTRIA

ITALY

GREECE

PUBLIC HEARING ON SEXUAL ORIENTATION DISCRIMINATION



Dear ILGA-Europe readers,

When we wrote these pages last time, it was not yet certain whether our project – a Public Hearing on Sexual Orientation Discrimination – would materialise. We had many concerns and little resources, but

one thing was clear: we believed in it, and we were convinced of its importance. And yes, 11 November has become a reality and, according to the general comments we have received, it has been a success thanks to all who came to Brussels from all over Europe to participate

in the hearing, and of course, thanks to all the people and institutions that have given financial support. On behalf of the Intergroup, we thank all the people who have made it possible!

The hearing brought together more than 120 legal experts, government representatives, social partners, and NGO representatives to discuss the state of implementation of the EU Framework Directive on anti-discrimination.

The day was opened by the Chair of the Intergroup, MEP Joke Swiebel (PES/NL), who welcomed all participants by saying: "We are very happy that you all decided to come to this hearing. For what we are going to do today, we cannot do by ourselves. Together we will take stock of how far we have come in fighting sexual orientation discrimination in Europe. Together we will

quite polemic. Cashman addressed the participants as follows: "If the changes that are happening in your country are not good enough, continue lobbying, continue working, through your national MPs or your MEPs. You also have the option to go down the infringement process (...). It is up to us to make sure that what is delivered lives up to what we set up originally in the directive."

The second panel was the "national panel" and looked into the transposition in the member states as well as in accession countries. This panel was chaired by MEP John Bowis (EPP-ED/UK), also member of the Intergroup Steering Committee. He spoke about the situation in his country, the UK, and stressed the exemptions of religious organisations. He mentioned the case of the bishop who was "persuaded" to withdraw from the promotion

ILGA-Europe would like to thank the Intergroup for organising this hearing at such a vital point in time. The fact that the same 15 member states that unanimously adopted the Framework Directive on 27 November 2000, now show such hesitation at adopting it at national level is not only disappointing it is also worrying. This hearing was a necessary reminder of governments' obligation to bring their legislation up to the European minimum standards agreed to.

Particularly encouraging was the fact that the European Commission expressed in clear language that it would take its commitment as "watchdog of the Treaties" seriously with regard to anti-discrimination legislation. The day was a unique chance for key actors in the fight against discrimination to exchange information, to network and explore alternative ways of future co-operation to ensure that the legislation will become a reality. It was also an opportunity to look at how European anti-discrimination policy might develop in future. One key aspect in this context is the inconsistency of current legislation in the field, a hierarchy addressed by many speakers throughout the day. As Joke Swiebel emphasised in her final remarks: "We must work for a coherent and inclusive set of anti-discrimination measures at EU level that does not discriminate between the different grounds of discrimination."

>> BH



make plans to step up the battle."

The first panel, the institutional one, was chaired by MEP Michael Cashman (PES/UK), member of the Intergroup Steering Committee. He introduced Commissioner Anna Diamantopoulou and the representative of the Italian Presidency, whose presentation turned to be

and added: "This form of immoral blackmail should be unacceptable in any church and certainly unacceptable in my country to all people of reasonable and liberal points of view." And he added: "We know that there are examples all around Europe of people everyday suffering discrimination, and this legislation that we are seeking bringing



across the continent is hopefully the way forward."

In this panel the speakers were professor Olivier de Schutter, expert on sexual orientation discrimination, Hans Ytterberg, Swedish ombudsman against sexual orientation discrimination, Izabela Jaruga-Nowacka, Polish Minister for Equal Opportunities, Katalin Talyigás, Advisor to the Hungarian Minister for Equal Opportunities. The Spanish Minister of Labour, Eduardo Zaplana, was unable to attend at short notice, a fact much denounced by Spanish civil society representatives, who had wished to address the fact that no draft proposal had been presented until now.

a member of the expert group on sexual orientation, Catelele Passchier from the ETUC, and Gabriela Uriarte from the employers organisation UNICE.

The following afternoon panel was chaired by MEP Mercedes Echerer (Greens/A) who is also a member of our Steering Committee. She expressed her disappointment that Austria intends to implement only the absolute minimum requested by the directive, but highlighted a positive signal in Austria: "Around 48% of Austrians are in favour of equal rights for LGBT people – "if you know Austria that is very good". She made a plea for a coalition of "civil society, institutions, and politicians to fight in a more

The last panel was dedicated to civil society and chaired by Ailsa Spindler, who stated that: "In the face of intolerance and homophobia, legal change is an important first step. But it is not enough. Governments have to go beyond the minimum and enable potential victims to make use of these new rights. Where distrust in the system and fear hinder individuals from fighting discrimination, measures such as training the judiciary or setting up equality bodies need to complement legislative change. Governments, social partners and NGOs alike have to make every effort to empower those most in danger of otherwise being excluded." In this panel the speakers were Miguel Angel Sánchez, *Fundación Triángulo* (Spain), Gregory Vallianatos, Greek Helsinki Monitor, and Vera Cîmpeanu, *ACCEPT* (Romania).

In her closing remarks, Joke Swiebel said: "This directive is our most precious crown jewel – we must defend it from being stolen from us. We cannot accept member states to refuse to take sexual orientation on board. It is not only an obligation but a minimum



On behalf of the Intergroup, we would like to thank all participants for their input and for their positive evaluation of the event. Participants have told us that for them it was an unique opportunity to express concerns in front of government representatives and MEPs, and more important, to exchange points of view and share experiences with other European NGOs. We are already



The afternoon was dedicated to civil society, social partners and centres for equal opportunities. The first panel, social actors and experts, was chaired by MEP Elspeth Aitwooll (ELDR/UK), replacing MEP Baroness Sarah Ludford (ELDR/UK), also a member of our Steering Committee. The speakers in this panel were Helmut Graupner,



coherent and stronger way". The speakers in this panel were Niall Crowley from the Irish Equality Authority, Sophie Latraverse from the French GIP-GELD and Dirk De Meirleir from the Belgian Centre for Equal Opportunities.

level of decency. Full transposition means an explicit mention of sexual orientation, it implies an inclusion of protection from indirect discrimination, as well as a limited and specified definition of the permissible exceptions in relation to occupational requirements, especially in the context of religious ideals."



working on the conference report which we hope will be published very soon. In the meantime, please visit our website to get further information and find out more about our coming activities:

www.gayandlesbianrightsintergroup.org.

» ROSA SANTRICH

NEW DEVELOPMENTS

In September 2003, the Council took two important decisions on the rights of LGBT families to enter and move within the European Union. Unfortunately, there is only limited progress to report.

Directive 2003/86 "on the right to family reunification" was adopted on 22 September 2003 and published in the Official Journal of the European Union on 3 October 2003 (OJ L 251/12). This directive regulates the right of third country nationals to be joined in the EU by other third country national family members. It does not apply to Ireland, the UK and Denmark. ILGA-Europe has been campaigning for several years to ensure equal treatment of LGBT families in this area of immigration law.¹

However, the final text only guarantees a right to be joined by a "spouse" and any minor children of the sponsor or his/her spouse (Art 4(1)). Member states have the option of extending this right to couples in a registered partnership or couples in a "duly attested stable long-term relationship" (Art 4(3)), but this will be left to the discretion of each state. In general, this directive has been criticised for taking a very restrictive approach to family reunion. Although it states that there should be no discrimination based on sexual orientation in its implementation (Recital 5), the directive's definition of the family ensures that unequal treatment for LGBT partners and their children will continue.

On the same date, the Council adopted its "Common Position" on the proposed directive on the free movement of EU citizens (COM(2003) 199).² This directive will regulate the movement of EU citizens and their family members within the Union. It is especially important to EU citizens with a partner or children who are non-EU nationals. In February 2003,

the European Parliament made a number of amendments to the Commission's draft, incorporating many of the changes proposed by ILGA-Europe.³ The Parliament requested that free movement rights include all spouses, regardless of sex, as well as all registered partners. The Parliament also supported free movement for unmarried couples and their children, where they were legally recognised in either the home or host state.

The Council has rejected most of the Parliament's amendments in this area. The Council documents suggest that the main objections were from Germany, Austria, Ireland, Greece, Spain and Poland. The right to free movement would primarily remain limited to a "spouse" and the children of either the spouse or the sponsor. Whilst the Council removes the explicit commitment to include same-sex spouses, its text leaves the issue as a matter

for future interpretation (by the courts). In a very limited concession, the Union citizen will be entitled to be joined by his or her registered partner (and their family members) if the host state "treats registered partnerships as equivalent to married couples". Whilst the meaning of "equivalent" is open to debate, this would surely mean that states with registered partnership laws that are very similar to the status of marriage would be obliged to admit registered partners from other EU states. This should mean that Denmark, Sweden, Finland and Netherlands would have to admit registered partners. France and Germany are on the margins as it is more debatable whether their national legislation treats registered partners as "equivalent" to marriage. The argument would be stronger in Germany.

It is left to the discretion of individual member states to decide if they will admit unmarried couples and

their family members. The only restriction on this is found in Art 3(2), which states that "the host Member State shall, in accordance with its own national legislation, facilitate entry and residence for the following persons"; the subsequent list includes registered partners and duly attested durable relationships. On the one hand, this is a positive duty ("shall"), which implies that member states must permit admission to their territory if possible. Moreover, a member state cannot have a blanket policy of never admitting unmarried couples (and their children or dependents). On the other, this does not give rise to clear legal rights for individual families. Member states cannot be obliged to admit unmarried couples and their family members in every case.

The Council's decisions on both directives demonstrate a refusal to treat equally LGBT families.

¹ ILGA-Europe published its position paper on the Commission's draft (COM(2000) 624) in April 2001 (IE doc. # 1/2001).

² See also *ILGA-Europe Newsletter* # 2/03, p. 7.

³ See *ILGA-Europe Newsletter* # 1/03, p. 6.

NO FREE MOVEMENT FOR SAME-SEX SPOUSES?

How the right to free movement of EU citizens is indeed infringed in everyday life can be illustrated by a case now pending before Austria's Federal Constitutional Court. A German-US same-sex couple married in the Netherlands could not move to Austria because the authorities refused to recognise the same-sex marriage and to grant a stay and work permit to the US spouse of the German who, therefore, could not take on a position at an international organisation in Vienna.

In the appeal the Constitutional Court was asked to refer the case to the Court of Justice in Luxembourg, as the matter basically concerns EU freedom of movement law. The main argument is that the decision of the Austrian immigration authorities violates the EU Charter of Fundamental Rights regardless of the concrete wording of existing or future freedom of movement directives. The right to marry is guaranteed under national law (Article 9 of the Charter). Refusing to recognise a same-sex spouse married under Dutch law for the purpose of free movement, therefore, constitutes discrimination on the grounds of sexual orientation which is forbidden according to Charter Article 21 as this is about the implementation of EU law (Article 51).

The appeal also refers to the July 2003 judgment of the European Court of Human Rights in the case *Karner v. Austria* (see *Newsletter* # 3/03, p. 7). The Court has ruled that the unequal treatment of non-married same-sex and non-married opposite-sex couples is a violation of the European Convention on Human Rights. Clearly, this must also apply and be true for the unequal treatment of same-sex and opposite-sex spouses. Therefore, it is expected that either the Constitutional, the Luxembourg or the Strasbourg Court in the end will hand down a ruling clarifying that the term "spouse" in EU freedom of movement legislation must also cover same-sex spouses.

» KURT KRICKLER

The fundamental rights to family life and non-discrimination are not being respected in either EU immigration or free movement law. Whilst the Family Reunion

Directive is now completed, the Free Movement Directive returns to the European Parliament, where the Parliament will have to decide whether to accept the new text or

to reinstate their original amendments. The vote on this matter is likely to take place before spring 2004. ILGA-Europe will be actively campaigning with the support of

its friends in the Parliament to reject the discriminatory definition of the family adopted by the Council.

» MARK BELL

THE EUROPEAN YEAR OF PEOPLE WITH DISABILITIES

SUCCESS OR DISILLUSIONMENT?

The European Year of People with Disabilities (EYPD) is now coming to an end. However, 2003 should be seen only as the beginning of a long process to change society, the first step that will finally lead to a real integration of people with disabilities in all fields of life. 2003 has created the necessary climate to accelerate the paradigm shift in the way society looks at disabled people. Taking advantage of this opportunity, the European Disability Forum, supported by its members from all over Europe, have multiplied their efforts to guarantee the involvement of all stakeholders during the Year, including European and national authorities, private companies and European media networks.

Moreover, EDF has lobbied intensively towards the European institutions, aiming to obtain a firm political commitment to prevent discrimination against disabled people in all fields of life. Combining positive action and campaigning for comprehensive anti-discrimination legislation have been the main tools of our work during the Year.

The European Parliament of Disabled People held at the Brussels hemicycle on 10-11 November 2003 has certainly been one of the most important events of the Year and a clear sign of an increasing will to integrate people with disabilities in the European political process. The European Parliament has once again demonstrated its support to the human rights of the 50 million disabled people in Europe and has transformed the motto "nothing about disabled people, without disabled people" into a reality.

During the two-day historic event, 200 delegates and 100 observers voted up to 180 amendments on their future rights, the follow-up of the European Year of People with Disabilities and the progress to be made to guarantee that a participative democracy also includes citizens with disabilities.

The delegates adopted a Resolution and a Manifesto in presence of the European Commissioner of Employment and Social Affairs, Anna Diamantopoulou, and the President of the European Parliament, Pat Cox. The two key documents include some of the most important demands of the disability movement formulated during the past 12 months and identify those challenges that still remain ahead. Among the sustainable measures proposed to bring down the barriers faced by disabled people, the most important include:

- > to adopt a horizontal anti-discrimination directive, covering all fields of EU competence to protect disabled people from all forms of discrimination;
- > to ensure that all legislative measures to combat discrimination, based on Article 13 EC, are decided by qualified majority voting in the Council;
- > to place disability policy and all issues related to the human rights of disabled people firmly among the top priorities of the European political agenda.

Despite the strong consensus obtained among the disability movement and the support of other relevant stakeholders, the biggest disillusionment of the European Year has been the European Commis-



» The European Parliament of Disabled People in Brussels on 10/11 November 2003

sion's fixation against the adoption of a new disability-specific directive. As Diamantopoulou reiterated in her speech during the European Parliament of Disabled People, the European Commission still believes that the slow implementation of the Employment Directive (see article on p. 8) is incompatible with the launch of a new legislative tool.

Fortunately, the Commission's reluctant position is not shared by the European Parliament, the Economic and Social Committee, the European Trade Union Confederation, the Platform of European Social NGOs and many other organisations working in the field. They all have officially stated their support to a new directive. We may feel disillusioned by the European Commission's resistance, but the support obtained from many other relevant stakeholders during the Year can only be considered as a success.

For that reason, EDF will continue to focus on explaining why such a directive is so important, and

the impact this type of legislation has had in other countries. We will also continue highlighting the limited impact of the Employment Directive, because discrimination remains a daily experience for millions of disabled people in the European Union – in education, employment and leisure time, in the access to goods and services, etc.

Success or disappointment? As any other process implying deep change in political and social attitudes, the EYPD is only a first step towards the integration of disabled people in Europe, the first kilometer in a long race towards a society where non-discrimination is a right, and not a privilege. New targets and new deadlines remain ahead of us, and there is no place for final evaluations. The disability movement knows where it is going, it is only a matter of time before getting there.

» HELENA GONZÁLEZ-SANCHO
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ILGA-EUROPE CHALLENGES THE ITALIAN AND IRISH PRESIDENCIES

Every six months, the Presidency of the European Union changes, and another member state takes over as chair of the Council of Ministers, the main decision-making body. Since 1998, ILGA-Europe has actively lobbied the respective Presidency in office. It is a chance to advocate LGBT issues on a high level, as each Presidency plays a key role in the Council's work in the political decision-making process. How successful ILGA-Europe is influencing the work of the Presidencies very much depends on the cultural and political tradition of the country in question. Some governments put LGBT rights firmly on the agenda, whilst in other cases it is a challenge even to raise awareness of the relevance of LGBT issues. Both past Presidencies – Greece and Italy – have been a real challenge for ILGA-Europe.

The co-operation with Greece was next to zero, and Italy – though ILGA-Europe has had one meeting with Italian government representatives to discuss key areas that affect sexual and gender minorities and took part in the Italian EU Presidency conference on "fighting discrimination" in July 2003 (see *Newsletter # 3/03*, p. 5) – has not been very responsive either. In this respect a country like Ireland, that will take over the Presidency in January 2004 and already has quite substantial anti-discrimination legislation, will be much easier to address. ILGA-Europe has prepared its Memorandum to the Irish Presidency which addresses the following key areas: the Constitution of the European Union, the implementation of the Framework Directive, Enlargement, Asylum

and Immigration, protection against sexual orientation discrimination beyond employment and occupation, mainstreaming. With regard to LGBT issues, Ireland is an apt example of how far reaching Europe's influence can be. In the past ten years Ireland underwent dramatic socio-economic change, transforming it from a country controlled by the hierarchy of the Catholic Church into a more liberal outward-looking Europeanised secular state. Ireland already provides a good standard of protection against discrimination. The Equal Status Act 2000 and the Employment Equality Act 1998 together outlaw discrimination on the basis of sexual orientation in both employment areas and provision of goods, facilities and services. During its Presidency, Ireland has an excellent opportunity

to push for similar forms of legislation to be enacted in other member states and accession countries. Whether or not it seizes the opportunity remains to be seen. Ireland already recognises persecution on the basis of sexual orientation as a basis for granting refugee status. Therefore ILGA-Europe is urging the Irish Presidency to further establish this as a good example to support the explicit recognition of persecution on the basis of sexual orientation and to include also the grounds of gender identity.

For further information, see:

www.ilga-europe/ne/eu_presidency.htm.

»» SW
»» IAIN GILL

CONTROVERSY OVER GAY KISS ON TV

LGBT lobby groups in Greece expressed outrage at a recent homophobic decision of the Greek Radio and Television Council (ESR). The story began when a popular series named "Close Your Eyes" aired an on-screen kiss between two men. The ESR slammed the scene as "vulgar and unacceptable" and imposed a heavy fine of €100,000 on the Mega Channel producers. In protest, numerous gay activists gathered in front of the ESR building and expressed

their frustration through a kiss-in, describing the fine as "despicable and racist". When confronted about the decision, the president of the ESR explained that homosexuality was "a peculiarity outside the productive process of life" – the programme's "vulgar atmosphere" he deemed "unacceptable and extreme". The Homosexual Citizens Initiative (HCI) resultantly called upon the Greek parliament to relieve the president of his duties in the ESR. No political party has taken a posi-

tion regarding this statement. The silence of so many Greek politicians speaks volumes for the tacit support of hate speech against LGBT people.

Kisses between men have been aired on Greek TV in the past, in foreign films and domestic shows, but never before has a production shown real life gay men in real life situations embracing each other. There have been no reported fines on any foreign gay films or porn films, nor any comparably high

fine imposed for any reason on other media companies in Greece. The subject of the fine is not closed, the media producers, Mega Channel, are prepared to go to court to have the decision overturned.

For more information contact:

Protovoulia Omofilofilon Politon (HCI) at poppop@in.gr.

»» IG

NEWS CLIPS

Ukraine

LGBT group attacked at UN info stand

The citizens of Kiev may be opening up to the problem of HIV/AIDS, but the city administration and certain interest groups are not yet prepared to accept the public participation of gay and lesbian groups in open area events. That is the view expressed by the national Ukrainian paper "Nation" covering the events of 21 September 2003: The Ukrainian LGBT organisation *Nash Mir* participated in an information fair arranged in Kiev as part of the "Race For Life" campaign under the aegis of the UN. "Race For Life" advocates care and compassion for people living with HIV/AIDS. The exhibition stand contained the group's logo and newspaper editions of *Gay.ua* highlighting its activities and including material on the present HIV health challenge.

The event seemed to be going well until an organised group of about twenty young men dressed in black clothes assembled close to the stand and expressed verbal disdain towards the activists, coupled with derogatory threats. Undeterred by the presence of the police, they broke down the stand and continued their premeditated attack, kicking over a table with the group's displays. The hoodlums began to engage in a fracas during which the co-ordinator of *Nash Mir* was shoved to the ground sustaining injuries to the back. Eventually the police intervened and immediately broke up the disturbance.

However, the attackers regrouped in the guise of civil protestors forming a picket of roughly ten people standing directly in front of the information stand. Some of their chants included "Get out of Ukraine", "Shame", and "Burn the perverts". Picketers also held up poster with slogans such as "Fagots & drug addicts are the cause of AIDS", "AIDS is fair for gays", and "Perverts get out of Ukraine".

Most alarmingly – according to a credible source within the police force – the maniacs-turned-civil-protestors had legal permission for their later protest. *Nash Mir* described the picketers' public name-calling and offensive slogans as "inflaming hatred towards people of homosexual orientation", contravening the anti-discrimination Article 161 of the Ukrainian criminal code. Andriy Maymulakhin, co-ordinator of *Nash Mir* adds: "In giving an all clear for this conduct, the Ukrainian state revealed itself to be a tacit accomplice of homophobia and hostility towards gays and lesbians." The comments of an eyewitness, Laima (35), perhaps best summarise the day's disturbing events: "They wanted to scare us? They wanted to humiliate us? Well, they succeeded to an extent. But they also awoke our sense of unity, power and pride."

For further information, see:
<http://www.gay.org.ua/fullnews.php?id=596>

»IG

Bulgaria

Adoption of comprehensive anti-discrimination law



»EPA PHOTO/ VASSIL DONEV

On 16 September 2003, the Bulgarian parliament adopted a comprehensive anti-discrimination law. The scope of the act will have many positive repercussions on the LGB community. It will provide real and significant remedies to social and institutionalised discrimination faced in everyday life. The law is in accordance with EU Directives 2000/43, 2000/78, 2002/73. It consolidates Bulgaria's anti-discrimination legislation scattered in various legal – and for the most part – ineffective provisions. Now, one single comprehensive act

has been created, thus improving the chances for real and effective enforceability. The parliament has shown political leadership to the governments of Central and Eastern Europe by demonstrating that the adoption of comprehensive anti-discrimination law is both possible and desirable.

The adoption of the law on protection against discrimination is an important step in removing discrimination on the grounds of sexual orientation. However, despite changes to the penal code in 2002, the amended version "still contains a different level of sanctions for rape and a different age of consent"¹.

For further information, contact:
office@bgogemini.org.

»IG

¹ European Commission 2003 Regular Report on Bulgaria's Progress towards Accession, p. 23.

Lesbian and Gay Christians

Book project

The European Forum of Lesbian and Gay Christian Groups (EFLGCG) is working on a book project that will present personal life experiences, poems and prayers of Christian lesbians from many different European countries. The book intends to highlight the problems of being Christian and lesbian coupled with positive aspects, the strength and creativity that Christian lesbians represent. It will be of help and interest to Christian lesbians everywhere especially those living in isolated areas of eastern and southern Europe. The organisers are currently looking for contributions and for financial support to collect and translate the material.

For further information, contact:
randi.solbeg@web.de or k.solderblom@web.de.

»IG

NEWS CLIPS

Sweden

RFSL to be more active on European stage

RFSL, the Swedish Federation for Lesbian, Gay, Bisexual & Transgender Rights, recently held its annual Fall Conference in the Stockholm suburb of Akalla. The conference's main topic this year was LGBT issues in Europe. The conference was partially sponsored by the Swedish EU2004 committee, a Swedish government initiative to initiate popular discussion on the future of the European Union. The purpose of the European theme was to stimulate a discussion within and outside RFSL on what LGBT issues are important on a European level and what RFSL's role in lobbying for LGBT rights on a European level might be.

The conference was opened by Börje Vestlund, member of the Swedish parliament and former board member of RFSL. He spoke on the importance of RFSL involvement on an international level and urged RFSL to take up its former position as a major actor in European LGBT affairs.

RFSL is currently running two projects funded in part by EU initiatives. One is under the EQUAL programme and is called "Homosexuals and Bisexuals in the Care System". It has been going on for more than a year, and some of the results so far were presented at the conference. The project deals with working

life and the situation for homo- and bisexuals in the work places. The second project is funded by the European Refugee Fund and deals with LGBT refugees. It is targeted at informing staff at the Swedish Migration Board about LGBT issues.

Ailsa Spindler, Executive Director at ILGA-Europe, talked about priorities for LGBT rights in Europe 2004-2005. The implementation of the Framework Directive, the new EU Constitution and Vatican resistance to any improvements for LGBT people were among the issues covered in this section, in addition to an overview of ILGA-Europe.

The second day of the conference was devoted to discussions in a smaller group. One of the available topics was RFSL involvement in European LGBT politics. RFSL has been successful in lobbying at a national level, and the participants agreed that there is a need to step up the efforts to influence politics at a European level. The discussion covered both prioritised issues such as the proposal for the future EU Constitution and the freedom of movement campaign, as well as a more practical view of how to do political work in an efficient way.

» MARIA SJÖDIN
www.rfsl.se

Croatia

Significant progress

Recently, there has been significant progress in Croatian legislation regarding the rights of lesbians and gays. LGBT groups *Kontra* and *Iskorak* have joined efforts to sustain the intense lobbying of politicians for substantial and much needed changes to Croatian laws. Significant progress has been achieved with regard to the prohibition of discrimination against gays and lesbians in the field of employment and higher education. Though some improvements have been achieved for same-sex civil unions, there are still notable disadvantages. In its present form the law offers only two rights, the right to joint property and the right/duty to support (by) the partner – compared to a total of 27 rights married couples

enjoy. Although far from satisfying, this first recognition of same-sex partners in law is a great step forward.

Pressure groups will continue the positive momentum in the upcoming months and lobby for the prohibition of discrimination on the grounds of sexual orientation in the media law. Other priorities for future lobbying include transgender rights, the explicit inclusion of anti-discrimination principles in the Croatian constitution and an extension of same-sex partnership rights to the areas of inheritance and tax.

For further information, contact:
kontra@zamir.net.

» IG

LGBT Youth

IGLYO Conference 2003 in Lisbon

From 15 to 22 October, IGLYO, the International Gay, Lesbian, Bisexual and Transgender Youth and Student Organisation, held its general meeting in Lisbon, Portugal. The event brought together delegates from all over the world. Focusing on Pride in Activism for LGBT youth, the week's event was played out through workshops, debates, presentations and cultural activities. The conference was particularly beneficial in bringing together delegates from many diverse and cultural backgrounds – from Latvia to Malta and from Poland to Brazil. There was much media attention as delegates went through the streets asking locals and tourists alike about their attitude on partnership rights for same-sex couples. Organising and partaking in an event of this nature was not easy. The city is known for its right-wing, conservative and catholic traditions. When confronted by a swarm of youth LGBT

activists, many locals reacted with discomfort to what seemed to be a highly emotive issue. Portuguese youth activist Sara Martinho of *Rede Ex Aequo Associação*, commented: "It's a catholic country; people don't accept the possibility of having LGBT people among them." Also at the conference, a new board of 7 people was elected consisting of Ruth Baldacchino (Malta), Jelena Chelebic (Serbia & Montenegro), Tadhg O'Brien (Ireland), Kaspars Zalitis (Latvia), Jasna Magic (Slovenia), Stefan Bogdan (Bulgaria), and Iain Gill (Ireland). In the coming months the board will be planning for the study session on "LGBT & the media" to be held in Strasbourg next March, as well as researching sources for the much needed funding. Any advice, help, support of the wider community is always welcomed.

For further information, see
www.iglyo.net

» IG

NEWS CLIPS

Moldova

New legislation to prohibit discrimination

The Moldovan parliament will amend national legislation to ensure the respect of the rights of sexual minorities. This will be in accordance with the National Human Rights Action Plan, which was adopted by the parliament on 24 October 2003. The Plan stipulates that the parliament will enact legal provisions to protect sexual minorities from degrading or humiliating treatment or acts, as well as to prohibit the instigation of hatred towards persons of homosexual orientation. The Plan also includes promotion of tolerance towards sexual minorities by training courses for law-enforcement authorities, teaching judges, prosecutors, and lawyers about international standards of sexual minority rights. The parliament has put obligation on the Ministry of Justice to propose legislative changes by 2006, and on the Ministry of Home Affairs to conduct trainings by 2008. The activities will be carried out in partnership with NGOs.

This is the first time in Moldovan history that the state looks at the

problems of sexual minorities and proposes to make concrete steps to improve the situation. Maxim Anmeghichean, executive director of *GenderDoc-M*, commented: “*GenderDoc-M* has been lobbying for two years to include sexual minorities in the National Plan. It’s just the first step, and the Plan still needs to be implemented.”

The organisation knows of 13 cases of homophobic murder in Moldova, which happened in the last decade. If new legislation is put in place, it will allow taking cases of discrimination to the Court. The National Human Rights Action Plan was elaborated by a co-ordinating committee, which consists of parliamentarians, governmental officials and NGOs. It was developed to ensure the implementation of a joint policy and strategy of the state bodies and non-governmental organisations, aimed at improving the human rights status in Moldova.

» MAXIM ANMEGHICHEAN
GenderDoc-M

Sweden

Research conference on same-sex couples

A unique event of research on same-sex couples took place in Stockholm in September, gathering researchers from all over Europe in the fields of law, demography, anthropology and sociology.

Through 22 presentations, researchers explored the form and the function of same-sex registered partnerships and marriages in different European countries. Opened by Hans Ytterberg, the Swedish Ombudsman against Discrimination on grounds of Sexual Orientation, a session on the law factors and social meanings of law followed. This session showed, how diverse the legislation for same-sex couples and especially the rights attached to the different forms of legal recognitions are. Same-sex marriage in one country, for example, could offer less legal consequences than same-sex registered partnership in other countries. A session on contextual and historical factors showed, how important culture and society are for the development and quality of legislation.

On the second day of the conference the sociology of same-sex partnerships was addressed. The problem of the scarcity of statistical sources and of reliable information was revealed, especially with regard to bisexual and transgender persons. An example for a study that not only collected statistical material, but also did a cross-national comparison between Norway and Sweden was presented. The conference closed with a session on the social and symbolic meanings of the same-sex couple, looking closer at theoretical concepts ranging from “constructionist controversy” to challenging the “Homonorm” and the churches’ view of homosexuality as a life-style that is not only immoral but also impure. The conference brought together a lot of expertise in a variety of fields, but also showed the limitations and problems of research and how much more there is to be explored in the field of same-sex couples and its development in law and society.

For more information, see:
www-same-sex.ined.fr/index.htm

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